

HOUSE BILL NO. HB0159

Homeless minors.

Sponsored by: Representative(s) Zwonitzer and Freeman and
Senator(s) Boner

A BILL

for

1 AN ACT relating to children; authorizing a minor who is
2 unemancipated and homeless to obtain birth certificates and
3 enter into binding contracts as specified; requiring
4 affidavits; providing that contracts are binding if
5 accepted in good faith reliance on affidavits; specifying
6 that the fact a minor is homeless is not sufficient basis
7 for reporting abuse or neglect; specifying applicability;
8 and providing for an effective date.

9

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

11

12 **Section 1.** W.S. 14-1-102 is created to read:

13

14 **14-1-102. Right to contract.**

15

1 (a) An unemancipated minor may obtain a birth
2 certificate from the department of health and may enter
3 into a legally binding contract for housing, employment,
4 purchase of a motor vehicle, receipt of a student loan,
5 admission to postsecondary school, establishing a bank
6 account, admission to a domestic violence or homeless
7 shelter and receipt of services as a homeless youth or
8 victim of domestic violence or sexual abuse, provided that
9 the minor:

10

11 (i) Meets all of the following:

12

13 (A) At least sixteen (16) years of age;

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15 (B) Willingly living separate and apart
16 from his parents who consent to or acquiesce in the
17 separate living arrangement;

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19 (C) Homeless;

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21 (D) Managing his own financial affairs.

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1 (ii) Submits a notarized affidavit in accordance
2 with subsection (b) of this section.

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4 (b) A notarized affidavit required under this section
5 shall be:

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7 (i) Signed and sworn to by the minor which
8 includes all of the following:

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10 (A) The minor's full name;

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12 (B) The minor's birth date;

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14 (C) A statement by the minor verifying the
15 conditions listed in paragraph (a)(i) of this section;

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17 (D) A statement by the minor declaring that
18 the information provided is true and correct under penalty
19 of perjury.

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21 (ii) Witnessed by two (2) or more adults. The
22 acknowledgment by each adult witnessing the affidavit shall
23 include a declaration that he is an attorney, health care

1 provider, rabbi, priest, minister, clergy or other
2 religious counselor or a college or school administrator or
3 counselor and that to the best of his knowledge the minor
4 signed the affidavit willingly and understands the nature
5 and legal implications of the contract, if applicable. An
6 adult witnessing an affidavit pursuant to this paragraph
7 shall not assume any legal responsibility or liability
8 under a contract entered into pursuant to this section.

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10 (c) A person that in good faith accepts an affidavit
11 purportedly signed and sworn to in accordance with this
12 section and who is without actual knowledge that the
13 affidavit is fraudulent or otherwise invalid may rely upon
14 the affidavit as if it were genuine and may enter into a
15 contract that is legally binding upon the minor as provided
16 under subsection (a) of this section.

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18 (d) For purposes of this section, "homeless" means as
19 that term is defined in 42 U.S.C. section 11434a(2).

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21 **Section 2.** W.S. 14-3-205(a) is amended to read:

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1 **14-3-205. Child abuse or neglect; persons required to**
2 **report.**

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4 (a) Any person who knows or has reasonable cause to
5 believe or suspect that a child has been abused or
6 neglected or who observes any child being subjected to
7 conditions or circumstances that would reasonably result in
8 abuse or neglect, shall immediately report it to the child
9 protective agency or local law enforcement agency or cause
10 a report to be made. The fact a child, who is at least
11 sixteen (16) years of age, is homeless as defined in W.S.
12 14-1-102(d) shall not, in and of itself, constitute a
13 sufficient basis for reporting neglect.

14
15 **Section 3.** This act is effective July 1, 2017.

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(END)