

HOUSE BILL NO. HB0158

Sexual assault-custody rights.

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

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:*

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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:

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

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23

1 (j) The provisions of subsection (h) of this section
2 shall not apply where:

3
4 (i) The innocent biological parent or legal
5 guardian of the child consents and the court determines it
6 is in the best interest of the child to award custody to
7 the convicted or offending person; or

8
9 (ii) After the date of the conviction or
10 violation, the biological parents cohabit and establish a
11 mutual custodial environment for the child.

12
13 **20-2-202. Visitation.**

14
15 (a) Except under circumstances as provided in W.S.
16 20-2-201(h), the court may order visitation it deems in the
17 best interests of each child and the court shall:

18
19 **Section 2.** The provisions of section 1 of this act
20 shall apply to convictions or violations occurring on or
21 after the effective date of this act.

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

5

6

(END)