

SENATE FILE NO. SF0093

Shared custody-amendments.

Sponsored by: Senator(s) Pearson, Boner, Hutchings and
Steinmetz and Representative(s) Andrew,
Heiner, Lucas, McCann, Schmid, Singh, Smith
and Wharff

A BILL

for

1 AN ACT relating to domestic relations; amending
2 considerations for determining the child's best interests
3 for custody matters; specifying requirements for shared
4 custody considerations for child custody dispositions;
5 providing definitions; requiring court findings for
6 specified child custody dispositions; making conforming
7 amendments; specifying applicability; and providing for an
8 effective date.

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

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12 **Section 1.** W.S. 20-2-206 is created to read:

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14 **20-2-206. Child custody; required findings.**

1

2 If the disposition of children or a determination of
3 custody made under this article does not allocate custody
4 equally among both parents, the court's order or decree
5 shall include specific findings of facts, based on sworn
6 testimony presented at any hearing held, regarding why the
7 factors specified in W.S. 20-2-201(a) supports the custody
8 determination made and the conclusions of law supporting
9 the court's decision.

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11 **Section 2.** W.S. 20-2-101(g), 20-2-201(a) by creating
12 a new paragraph (xi), by renumbering (xi) as (xii), (d) and
13 by creating a new subsection (j), 20-2-204(c) and
14 20-2-309(a)(iv) are amended to read:

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16 **20-2-101. Void and voidable marriages defined;**
17 **annulments.**

18

19 (g) All decrees of annulment may include provisions
20 for the custody and support of children pursuant to this
21 article, W.S. 20-2-201 through 20-2-204, 20-2-206 and
22 20-2-301 through 20-2-315 and for the division of property
23 pursuant to W.S. 20-2-114.

1

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

4

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

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14 (xi) Evidence that either parent has knowingly
15 provided false information to the court regarding any prior
16 or pending civil or criminal action regarding domestic
17 violence, sexual assault, child abuse, child abandonment or
18 child neglect;

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20 ~~(xi)~~ (xii) Any other factors the court deems
21 necessary and relevant.

22

1 (d) The court shall order custody in well defined
2 terms to promote understanding and compliance by the
3 parties. ~~In determining custody a court shall not favor or~~
4 ~~disfavor any form of custody.~~ Custody shall be crafted to
5 promote the best interests of the children, ~~and may include~~
6 ~~any combination of joint, shared or sole custody~~ subject to
7 the following:

8
9 (i) For temporary orders or decrees determining
10 custody, the court shall order shared custody on a
11 temporary basis pending the final custody disposition,
12 unless the court expressly finds by a preponderance of the
13 evidence that shared custody would not be in the children's
14 best interests;

15
16 (ii) For final orders or decrees determining
17 custody after shared custody has been ordered under
18 paragraph (i) of this subsection, the court shall consider
19 the shared custody of the children and hear from both
20 parents on the shared custody arrangement. The court shall
21 order shared custody for the final order or decree unless
22 the court finds that shared custody was unsuccessful or

1 unless the court finds facts and circumstances showing that
2 shared custody is not in the children's best interests;

3
4 (iii) If the court does not order shared custody
5 in the temporary or final custody order or decree, the
6 court shall explain in writing the reasons for finding that
7 shared custody is not in the children's best interests.

8
9 (j) For purposes of this article:

10
11 (i) "Joint legal custody" means that both
12 parties share the decision-making rights, responsibilities
13 and authority related to the health, education and welfare
14 of the child;

15
16 (ii) "Joint physical custody" means that the
17 child physically resides with each party for a
18 substantially equal amount of time each calendar year, with
19 a parental plan crafted to promote the child's best
20 interests;

21

1 (iii) "Shared custody" means a child custody
2 arrangement that includes both joint legal custody and
3 joint physical custody;

4
5 (iv) The terms "time" and "visitation" are used
6 interchangeably for purposes of this article.

7
8 **20-2-204. Enforcement and modification.**

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10 (c) A court having jurisdiction may modify an order
11 concerning the care, custody and visitation of the children
12 if there is a showing by either parent of a material change
13 in circumstances since the entry of the order in question
14 and that the modification would be in the best interests of
15 the children pursuant to W.S. 20-2-201(a) and subject to
16 the requirements of W.S. 20-2-206(a). In any proceeding in
17 which a parent seeks to modify an order concerning child
18 custody or visitation, proof of repeated, unreasonable
19 failure by the custodial parent to allow visitation to the
20 other parent in violation of an order may be considered as
21 evidence of a material change of circumstances. Any
22 modification under this subsection shall be subject to the

1 limitations and requirements of W.S. 20-2-205 and
2 20-2-206(a).

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4 **20-2-309. Contents of orders; change of address or**
5 **employment; income withholding entered; payment.**

6

7 (a) All orders shall include the:

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9 (iv) Right of either party or, when appropriate,
10 the department of family services to petition to enforce an
11 order pursuant to W.S. 20-2-201 through 20-2-204, 20-2-206,
12 20-2-310 and 20-2-311(d).

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14 **Section 3.** This act shall apply to all petitions,
15 motions and actions for establishing the custody of a child
16 filed on and after July 1, 2026.

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18 **Section 4.** This act is effective July 1, 2026.

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(END)