

SENATE FILE NO. SF0060

Protection of children-child endangerment amendments.

Sponsored by: Senator(s) Schuler and Ellis and
Representative(s) Barlow and Zwonitzer

A BILL

for

1 AN ACT relating to the protection of children and offenses
2 against the family; revising the elements of the crimes of
3 abandoning and endangering a child; amending when a child may
4 be taken into protective custody as specified; and providing
5 for an effective date.

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

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9 **Section 1.** W.S. 6-4-403(b)(iii) and (d), 6-4-405(a)(i)
10 through (iii) and (b), 14-3-206 by creating a new subsection
11 (d) and 14-3-405(a)(intro), (i), by creating a new paragraph
12 (iii), (b), (c) by creating a new paragraph (iii) and (d) are
13 amended to read:

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1 6-4-403. Abandoning or endangering children;
2 penalties; "child"; disclosure or publication of identifying
3 information; "minor victim".
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5 (b) No person shall knowingly:
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7 (iii) Commit domestic assault as defined in W.S.
8 6-2-510, domestic battery as defined in W.S. 6-2-511 or any
9 indecent or obscene act in the presence of a child;
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11 (d) As used in this section:
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13 (i) "Child" means a person under the age of
14 sixteen (16) years.
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16 (ii) "In the presence of a child" means:
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18 (A) In the physical presence of a child; or
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20 (B) Having knowledge that a child is present
21 and may hear or see a domestic assault or domestic battery.
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1 **6-4-405. Endangering children; controlled substances;**
2 **penalty.**

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4 (a) Notwithstanding W.S. 6-4-403(b)(iv), no person
5 shall knowingly and willfully cause or permit any child to:

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7 (i) Absorb, inhale or otherwise ingest any amount
8 of methamphetamine, cocaine, heroin or lysergic acid
9 diethylamide (LSD);

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11 (ii) Remain in a room, dwelling or vehicle where
12 the person knows methamphetamine, cocaine, heroin or LSD is
13 being manufactured or sold; or

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15 (iii) Enter and remain in a room, dwelling or
16 vehicle that the person knows is being used to manufacture or
17 store methamphetamines, cocaine, heroin or LSD, or the
18 hazardous waste created by the manufacture of
19 methamphetamines, cocaine, heroin or LSD.

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21 (b) No person having the care or custody of a child
22 shall knowingly and willfully permit the child to remain in
23 a room, dwelling or vehicle where that person knows that

1 methamphetamine, cocaine, heroin or LSD is possessed, stored
2 or ingested.

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4 **14-3-206. Child abuse or neglect; written report;**
5 **statewide reporting center; documentation and examination;**
6 **costs and admissibility thereof.**

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8 (d) Any authorized person investigating, examining or
9 treating suspected child abuse or neglect may bring the child,
10 or another child residing in the same household, for
11 examination. The examination shall take place within
12 twenty-four (24) hours. Any authorized person denied access
13 to a child for the purposes of medical examination under this
14 subsection may seek an appropriate court order by ex parte
15 proceedings or other appropriate proceedings to provide for
16 the medical examination. After receiving the timely results
17 of the examination the examining physician, law enforcement
18 or local child protective agency shall consider whether
19 temporary protective custody is necessary under W.S.
20 14-3-405.

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22 **14-3-405. Taking of child into custody; when permitted.**

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1 (a) A child, or any other child residing in the same
2 household, may be taken into custody by a law enforcement
3 officer without a warrant or court order and without the
4 consent of the parents, guardians or others exercising
5 temporary or permanent control over the child when:

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7 (i) There are reasonable grounds to believe a
8 child, or any other child residing in the same household, is
9 abandoned, lost, suffering from illness or injury or
10 seriously endangered by his surroundings and immediate
11 custody appears to be necessary for his protection; or

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13 (iii) The child, or any other child residing in
14 the same household, is as evidenced by an examination being
15 abused or neglected by a parent, guardian or legal custodian,
16 a member of the parent's, guardian's or legal custodian's
17 household or any other person known to the parent, guardian
18 or legal custodian.

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20 (b) A child, or any other child residing in the same
21 household, may be taken into temporary protective custody by
22 a physician, physician's assistant or nurse practitioner
23 without a warrant or court order and without the consent of

1 the parents, guardians or others exercising temporary or
2 permanent control over the child when the physician,
3 physician's assistant or nurse practitioner treating the
4 child, or a hospital in which the child is being treated,
5 finds that there is reasonable cause to believe an imminent
6 danger to the child's life, health or safety exists unless
7 the child is taken into protective custody, whether or not
8 additional medical treatment is required, and there is not
9 time to apply for a court order.

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11 (c) A district attorney may file an emergency petition,
12 or the department of family services, a local law enforcement
13 officer, an administrator of a hospital in which a child
14 reasonably believed to have been abused or neglected is being
15 treated, or any physician, physician's assistant or nurse
16 practitioner who treated the child may request the court for
17 a protective order. After considering the emergency petition
18 or request, the judge or commissioner, upon finding that there
19 is reasonable cause to believe that a child has been abused
20 or neglected and that the child, by continuing in his place
21 of residence or in the care and custody of the person
22 responsible for his health, safety and welfare, would be in
23 imminent danger of his life, health or safety, may:

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(iii) Issue an ex parte order that places any other child residing in the same household in the temporary protective custody of the local child protective agency.

(d) Except as otherwise provided in this subsection, temporary protective custody shall not exceed forty-eight (48) hours, excluding weekends and legal holidays. Temporary protective custody of any other child residing in the same household as a child taken into protective custody shall not exceed twenty-four (24) hours, excluding weekends and legal holidays.

Section 2. This act is effective July 1, 2019.

(END)