

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

***April Term, A.D. 2020***

---

***In the Matter of Amendments to     )***  
***Rule 5 of the Rules of             )***  
***Procedure for Juvenile Courts     )***

**ORDER AMENDING RULE 5 OF THE RULES OF  
PROCEDURE FOR JUVENILE COURTS**

**The Permanent Rules Advisory Committee, Juvenile Division,** has recommended the Court amend Rule 5 of the Rules of Procedure for Juvenile Courts. This Court finds the proposed amendments should be adopted. It is, therefore,

**ORDERED** that the amendments to Rules 5 the Rules of Procedure for Juvenile Courts, attached hereto, be and hereby are adopted by the Court to be effective December 1, 2020; 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 25<sup>th</sup> day of August, 2020.

**BY THE COURT:**

/s/

**MICHAEL K. DAVIS**  
**Chief Justice**

## Rules of Procedure for Juvenile Courts

\*\*\*\*\*

### **Rule 5. Right to Counsel and Jury.**

(a) *Right to Counsel, Generally.* The Respondent is entitled to be represented in all proceedings in Juvenile Court by counsel retained by him, his parent, or by counsel appointed pursuant to this Rule. An out-of-state attorney may enter his appearance and participate in a case only after having been admitted in accordance with Rule 8 of the Rules Governing the Wyoming State Bar and the Authorized Practice of Law, and Rule 104 of the Uniform Rules for the District Courts of the State of Wyoming (admission Pro Hac Vice). Once so admitted, his appearance and participation is limited by the restrictions of those rules.

(b) *Right to Counsel, Native American.* In proceedings subject to the Indian Child Welfare Act, out-of-state attorneys must comply with Rule 5(A). However, in proceedings subject to the exclusive jurisdiction of the tribe pursuant to 25 U.S.C. § 1919, the tribe's attorney may appear for the limited purpose of requesting transfer of the matter to tribal court, without showing compliance with Rule 5(A). If necessary in all other cases, the tribe shall obtain local counsel.

(c) *Notice of Right.* Respondent shall be served with written advice of the right to counsel with any order setting any initial hearing. Such notice shall advise of the availability of appointed counsel, and shall direct a juvenile, parent or guardian requesting counsel to obtain a financial affidavit and present it to the court at least five (5) days before the hearing. The notice shall also advise that failure to request counsel in advance may result in contempt sanctions and liability for costs resulting from delays.

(d) *Advisement of Right.* At the initial hearing the court shall advise of the right to counsel as required by statute. A parent, guardian, or juvenile may waive counsel if the Court finds that such waiver is made in accordance with Wyo.Stat. Ann. § 7-6-107.

(e) Jury Demand. A timely demand for jury as required by statute will be honored by the seating of a jury of six (6) persons.

(f) Peremptory Challenges. Each side shall be entitled to four (4) peremptory challenges. Several respondents or several petitioners may be considered as a side for the making of challenges or the court may allow additional peremptory challenges and permit them to be exercised separately or jointly upon the court determining a good faith controversy exists between the parties.

\*\*\*\*\*