

HOUSE BILL NO. HB0212

Statutory gender references.

Sponsored by: Representative(s) Connolly and Zwonitzer and
Senator(s) Case

A BILL

for

1 AN ACT relating to statutory gender designations; amending
2 archaic language; codifying rights of parties legally
3 authorized to marry in Wyoming; providing definitions; and
4 providing for an effective date.

5

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

7

8 **Section 1.** W.S. 1-6-108, 1-12-104, 1-20-107,
9 1-22-104(b), 2-3-135, 2-4-106, 2-6-118, 2-7-501(a),
10 2-7-502, 4-10-402(c)(intro), (i) and (d), 8-1-102(a) by
11 creating a new paragraph (xvii), 14-1-201(a)(iii),
12 14-2-308(a)(vii), 14-2-402(a)(viii)(A) and (xiii),
13 14-2-501(a)(intro), (ii), (iii), by creating a new
14 paragraph (iv), (b)(intro), (v) and by creating a new
15 subsection (c), 14-2-802(a)(ii), 14-2-803(a)(i),

1 14-2-816(a) (vi), 14-2-822(a), 14-2-823(c) (i), (ii),
 2 (g) (intro), (ii), (iv), (vi), (vii), (ix), (m) (intro) and
 3 (vii), 14-2-903, 14-2-904, 14-2-905(a) and (b),
 4 14-3-210(a) (i), 14-3-402(a) (xiii), 14-6-201(a) (xvii),
 5 14-6-402(a) (xiv), 15-5-206, 15-5-309(b), 15-5-312,
 6 18-5-303(a) (x), 19-14-102(a), 20-1-101, 20-1-102(c),
 7 20-1-106(b), 20-1-201, 20-2-101(d) and (e), 20-2-102,
 8 20-3-103, 20-3-104, 20-4-166(j), 20-4-170(b) (vii),
 9 20-5-410(d), 34-1-109, 34-1-110, 34-1-129, 34-1-142(c) (v),
 10 34-2-121, 35-1-410(c) (iii), 35-1-411(a) (intro), (ii) and
 11 (b) through (d), 35-1-422(a), 37-9-504 and 40-14-349 are
 12 amended to read:

13

14 **1-6-108. Lis pendens; notice of pendency of action**
 15 **affecting real property or action between spouses.**

16

17 In an action in a state court or in a United States
 18 district court affecting the title or right of possession
 19 of real property, or in an action between ~~husband and wife~~
 20 spouses, the plaintiff at the time of filing the complaint
 21 and the defendant at the time of filing ~~his~~a pleading when
 22 affirmative relief is claimed or at any time afterward, may
 23 file in the office of the county clerk in which the

1 property is situate a notice of pendency of the action
2 containing the names of the parties, the object of the
3 action or defense and a description of the property in that
4 county affected thereby as provided by W.S. 1-6-107. From
5 the time of filing the notice a subsequent purchaser or
6 encumbrancer of the property shall have constructive notice
7 of the pendency of the action.

8

9 **1-12-104. Spouses as witnesses in civil and criminal**
10 **cases.**

11

12 No husband or wife shall be a witness against the other
13 spouse except in criminal proceedings for a crime committed
14 by one against the other, or in a civil action or
15 proceeding by one against the other. They may in all civil
16 and criminal cases be witnesses for each other the same as
17 though the marital relation did not exist.

18

19 **1-20-107. Exemptions when head of family dies.**

20

21 Whenever the head of a family dies, deserts, or ceases to
22 reside with the family, the family is entitled to all the
23 benefits and privileges conferred upon the head of a family

1 residing with the same, and the family, or any member
2 thereof, may select the property claimed as exempt. Where
3 the exempt property is the sole and separate property of
4 the ~~wife~~remaining spouse, it is, to the same extent and
5 for all purposes, exempt for the debts of the ~~wife~~
6 remaining spouse.

7

8 **1-22-104. Petition for adoption of minor; by whom**
9 **filed; requisites; confidential nature; inspection;**
10 **separate journal to be kept.**

11

12 (b) A petition may be filed by any single adult or
13 jointly by a ~~husband and wife~~married couple who maintain
14 their home together, or by ~~either the husband or wife~~one
15 spouse if the other spouse is a parent of the child.

16

17 **2-3-135. Petition for revocation by prior claimant;**
18 **prior right of surviving spouse.**

19

20 When letters of administration have been granted to a
21 child, father, mother, brother or sister of the intestate,
22 the surviving spouse may assert his or her prior right and

1 obtain letters of administration and have the letters
2 before granted revoked.

3

4 **2-4-106. Divorce not to affect children's rights.**

5

6 Divorces of ~~husband and wife~~ parents do not affect the
7 right of children to inherit ~~their~~ parents' property.

8

9 **2-6-118. Revocation by divorce or annulment; effect;
10 revival; other changes excluded.**

11

12 If after executing a will the testator is divorced or his
13 the marriage is annulled, the divorce or annulment revokes
14 any disposition or appointment of property made by the will
15 to the former spouse, any provision conferring a general or
16 special power of appointment on the former spouse, and any
17 nomination of the former spouse as executor, trustee,
18 conservator or guardian, unless the will expressly provides
19 otherwise. Property prevented from passing to a former
20 spouse because of revocation by divorce or annulment passes
21 as if the former spouse failed to survive the decedent, and
22 other provisions conferring some power or office on the
23 former spouse are interpreted as if the spouse failed to

1 survive the decedent. If provisions are revoked solely by
2 this section, they are revived by testator's remarriage to
3 the former spouse. For purposes of this section, divorce or
4 annulment means any divorce or annulment which would
5 exclude the spouse as a surviving spouse. A decree of
6 separation which does not terminate ~~the status of husband~~
7 ~~and wife~~ a marriage is not a divorce for purposes of this
8 section. No change of circumstances other than as described
9 in this section revokes a will.

10
11 **2-7-501. Right to homestead and support; "homestead"**
12 **defined.**

13
14 (a) When a person dies leaving a spouse or minor
15 children, the spouse or minor children are entitled to
16 remain in possession of the homestead, all wearing apparel
17 of the family, and all household furniture of the decedent
18 until letters are granted and the inventory is returned.
19 The ~~widow~~ surviving spouse or minor children are also
20 entitled to a reasonable provision for their support, to be
21 allowed by the court.

22
23 **2-7-502. Extra allowance for maintenance of family.**

1

2 If the amount set apart is insufficient for the support of
3 the ~~widow~~ surviving spouse and children, or either, the
4 court shall make such reasonable allowance out of the
5 estate as is necessary for the maintenance of the family
6 according to their circumstances during the settlement of
7 the estate.

8

9 **4-10-402. Title of trust property.**

10

11 (c) Any property ~~of a husband and wife that is held~~
12 ~~by them~~ spouses hold as tenants by the entireties pursuant
13 to W.S. 34-1-140 and conveyed to their joint revocable or
14 irrevocable trusts, or to their separate revocable or
15 irrevocable trusts, shall have the same immunity from the
16 claims of their separate creditors as it would if it had
17 remained held by the entireties, so long as:

18

19 (i) They are both living and remain ~~as husband~~
20 ~~and wife~~ married to each other;

21

22 (d) After the death of the first of the ~~husband and~~
23 ~~wife~~ spouses to die, all property held in trust that was

1 immune from the claims of the decedent's separate creditors
2 under subsection (c) of this section immediately prior to
3 the decedent's death shall continue to have the same
4 immunity from the claims of the decedent's separate
5 creditors as would have existed if the ~~husband and wife~~
6 spouses had continued to hold the property conveyed in
7 trust, or its proceeds, as tenants by the entirety.

8

9 **8-1-102. Definitions.**

10

11 (a) As used in the statutes unless the legislature
12 clearly specifies a different meaning or interpretation or
13 the context clearly requires a different meaning:

14

15 (xvii) "Spouse" means a marriage partner, a
16 husband or a wife.

17

18 **14-1-201. Definitions.**

19

20 (a) As used in this article:

21

22 (iii) "Parent" means the legal guardian or
23 custodian of the minor, his natural parent, ~~or~~ if the minor

1 has been legally adopted, the adoptive parent, a person
2 adjudged the parent of the child in judicial proceedings or
3 a person established as the parent under title 14, chapter
4 2, article 5;

5

6 **14-2-308. Definitions.**

7

8 (a) As used in this act:

9

10 (vii) "Parent" means a natural parent, ~~or~~ a parent by
11 adoption, a person adjudged the parent of the child in
12 judicial proceedings or a person established as the parent
13 under title 14, chapter 2, article 5;

14

15 **14-2-402. Definitions.**

16

17 (a) As used in this act:

18

19 (viii) "Donor" means an individual who produces
20 eggs or sperm used for assisted reproduction, whether or
21 not for consideration. The term does not include:

22

1 (A) A husband who provides sperm, or a wife
2 who provides eggs, to be used for assisted reproduction ~~by~~
3 ~~the wife~~ within the marriage;

4
5 (xiii) "Parent-child relationship" means the
6 legal relationship between a child and a parent of the
7 child. The term includes ~~the~~ a mother-child relationship
8 and ~~the~~ a father-child relationship;

9
10 **14-2-501. Establishment of parent-child relationship.**

11
12 (a) ~~The~~ A mother-child relationship is established
13 between a woman and a child by:

14
15 (ii) An adjudication of the woman's maternity;

16 ~~or~~

17
18 (iii) Adoption of the child by the woman; ~~or~~ or

19
20 (iv) The woman's having consented to assisted
21 reproduction by her spouse under article 9 of this act,
22 which resulted in the birth of the child.

23

1 (b) ~~The~~ A father-child relationship is established
2 between a man and a child by:

3
4 (v) The man's having consented to assisted
5 reproduction by his ~~wife~~ spouse or a surrogate under
6 article ~~8~~ 9 of this act which resulted in the birth of the
7 child.

8
9 (c) Unless otherwise established in this article or
10 via proceedings to adjudicate parentage, the parents named
11 on a child's birth certificate are established to be the
12 parents of a child.

13

14 **14-2-802. Standing to maintain proceeding.**

15

16 (a) Subject to article 5 of this act and W.S.
17 14-2-807 and 14-2-809, a proceeding to adjudicate parentage
18 may be maintained by:

19

20 (ii) ~~The~~ A mother or father of the child;

21

22 **14-2-803. Parties to proceeding.**

23

1 (a) The following individuals shall be joined as
2 parties in a proceeding to adjudicate parentage:

3
4 (i) ~~The A~~ mother or father of the child; and

5
6 **14-2-816. Temporary order.**

7
8 (a) In a proceeding under this article, the court
9 shall issue a temporary order for support of a child if the
10 order is appropriate and the individual ordered to pay
11 support is:

12
13 (vi) ~~The A~~ mother of the child.

14
15 **14-2-822. Order adjudicating parentage.**

16
17 (a) The court shall issue an order adjudicating
18 whether a ~~man~~person alleged or claiming to be the ~~father~~
19 parent is the parent of the child.

20
21 **14-2-823. Binding effect of determination of**
22 **parentage.**

1 (c) In a proceeding to dissolve a marriage, the court
2 is deemed to have made an adjudication of the parentage of
3 a child if the court acts under circumstances that satisfy
4 the jurisdictional requirements of W.S. 20-4-142, and the
5 final order:

6
7 (i) Expressly identifies a child as a "child of
8 the marriage," "issue of the marriage," or similar words
9 indicating that the ~~husband is the father~~ parties are the
10 parents of the child; or

11
12 (ii) Provides for support of the child by ~~the~~
13 ~~husband~~ one parent to the other unless ~~paternity~~ parentage
14 is specifically disclaimed in the order.

15
16 (g) The court shall appoint an attorney to represent
17 the best interests of a child if the court finds that the
18 best interests of the child is not adequately represented.
19 In cases concerning an adjudication of ~~paternity~~ parentage
20 pursuant to subsection (c) of this section, the court shall
21 appoint an attorney to represent the best interests of the
22 child. In determining the best interests of the child, the
23 court shall consider the following factors:

1

2 (ii) The length of time during which the
3 adjudicated ~~father~~parent has assumed the role of the
4 ~~father~~parent of the child;

5

6 (iv) The nature of the relationship between the
7 child and the adjudicated ~~father~~parent;

8

9 (vi) The harm that may result to the child if
10 adjudicated ~~paternity~~parentage is successfully disproved;

11

12 (vii) The nature of the relationship between the
13 child and any alleged ~~father~~parent;

14

15 (ix) Other factors that may affect the equities
16 arising from the disruption of the ~~father~~child
17 parent-child relationship between the child and the
18 adjudicated father or the chance of other harm to the
19 child.

20

21 (m) If the court finds that the adjudication of
22 ~~paternity~~parentage should be vacated, in accordance with

1 all of the conditions prescribed, the court shall enter an
2 order which provides all of the following:

3
4 (vii) That the adjudicated ~~father~~parent has no
5 right to reimbursement of past child support paid to ~~the~~
6 ~~mother~~another parent, the state of Wyoming or any other
7 assignee of child support.

8
9 **14-2-903. Paternity of child of assisted**
10 **reproduction.**

11
12 A man who provides sperm for, or consents to, assisted
13 reproduction by a woman as provided in W.S. 14-2-904, with
14 the intent to be the parent of ~~her~~the child, is the parent
15 of the resulting child.

16
17 **14-2-904. Consent to assisted reproduction.**

18
19 (a) Consent by a woman and a ~~man~~person who intends
20 to be the parent of a child born to the woman by assisted
21 reproduction shall be in a record signed by the woman and
22 the ~~man~~intended parent. This requirement shall not apply
23 to a donor.

1

2 (b) Failure to sign a consent required by subsection
3 (a) of this section, before or after birth of the child,
4 does not preclude a finding of ~~paternity~~parentage if the
5 woman and the ~~man~~intended parent, during the first two (2)
6 years of the child's life resided together in the same
7 household with the child and openly held out the child as
8 their own.

9

10 **14-2-905. Limitation on spouse's dispute of**
11 **parentage.**

12

13 (a) Except as otherwise provided in subsection (b) of
14 this section, the ~~husband~~spouse of a wife who gives birth
15 to a child by means of assisted reproduction may not
16 challenge ~~his paternity~~the parentage of the child unless:

17

18 (i) Within two (2) years after learning of the
19 birth of the child ~~he~~the spouse commences a proceeding to
20 adjudicate ~~his paternity~~the parentage; and

21

1 (ii) The court finds that ~~he~~the spouse did not
2 consent to the assisted reproduction, before or after birth
3 of the child.

4
5 (b) A proceeding to adjudicate ~~paternity~~parentage
6 may be maintained at any time if the court determines that:

7
8 (i) The husband did not provide sperm for, or
9 the wife did not provide the egg for, or before or after
10 the birth of the child consent to, assisted reproduction by
11 ~~his wife~~the spouse or a surrogate;

12
13 (ii) The ~~husband and the mother of the child~~
14 spouses have not cohabited since the probable time of
15 assisted reproduction; and

16
17 (iii) The ~~husband~~spouse never openly held out
18 the child as ~~his~~that spouse's own.

19
20 **14-3-210. Admissibility of evidence constituting**
21 **privileged communications.**

22

1 (a) Evidence regarding a child in any judicial
2 proceeding resulting from a report made pursuant to W.S.
3 14-3-201 through 14-3-215 shall not be excluded on the
4 ground it constitutes a privileged communication:

5

6 (i) Between ~~husband and wife~~ spouses;

7

8 **14-3-402. Definitions.**

9

10 (a) As used in this act:

11

12 (xiii) "Parent" means either a natural or
13 adoptive parent of the child, a person adjudged the parent
14 of the child in judicial proceedings ~~man presumed to be the~~
15 ~~father under W.S. 14-2-504~~ or a person established as the
16 parent under title 14, chapter 2, article 5;

17

18 **14-6-201. Definitions; short title; statement of**
19 **purpose and interpretation.**

20

21 (a) As used in this act:

22

1 (xvii) "Parent" means either a natural or
2 adoptive parent of the child, a person adjudged the parent
3 of the child in judicial proceedings ~~man presumed to be the~~
4 ~~father under W.S. 14-2-504~~ or a person established as the
5 parent under title 14, chapter 2, article 5;
6

7 **14-6-402. Definitions.**

8
9 (a) As used in this act:

10
11 (xiv) "Parent" means either a natural or
12 adoptive parent of the child, a person adjudged the parent
13 of the child in judicial proceedings ~~man presumed to be the~~
14 ~~father under W.S. 14-2-504~~ or a person established as the
15 parent under title 14, chapter 2, article 5;
16

17 **15-5-206. Death benefits to dependent parents;**
18 **amounts.**

19
20 If any paid fireman dies, leaving no surviving spouse or
21 children, but leaves a one (1) or both surviving dependent
22 ~~father or mother or both~~ parents, the board shall pay to
23 the ~~mother if there is no father, to the father if there is~~

1 ~~no mother or to both~~ surviving dependent parent, out of the
2 firemen's pension account, a monthly amount equal to the
3 pension the retired fireman was receiving if retired at the
4 time of ~~his~~ death, or if in active service at the time of
5 death, a monthly amount equal to the greater of the monthly
6 benefit payable to the fireman under W.S. 15-2-204 at the
7 time of ~~his~~ death or the monthly benefit payable under W.S.
8 15-2-204(a) for twenty (20) years of active service. If
9 either of the surviving ~~mother or father~~ parents dies after
10 the payments have started, the board shall pay to the
11 remaining surviving parent the full amount as computed
12 under this section.

13

14 **15-5-309. Death benefits; surviving spouse and**
15 **children; amounts; length of payments; benefit adjustment.**

16

17 (b) If the police officer is retired and drawing ~~his~~
18 a pension at the time of ~~his~~ the officer's death, and
19 leaves a ~~wife~~ surviving spouse, the board shall pay a
20 monthly pension out of the fund to ~~his~~ the surviving spouse
21 equal to two-thirds (2/3) of the pension the retired police
22 officer was receiving at the time of ~~his~~ death. In
23 addition, the board shall pay to the surviving spouse or

1 legal guardian sixty dollars (\$60.00) per month out of the
2 fund for the support and maintenance of each child of the
3 deceased, retired officer who is under eighteen (18) years
4 of age and was supported by ~~him~~the officer prior to ~~his~~
5 the officer's death. The payments shall continue until the
6 child becomes eighteen (18) years of age or marries.

7

8 **15-5-312. Application for benefits; statement filed;**
9 **determination; review.**

10

11 If any ~~policeman~~police officer, ~~his~~the officer's
12 surviving ~~wife~~spouse, dependent children or dependent
13 parents are entitled to any pension or benefits under this
14 article, the ~~policeman~~police officer, or in the event of
15 ~~his~~the officer's death the dependent, shall apply for
16 benefits or pension by filing a complete and concise
17 statement of facts necessary to entitle the applicant to
18 the benefits or pension. The application shall be filed
19 with the board upon forms it provides. The board may
20 investigate each application and determine whether benefits
21 or pension should be granted. The board may also hear
22 evidence as to the justice of the application, or require
23 and receive affidavits as to the truth of the statements

1 made therein. If the application is refused, the matter may
2 be reviewed by the district court of the county in which
3 the applicant resides pursuant to Rule 12 of the Wyoming
4 Rules of Appellate Procedure.

5

6 **18-5-303. Exemptions from provisions.**

7

8 (a) Unless the method of sale or other disposition is
9 adopted for the purpose of evading the provisions of this
10 article, this article shall not apply to the following
11 subdivisions of land however, the following subdivisions
12 are subject to requirements which may be adopted by the
13 board of county commissioners regarding documentation of
14 the proper use and implementation of the following
15 exemptions:

16

17 (x) A division ~~which~~that is created by the
18 acquisition of an interest in land in the name of the
19 ~~husband and wife~~spouses or other persons in joint tenancy
20 or as tenants in common, and the interest shall be deemed
21 for purposes of this subsection as only one (1) interest;

22

1 **19-14-102. Employment; preference in public**
2 **departments or public works; qualifications and residence.**

3
4 (a) In every public department and upon all public
5 works in Wyoming, members of the United States military
6 establishment in any war or conflict as defined in section
7 101, title 38, United States Code, honorably discharged
8 from service, and the ~~widows of members during widowhood~~
9 surviving spouses who have not remarried, shall be
10 preferred for appointment or employment. Age or other
11 physical impairment ~~which~~that does not in fact materially
12 incapacitate shall not disqualify them from receiving
13 preference if they possess the business capacity,
14 competency, education or other qualifications for discharge
15 of the duties required. If the disabilities do not
16 materially interfere with performance of the duties, the
17 disabled veterans or ~~widows~~surviving spouses shall be
18 given preference over employment of able-bodied veterans
19 and ~~widows~~surviving spouses. A veteran or ~~widow~~surviving
20 spouse who has not been a resident of the state of Wyoming
21 for a period of one (1) year or more immediately preceding
22 date for appointment or employment is not entitled to
23 preference under this section and for municipal or county

1 employment, no preference shall be granted unless the
2 applicant under this section is a resident of the
3 municipality or county in which employment is sought.

4

5

CHAPTER 1

6

MARRIED PERSONS

7

8

20-1-101. Marriage a civil contract.

9

10 Marriage is a civil contract between ~~a male and a female~~
11 ~~person~~ two (2) persons to which the consent of the parties
12 capable of contracting is essential.

13

14

**20-1-102. Minimum marriageable age; exception;
15 parental consent.**

16

17

(c) When either party is a minor, no license shall be
18 granted without the verbal consent, if present, and written
19 consent, if absent, of ~~the~~a father, mother, guardian or
20 person having the care and control of the minor. Written
21 consent shall be proved by the testimony of at least one
22 (1) competent witness.

23

1 **20-1-106. Who may solemnize marriage; form of**
2 **ceremony.**

3
4 (b) In the solemnization of marriage no particular
5 form is required, except that the parties shall solemnly
6 declare in the presence of the person performing the
7 ceremony and at least two (2) attending witnesses that they
8 take each other as ~~husband and wife~~ spouses.

9
10 **20-1-201. Separate estate of real and personal**
11 **property; not subject to control of spouse; exceptions.**

12
13 All property belonging to a married person as ~~his~~ separate
14 property ~~which he~~ that the person owns at the time of ~~his~~
15 marriage or ~~which~~ that during marriage ~~he~~ the person
16 acquires in good faith from any person by descent or
17 otherwise, together with all rents, issues, increase and
18 profits thereof, is during marriage ~~his~~ that person's sole
19 and separate property under ~~his~~ the person's sole control
20 and may be held, owned, possessed and enjoyed by ~~him~~ the
21 person the same as though ~~he~~ the person were single. Such
22 property is not subject to the disposal, control or
23 interference of ~~his~~ the person's spouse and is exempt from

1 execution or attachment for the debts of ~~his~~ the person's
2 spouse if the property was not conveyed ~~to him~~ by ~~his~~ the
3 person's spouse in fraud of ~~his~~ either person's creditors.
4 The necessary expenses of the family and the education of
5 the children are chargeable upon the property of both
6 ~~husband and wife~~ spouses, or either of them, for which they
7 may be sued jointly or separately.

8

9 **20-2-101. Void and voidable marriages defined;**
10 **annulments.**

11

12 (d) An action to annul a marriage on the ground that
13 one of the parties was under the age of legal consent
14 provided by W.S. 20-1-102(a) may be filed by the parent or
15 guardian entitled to the custody of the minor. The marriage
16 may not be annulled on the application of a party who was
17 of the age of legal consent at the time of the marriage nor
18 when it appears that the parties, after they had attained
19 the age of consent, had freely cohabited as ~~man and wife~~
20 spouses.

21

22 (e) An action to annul a marriage on the grounds of
23 mental incompetency may be commenced on behalf of a

1 mentally incompetent person by ~~his~~ the person's guardian or
2 next friend. A mentally incompetent person restored to
3 competency may maintain an action of annulment, but no
4 decree may be granted if the parties freely cohabited as
5 ~~husband and wife~~ spouses after restoration of competency.

6

7 **20-2-102. Petition by spouse for support.**

8

9 When the ~~husband and wife~~ spouses are living separately, or
10 when they are living together but one (1) spouse does not
11 support the other spouse or children within ~~his~~ the
12 spouse's means, and no proceeding for divorce is pending,
13 the other spouse or the department of family services may
14 institute a proceeding for support. No less than five (5)
15 days after notice is personally served upon the
16 nonsupporting spouse, the court may hear the petition and
17 grant such order concerning the support of the spouse or
18 children as it might grant were it based on a proceeding
19 for divorce. If the nonsupporting spouse cannot be
20 personally served within this state but has property within
21 the jurisdiction of the court, or debts owing to ~~him~~ the
22 nonsupporting spouse, the court may order such constructive
23 service as appears sufficient and proper and may cause an

1 attachment of the property. Upon completion of constructive
2 service the court may grant relief as if personal service
3 was had.

4

5 **20-3-103. Ordering of payments for support in lieu of**
6 **penalty; violation of order; trial; sentence; forfeiture of**
7 **recognizance; disposition of sum recovered.**

8

9 If the court finds at any time during the period of
10 probation the defendant has violated the terms of the
11 order, it may forthwith proceed with the trial of the
12 defendant under the original charge, or sentence him or her
13 or enforce a suspended sentence under the original plea or
14 conviction. In case of the forfeiture of recognizance, or
15 enforcement thereof by execution, the sum recovered may be
16 paid in whole or in part to the ~~wife~~ nondeserting spouse or
17 to the guardian, custodian or trustee of the minor child or
18 children.

19

20 **20-3-104. Proving marriage, parenthood; spouses as**
21 **witnesses; disclosure of confidential communications;**
22 **desertion, neglect or refusal to support.**

23

1 No other or greater evidence is required to prove ~~the a~~
2 marriage ~~of a husband and wife~~ or that the defendant is the
3 father or mother of a child or children than is required to
4 prove such facts in a civil action. In a prosecution under
5 this act no statute or rule of law prohibiting the
6 disclosure of confidential communications between ~~husband~~
7 ~~and wife~~ spouses shall apply. Both ~~husband and wife~~ spouses
8 are competent witnesses to testify against each other to
9 any relevant matters including the fact of marriage and the
10 parentage of the child or children but neither shall be
11 compelled to give evidence incriminating himself or
12 herself. Proof of the desertion of the ~~wife~~ other spouse,
13 child or children in destitute or necessitous
14 circumstances, or of the neglect or refusal to provide for
15 the support and maintenance of the ~~wife~~ other spouse, child
16 or children is prima facie evidence that the desertion,
17 neglect or refusal is willful.

18

19 **20-4-166. Special rules of evidence and procedure.**

20

21 (j) The defense of immunity based on ~~the a~~ marital
22 relationship ~~of husband and wife~~ or a parent ~~and~~ child
23 relationship does not apply in a proceeding under this act.

1

2 **20-4-170. Establishment of support order.**

3

4 (b) The tribunal may issue a temporary child support
5 order if the tribunal determines that the order is
6 appropriate and the individual ordered to pay is:

7

8 (vii) ~~The~~A mother of the child; or

9

10 **20-5-410. Hearing and order.**

11

12 (d) A privilege against disclosure of communications
13 between spouses and a defense of immunity based on ~~the~~a
14 marital relationship ~~of husband and wife~~ or a parent ~~and~~
15 child relationship may not be invoked in a proceeding under
16 this article.

17

18 **34-1-109. Right to convey all interest in land**
19 **divested from spouse; effect of conveyance.**

20

21 In all cases where the interest of ~~the husband~~one (1)
22 spouse in any tract or parcel of land has been, or shall
23 be, divested by process of law, or by voluntary conveyance

1 or otherwise, the ~~wife~~ other spouse may, by ~~her~~ separate
 2 deed, release and convey to the purchaser, ~~his~~ the
 3 purchaser's heirs or grantees, ~~all her~~ that spouse's
 4 interest in such tract or parcel of land, whether in
 5 possession or expectancy, in the same manner as though ~~she~~
 6 that spouse were sole and unmarried. ~~;~~ ~~and a~~ Any deed by ~~the~~
 7 ~~wife~~ that spouse so executed and acknowledged, shall be a
 8 valid and sufficient bar in law and equity to any right or
 9 choice of dower, or other interest ~~which she~~ that spouse
 10 may thereafter assert in such premises.

11

12 **34-1-110. Married persons; conveyance by nonresident.**

13

14 When any married ~~woman~~ person, not residing in this state,
 15 shall join ~~her husband~~ the person's spouse in any
 16 conveyance of real estate situated within this state, the
 17 conveyance shall have the same effect as if ~~she~~ the person
 18 were sole, and the acknowledgment of proof of the execution
 19 of such conveyance ~~by her,~~ may be the same as if ~~she~~ the
 20 person were sole.

21

22 **34-1-129. Spouses may appoint each other as**
 23 **attorney-in-fact to control interests.**

1

2 A ~~husband or wife~~ spouse may constitute the other spouse as
3 his or her attorney-in-fact to control or dispose of his or
4 her property, or any inchoate or other interest therein and
5 may revoke the same to the same extent and in the same
6 manner as other persons.

7

8 **34-1-142. Instrument transferring title to real**
9 **property; procedure; exceptions; confidentiality.**

10

11 (c) This section does not apply to:

12

13 (v) A transfer between ~~husband and wife~~ spouses
14 or parent and child with only nominal consideration
15 therefor;

16

17 **34-2-121. Conveyance and encumbrance of homesteads**
18 **void unless spouse joins; exception.**

19

20 Every owner or occupant of a homestead as established
21 herein may voluntarily sell, mortgage, or otherwise dispose
22 of or encumber the same; provided the instrument of writing
23 conveying, mortgaging, disposing of or encumbering such

1 homestead shall contain in substance the following words:
2 "Hereby releasing and waiving all rights under and by
3 virtue of the homestead exemption laws of this state", and
4 shall be freely and voluntarily signed and acknowledged by
5 the owner and the spouse of the owner of said homestead.
6 The foregoing provisions shall not be applicable to nor
7 shall compliance therewith be required for full legal
8 effectiveness of any conveyance of property directly from
9 ~~husband to wife~~ one spouse to the other.

10

11 **35-1-410. Birth registration.**

12

13 (c) When a birth occurs outside an institution, the
14 certificate shall be prepared and filed by one (1) of the
15 following in the indicated order of priority:

16

17 (iii) ~~The father, the mother~~ Either parent, or
18 in the absence ~~of the father and the~~ or inability of ~~the~~
19 ~~mother~~ both parents, the person in charge of the premises
20 where the birth occurred.

21

22 **35-1-411. Name of parents on birth certificate.**

23

1 (a) If the mother was married either at the time of
2 conception or birth of child, or between conception and
3 birth, the name of the ~~husband~~spouse shall be entered on
4 the certificate as the ~~father~~other parent of the child,
5 unless:

6
7 (ii) The ~~husband~~other parent signs an affidavit
8 denying that he or she is the ~~father~~parent and the mother
9 and the person to be named as the ~~father~~other parent sign
10 an affidavit of ~~paternity~~parentage under this section.
11 Affidavits may be joint or individual or a combination
12 thereof, and each signature shall be individually
13 notarized. The name of the person signing the affidavit of
14 ~~paternity~~parentage shall be entered as the ~~father~~other
15 parent on the certificate of birth.

16
17 (b) If the mother was not married either at the time
18 of conception or birth of child, or between conception and
19 birth, the name of the ~~father~~other parent shall not be
20 entered on the certificate of birth without an affidavit of
21 ~~paternity~~parentage signed by the mother and the person to
22 be named as ~~father~~the other parent, unless a determination

1 of the ~~paternity~~parentage has been made by a court of
2 competent jurisdiction.

3

4 (c) In any case in which ~~paternity~~parentage of a
5 child is determined by a court of competent jurisdiction,
6 the name of the ~~father~~parents and surname of the child
7 shall be entered on the certificate of birth in accordance
8 with the finding and order of the court.

9

10 (d) If the ~~father~~other parent is not named on the
11 certificate of birth, no other information about the ~~father~~
12 other parent shall be entered on the certificate.

13

14 **35-1-422. Marriage registration.**

15

16 (a) A record of each marriage performed in the state
17 shall be filed with the state registrar of vital records as
18 provided in this section. The officer who issues the
19 marriage license shall prepare the certificate on the form
20 furnished by the state registrar of vital records upon the
21 basis of information obtained from the parties to be
22 married, as provided by W.S. 20-1-103 and signed by the
23 ~~bride and groom~~parties to be married.

1

2 **37-9-504. Contracts restricting liability void.**

3

4 Any contract, rule, or regulation or device whatsoever, the
5 purpose or intent of which shall be to enable any such
6 person or corporation, so operating such railroad to exempt
7 itself from any liability created by this act shall, to
8 that extent, be void. Nor shall any contract of insurance,
9 relief, benefit or indemnity in case of injury or death,
10 entered into prior to the injury, between the person so
11 injured and such corporation, or any person or association
12 acting for such corporation, nor shall the acceptance of
13 any such insurance, relief, benefit, or indemnity by the
14 person injured, ~~his widow~~ the person's surviving spouse,
15 heirs, or legal representatives after the injury, from such
16 corporation, person or association, constitute any bar or
17 defense to any cause of action brought under the provisions
18 of this act, but nothing herein contained shall be
19 construed to prevent or invalidate any settlement for
20 damages between the employer and the employees subsequent
21 to injuries received.

22

23 **40-14-349. Use of multiple agreements.**

1

2 With respect to a supervised loan, no lender may permit any
3 person, or ~~husband and wife~~ spouses, to become obligated in
4 any way under more than one (1) loan agreement with the
5 lender or with a person related to the lender, with intent
6 to obtain a higher rate of loan finance charge than would
7 otherwise be permitted by the provisions on loan finance
8 charge for supervised loans (W.S. 40-14-348) or to avoid
9 disclosure of an annual percentage rate pursuant to the
10 laws relating to disclosure and advertising. The excess
11 amount of loan finance charge provided for in agreements in
12 violation of this section is an excess charge for the
13 purposes of the provisions on effect of violations on
14 rights of parties (W.S. 40-14-521) and the provisions on
15 civil actions by administrator (W.S. 40-14-613).

16

17 **Section 2.** This act is effective immediately upon
18 completion of all acts necessary for a bill to become law
19 as provided by Article 4, Section 8 of the Wyoming
20 Constitution.

21

22

(END)