

HOUSE BILL NO. HB0157

Protection of parental rights-cause of action.

Sponsored by: Representative(s) McCann, Brady, Guggenmos, Haroldson, Larson, JT, Lien, Locke, Lucas, Ottman, Schmid, Strock, Webb and Wylie and Senator(s) Brennan, Hutchings and Pearson

A BILL

for

1 AN ACT relating to parental rights; providing a civil cause
2 of action for infringement of parental rights; creating an
3 exception to governmental immunity; waiving governmental
4 claims notice requirements; and providing for an effective
5 date.

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

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9 **Section 1.** W.S. 1-39-125 is created to read:

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11 **1-39-125. Liability; protection of parental rights.**

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13 A governmental entity is liable for damages resulting from
14 a violation of W.S. 14-2-206.

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2 **Section 2.** W.S. 1-39-104(a), 1-39-113(a) (intro),
3 1-39-118(d) and 14-2-206 by creating a new subsection (d)
4 are amended to read:

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6 **1-39-104. Granting immunity from tort liability;**
7 **liability on contracts; exceptions.**

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9 (a) A governmental entity and its public employees
10 while acting within the scope of duties are granted
11 immunity from liability for any tort except as provided by
12 W.S. 1-39-105 through 1-39-112 and 1-39-122 through
13 ~~1-39-124~~1-39-125. Any immunity in actions based on a
14 contract entered into by a governmental entity is waived
15 except to the extent provided by the contract if the
16 contract was within the powers granted to the entity and
17 was properly executed and except as provided in W.S.
18 1-39-120(b). The claims procedures of W.S. 1-39-113 apply
19 to contractual claims against governmental entities.

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21 **1-39-113. Claims procedure.**

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1 (a) Except as provided by W.S. 14-2-206(d), no action
2 shall be brought under this act against a governmental
3 entity unless the claim upon which the action is based is
4 presented to the entity as an itemized statement in writing
5 within two (2) years of the date of the alleged act, error
6 or omission, except that a cause of action may be
7 instituted not more than two (2) years after discovery of
8 the alleged act, error or omission, if the claimant can
9 establish that the alleged act, error or omission was:

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11 **1-39-118. Maximum liability; insurance authorized.**

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13 (d) Except as provided by W.S. 14-2-206(d), no
14 judgment against a governmental entity shall include an
15 award for exemplary or punitive damages, for interest prior
16 to judgments or for attorney's fees.

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18 **14-2-206. Protection of parental rights;**
19 **applicability; cause of action.**

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21 (d) Notwithstanding any other provision of the
22 Wyoming Governmental Claims Act, if the state or any agency
23 or political subdivision of the state infringes upon the

1 parental rights of a parent under this section, the parent
2 shall have grounds for a civil cause of action against the
3 state, agency or political subdivision for declaratory and
4 injunctive relief. An action under this subsection shall
5 not be subject to the requirements of W.S. 1-39-113. A
6 district court shall award reasonable attorney fees and
7 costs to a prevailing parent.

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9 **Section 3.** This act is effective July 1, 2026.

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(END)