

***IN THE SUPREME COURT, STATE OF WYOMING***

*October Term, A.D. 2017*

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*In the Matter of Amendments to* )  
*Rules 2 and 3 of the Rules of* )  
*Procedure for Juvenile Courts* )

**ORDER AMENDING RULES 2 AND 3 OF THE RULES OF  
PROCEDURE FOR JUVENILE COURTS**

The Permanent Rules Advisory Committee, Juvenile Division, has recommended that this Court amend Rules 2 and 3 of the Wyoming Rules of Procedure for Juvenile Courts. This Court finds the proposed amendments should be adopted. It is, therefore,

**ORDERED** that the amendments to Rules 2 and 3 of the Rules of Procedure for Juvenile Courts, attached hereto, be, and hereby are, adopted by the Court to be effective June 1, 2018; and it is further

**ORDERED** that this order and the attached amendments shall be published in the advance sheets of the Pacific Reporter; the attached amendments shall be published in the Wyoming Court Rules Volume; and that this order and the attached amendments shall be published online at the Wyoming Judicial Branch's website, <http://www.courts.state.wy.us>. The amendments shall also be recorded in the journal of this Court.

**DATED** this 13<sup>th</sup> day of February, 2018.

**BY THE COURT:**

/s/

**E. JAMES BURKE**  
Chief Justice

## Rules of Procedure for Juvenile Courts

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### Rule 2. Initiation of Proceedings; Hearings.

(a) Initiation of Proceedings. All Abuse and Neglect, Delinquency and CHINS (Child in Need of Supervision) proceedings shall be initiated by the filing of a petition alleging abuse and neglect, delinquency or a child in need of supervision. Petitions for Shelter Care, Protective Custody or Temporary Placement shall not be filed without the filing of a corresponding petition alleging abuse and neglect, delinquency or child in need of supervision.

(b) Presence of the Child. A child shall be present at the permanency hearing in abuse and neglect actions unless the court orders prior to the permanency hearing that the child need not be present. If the guardian ad litem or other party believes a child should not be present at the permanency hearing, a motion outlining the reasons for the request for excusal from the hearing shall be filed no less than ten (10) days prior to the permanency hearing. A child is encouraged to attend all other hearings in abuse and neglect actions, but a child who is not of suitable age to understand or participate in the proceedings need not be present at other hearings in abuse and neglect actions unless the court so orders.

A child alleged or adjudicated to be delinquent, or in need of supervision, shall be present at all hearings unless otherwise ordered by the court. A child alleged or adjudicated to be delinquent, or in need of supervision, shall be present at any hearing where the court is required to advise the child of the contents of a Petition and the child's rights under any applicable statute.

Upon motion of a party, the court may excuse the presence of a child alleged or adjudicated to be delinquent, or in need of supervision, who is of suitable age, if attendance would be detrimental to the child; or allow a child to appear by telephone.

~~(b)~~ (c) Presence of Foster Parent. A foster parent or other out-of-home care provider is entitled to be heard at any hearing. However, the court may limit the presence of the foster parent or care provider to the time during which the person's testimony is being given if it is (1) in the best interest of the child; or (2) necessary to protect the privacy interests of the parties and will not be detrimental to the child.

~~(c)~~ (d) General Public Excluded. Hearings are not open to the public. However, the court may, after due consideration for the welfare of the child and the family, admit specific individuals to a hearing. Victims of delinquent acts, and members of their immediate families may be present pursuant to Wyoming statutes.

~~(d)~~ (e) Notice to Parents, Guardians, Custodians, Foster Parents, Pre-Adoptive Parents, or Relative Caregivers. Prior to each hearing held pursuant to the Child Protection Act, the county or district attorney, or another entity designated by the court, shall provide written notice of such hearing; to the parents (both custodial and non-custodial), guardians, custodians, foster parents,

pre-adoptive parents, or relative caregivers, including their right to be heard, to the child's foster parents, pre-adoptive parents, or relative caregivers. The notice shall include the time, place, and purpose of each hearing. This provision shall not be construed to require foster parents, pre-adoptive parents, or relative caregivers to be made a party to the hearing or proceeding solely on the basis of such notice and opportunity to be heard.

(f) Requests for hearings. The county or district attorney, and/or guardian ad litem, and/or respondent counsel shall request the setting of timely hearings pursuant to Title 14 of the Wyoming Statutes, including but not limited to adjudicatory, dispositional, review, and permanency hearings.

**Rule 3. Discovery and Inspection – Abuse and Neglect, Delinquency, and CHINS (Child in Need of Supervision).**

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(b) *Discovery by the State.* \*\*\*\*\*

(10) Records created or held by the Department of Family Services (DFS) may be subject to discovery in proceedings in juvenile court, pursuant to this Rule. Respondent or the guardian ad litem shall request discovery of DFS records through the State. Upon a request for discovery, DFS shall provide its records to the State and guardian ad litem. The State may, pursuant to this rule, provide the records to the Respondent ~~and the guardian ad litem~~, or the State and/or the guardian ad litem may contest the discovery request from the Respondent pursuant to these Rules. Discovery requests concerning Child Protection records are further subject to the provisions of Wyo. Stat. Ann. § 14-3-214, and access to such records may be limited pursuant to such statutory section. This Rule is specific to discovery requests in juvenile court proceedings and does not relate to discovery of DFS records in other types of proceedings. DFS must supplement or correct all disclosures and responses provided to the State, guardian ad litem and Respondent in a timely manner and in no event less than 5 business days prior to any MDT meeting or hearing until the case is dismissed.

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