

## HOUSE BILL NO. HB0158

Sexual assault-custody rights.

Sponsored by: Representative(s) Blackburn, Baldwin,  
Edwards, Esquibel, K., Lindholm and Petroff

A BILL

for

1 AN ACT relating to child custody and visitation;  
2 prohibiting a person convicted of sexual assault from  
3 having custody, visitation or access to records of a child  
4 that was conceived as a result of the sexual assault;  
5 providing applicability; and providing for an effective  
6 date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 20-2-201(a)(intro) and by creating  
11 new subsections (h) and (j) and 20-2-202(a)(intro) are  
12 amended to read:

13

14 **20-2-201. Disposition and maintenance of children in**  
15 **decree or order; access to records.**

1

2 (a) In granting a divorce, separation or annulment of  
3 a marriage or upon the establishment of paternity pursuant  
4 to W.S. 14-2-401 through 14-2-907, the court may make by  
5 decree or order any disposition of the children that  
6 appears most expedient and in the best interests of the  
7 children, except as otherwise provided in subsection (h) of  
8 this section. In determining the best interests of the  
9 child, the court shall consider, but is not limited to, the  
10 following factors:

11

12 (h) Notwithstanding any provision to the contrary,  
13 except as provided in subsection (j) of this section, no  
14 person shall be granted legal custody, physical custody,  
15 visitation with a child or have access to any records  
16 relating to the child under W.S. 20-2-201(e) if:

17

18 (i) The person has been convicted under or pled  
19 nolo contendere to a violation of W.S. 6-2-302, 6-2-303,  
20 6-2-314, 6-2-315, 6-2-316(a)(ii) or (iii) or other similar  
21 law of another jurisdiction and the child was conceived as  
22 a result of that violation; or

23

1           (ii) At a fact finding hearing, the person is  
2 found by clear and convincing evidence to have committed a  
3 violation of W.S. 6-2-302, 6-2-303, 6-2-314, 6-2-315,  
4 6-2-316(a)(ii) or (iii) or other similar law of another  
5 jurisdiction and the child was conceived as a result of  
6 that violation.

7  
8           (j) The provisions of subsection (h) of this section  
9 shall not apply where:

10  
11           (i) The innocent biological parent or legal  
12 guardian of the child consents and the court determines it  
13 is in the best interest of the child to award custody to  
14 the convicted or offending person; or

15  
16           (ii) After the date of the conviction or  
17 violation, the biological parents cohabit and establish a  
18 mutual custodial environment for the child.

19  
20           **20-2-202. Visitation.**

1           (a) Except under circumstances as provided in W.S.  
2 20-2-201(h), the court may order visitation it deems in the  
3 best interests of each child and the court shall:

5           **Section 2.** The provisions of section 1 of this act  
6 shall apply to convictions or violations occurring on or  
7 after the effective date of this act.

9           **Section 3.** This act is effective immediately upon  
10 completion of all acts necessary for a bill to become law  
11 as provided by Article 4, Section 8 of the Wyoming  
12 Constitution.

14 (END)