

ENROLLED ACT NO. 109, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

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

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

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

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

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

(i) Meets all of the following:

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

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

(C) Homeless;

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(D) Managing his own financial affairs.

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

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

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

(A) The minor's full name;

(B) The minor's birth date;

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

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

(ii) Witnessed by two (2) or more adults. The acknowledgment by each adult witnessing the affidavit shall include a declaration that he is an attorney, health care provider, rabbi, priest, minister, clergy or other religious counselor or a college or school administrator or counselor and that to the best of his knowledge the minor signed the affidavit willingly and understands the nature and legal implications of the contract, if applicable. The affidavit shall require a rabbi, priest, minister, clergy or other religious counselor who witnesses an affidavit to verify under penalty of false swearing under W.S. 6-5-303 that the witness has not been convicted of a felony in this state or another jurisdiction. An adult witnessing an

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affidavit pursuant to this paragraph shall not assume any legal responsibility or liability under a contract entered into pursuant to this section.

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

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

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

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

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

ORIGINAL HOUSE  
BILL NO. HB0159

ENGROSSED

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

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk