

## HOUSE BILL NO. HB0246

Eliminate fines and fees for juvenile offenders.

Sponsored by: Representative(s) Styvar, Provenza and Wharff  
and Senator(s) Rothfuss

A BILL

for

1 AN ACT relating to children; amending the juvenile justice  
2 act to eliminate fines, fees and costs imposed on juveniles  
3 or their parents in juvenile delinquency and criminal court  
4 proceedings; requiring the appointment of an attorney as  
5 specified; removing the term child from contempt of court  
6 and contempt of court from the definition of delinquent  
7 act; eliminating civil actions for support as specified;  
8 making conforming amendments; and providing for an  
9 effective date.

10

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

12

13 **Section 1.** W.S. 7-6-106(b) and (c), 14-6-201(a)(ix),  
14 14-6-203(f) by creating a new paragraph (vi), 14-6-219(a),  
15 14-6-222(b), 14-6-242 and 21-13-315(f) are amended to read:

1

2           **7-6-106. Determination of need; reimbursement for**  
3 **services.**

4

5           (b) In determining whether a person is a needy person  
6 and in determining the extent of his inability to pay, ~~and,~~  
7 ~~in the case of an unemancipated minor, the inability to pay~~  
8 ~~of his custodial parent or another person who has a legal~~  
9 ~~obligation of support,~~ the court shall consider the  
10 standards set forth in subsections (f) through (h) of this  
11 section and Rule 44(d), Wyoming Rules of Criminal  
12 Procedure. Release on bail does not necessarily prevent a  
13 person from being determined to be needy. In each case the  
14 person, subject to the penalties for perjury, shall certify  
15 in writing, or by other record, the material factors  
16 relating to his ability to pay as the court prescribes.

17

18           (c) In every case in which a person has received  
19 services under W.S. 7-6-104, the presiding judge shall  
20 determine whether the person ~~or, in the case of an~~  
21 ~~unemancipated minor, his custodial parent or any other~~  
22 ~~person who has a legal obligation of support,~~ is able to  
23 provide any funds towards payment of part or all of the

1 cost associated with such services. If the person ~~or, in~~  
2 ~~the case of an unemancipated minor, his custodial parent or~~  
3 ~~any other person who has a legal obligation of support,~~ is  
4 not able to provide any funds towards payment of costs, the  
5 court shall enter a specific finding on the record. If the  
6 court determines the person ~~or, in the case of an~~  
7 ~~unemancipated minor, his custodial parent or any other~~  
8 ~~person who has a legal obligation of support,~~ is able to  
9 provide any amount as reimbursement, the court shall order  
10 the person ~~or, in the case of an unemancipated minor, his~~  
11 ~~custodial parent or any other person who has a legal~~  
12 ~~obligation of support,~~ to reimburse the state for all or  
13 part of the costs of the services provided or shall state  
14 on the record the reasons why an order for reimbursement  
15 was not entered. Where a person is initially provided with  
16 counsel pursuant to W.S. 7-6-105(a), but subsequently  
17 retains private counsel, the court may order the person to  
18 reimburse the state for the services already provided. All  
19 reimbursements under this act shall be made through the  
20 clerk of court.

21

22 **14-6-201. Definitions; short title; statement of**  
23 **purpose and interpretation.**

1

2 (a) As used in this act:

3

4 (ix) "Delinquent act" means an act punishable as  
5 a criminal offense by the laws of this state or any  
6 political subdivision thereof, ~~or contempt of court under~~  
7 ~~W.S. 14-6-242,~~ or an act violating the terms and conditions  
8 of any court order which resulted from the criminal  
9 conviction of any child but does not include a status  
10 offense;

11

12 **14-6-203. Jurisdiction; confidentiality of records.**

13

14 (f) The district attorney shall establish objective  
15 criteria, screening and assessment procedures for  
16 determining the court for appropriate disposition in  
17 cooperation and coordination with each municipality in the  
18 jurisdiction of the district court. The district attorney  
19 shall serve as the single point of entry for all minors  
20 alleged to have committed a crime. Except as otherwise  
21 provided in this section, copies of all charging documents,  
22 reports or citations for cases provided in this subsection  
23 shall be forwarded to the district attorney prior to the

1 filing of the charge, report or citation in municipal or  
2 city court. The following cases, excluding status offenses,  
3 may be originally commenced either in the juvenile court or  
4 in the district court or inferior court having  
5 jurisdiction:

6  
7 (vi) Regardless of the court jurisdiction  
8 determined to be appropriate, and notwithstanding any  
9 contrary provision of law, no court shall impose fines,  
10 administrative fees, costs, or surcharges as part of any  
11 sentence, disposition or judgment upon a person who was a  
12 minor at the time of the offense, nor upon the person's  
13 parent or guardian.

14  
15 **14-6-219. Physical and mental examinations;**  
16 **involuntary commitment of incompetents; subsequent**  
17 **proceedings.**

18  
19 (a) Any time after the filing of a petition, on  
20 motion of the district attorney or the child's parents,  
21 guardian, custodian or attorney or on motion of the court,  
22 the court may order the child to be examined by a licensed  
23 and qualified physician, surgeon, psychiatrist or

1 psychologist designated by the court to aid in determining  
2 the physical and mental condition of the child. The  
3 examination shall be conducted on an outpatient basis, but  
4 the court may commit the child to a suitable medical  
5 facility or institution for examination if deemed  
6 necessary. Commitment for examination shall not exceed  
7 fifteen (15) days. Any time after the filing of a petition,  
8 the court on its own motion or motion of the district  
9 attorney or the child's parents, guardian, custodian or  
10 attorney, may order the child's parents, guardians or other  
11 custodial members of the child's family to undergo a  
12 substance abuse assessment ~~at the expense of the child's~~  
13 ~~parents, guardians or other custodial members of the~~  
14 ~~child's family~~ and to fully comply with all findings and  
15 recommendations set forth in the assessment. Failure to  
16 comply may result in contempt proceedings as set forth in  
17 W.S. 14-6-242.

18

19 **14-6-222. Advising of right to counsel required;**  
20 **appointment of counsel.**

21

22 (b) The court shall ~~upon request~~ appoint counsel who  
23 may be the guardian ad litem to represent the child if the

1 child, his parents, guardian, custodian or other person  
2 responsible for the child's support ~~are~~ advise the court  
3 that the child is unable to obtain counsel. ~~If appointment~~  
4 ~~of counsel is requested, the court shall require the child~~  
5 ~~and his parents, guardian, custodian or other person~~  
6 ~~legally responsible for the child's support to verify their~~  
7 ~~financial condition under oath, either by written affidavit~~  
8 ~~signed and sworn to by the parties or by sworn testimony~~  
9 ~~made a part of the record of the proceedings. The affidavit~~  
10 ~~or sworn testimony shall state they are without sufficient~~  
11 ~~money, property, assets or credit to employ counsel in~~  
12 ~~their own behalf. The court may require further~~  
13 ~~verification of financial condition if it deems necessary.~~  
14 ~~If the child requests counsel and his parents, guardian,~~  
15 ~~custodian or other person responsible for the child's~~  
16 ~~support is able but unwilling to obtain counsel for the~~  
17 ~~child, the court shall appoint counsel to represent the~~  
18 ~~child and may direct reimbursement of counsel fees under~~  
19 ~~W.S. 14-6-235(c).~~

20

21 **14-6-242. Liability for contempt; penalties.**

22

1 Notwithstanding any other provision of law, the court upon  
2 its own motion or upon the motion of the district or county  
3 attorney, or guardian ad litem, may find that the ~~child,~~  
4 child's parent, parents, or guardian or any other person  
5 who willfully violates, or neglects or refuses to obey or  
6 perform any order or provision of this act is liable for  
7 contempt of court and may be fined not more than five  
8 hundred dollars (\$500.00) or incarcerated not more than  
9 ninety (90) days, or both.

10

11 **21-13-315. Costs of court ordered placement of**  
12 **children in private residential treatment facilities, group**  
13 **homes, day treatment programs and juvenile detention**  
14 **facilities.**

15

16 (f) Only group homes and residential treatment  
17 facilities certified by the department of family services  
18 are eligible to receive funding for residential and  
19 treatment services under this section. Costs for education  
20 services shall be paid by the department of education under  
21 this section only if the educational program of the group  
22 home or residential treatment facility or the program  
23 provided by the board of cooperative educational services



1 meets the standards of subsection (b) of this section and  
2 has been approved by the department. The department of  
3 family services and the department of education shall  
4 provide the courts with a list of approved facilities and  
5 services. The court shall determine the parents' or the  
6 guardian's contribution to the court ordered placement for  
7 all costs excluding necessary education costs based on the  
8 parents' or guardian's ability to pay as provided by W.S.  
9 ~~14-6-236 or~~ 14-6-435.

10

11 **Section 2.** W.S. 14-6-229(e)(iii) and (iv),  
12 14-6-235(c) and (d), 14-6-236, 14-6-244 and 14-6-247(a)(vi)  
13 and (xiii)(A) are repealed.

14

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

19

20

(END)