

HOUSE BILL NO. HB0216

Sexual assault-custody rights.

Sponsored by: Representative(s) Blackburn, Edwards,
Jennings, Lindholm, Lone, Miller, Olsen,
Pelkey, Piiparinen and Winters and
Senator(s) Driskill, Hastert and Meier

A BILL

for

1 AN ACT relating to child custody and visitation;
2 prohibiting the granting of custody, visitation or access
3 to records to persons who have committed sexual assault as
4 specified; providing applicability; and providing for an
5 effective date.

6

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

8

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

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11 **20-2-206. Prohibition on custody and visitation.**

12

13 (a) Notwithstanding any provision to the contrary and
14 except as otherwise provided in this section, no person

1 shall be granted legal custody, physical custody,
2 visitation with a child or have access to any records
3 relating to a child under W.S. 20-2-201(e) if the court
4 finds by clear and convincing evidence that the person
5 committed sexual assault and the child was conceived as a
6 result of the sexual assault.

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8 (b) This section shall not apply if:

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

15

16 (ii) After the date of the sexual assault, the
17 biological parents of the child voluntarily cohabit
18 together and establish a mutual custodial environment for
19 the child and the court determines it is in the best
20 interest of the child to award custody, grant visitation or
21 allow access to the records of the child to the convicted
22 or offending person.

23

1 (c) For purposes of this section, a person committed
2 sexual assault if the person engaged in a course of conduct
3 that is prohibited under W.S. 6-2-302, 6-2-303, 6-2-314,
4 6-2-315 or 6-2-316(a) (ii) or (iii) or other similar law of
5 another jurisdiction, regardless of whether the person has
6 been charged or convicted for the sexual assault. The
7 court shall accept as conclusive proof of sexual assault a
8 conviction or a plea of guilty or nolo contendere.

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10 **Section 2.** W.S. 20-2-201(a) (intro) and
11 20-2-202(a) (intro) are amended to read:

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13 **20-2-201. Disposition and maintenance of children in**
14 **decree or order; access to records.**

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16 (a) Except as otherwise provided in W.S. 20-2-206, in
17 granting a divorce, separation or annulment of a marriage
18 or upon the establishment of paternity pursuant to W.S.
19 14-2-401 through 14-2-907, the court may make by decree or
20 order any disposition of the children that appears most
21 expedient and in the best interests of the children. In
22 determining the best interests of the child, the court

1 shall consider, but is not limited to, the following
2 factors:

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4 **20-2-202. Visitation.**

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6 (a) Except under circumstances as provided in W.S.
7 20-2-206, the court may order visitation it deems in the
8 best interests of each child and the court shall:

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10 **Section 3.** This act shall apply to sexual assaults
11 occurring on or after the effective date of this act.

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

17

18 (END)