

SENATE FILE NO. SF0053

Child preference in custody determinations.

Sponsored by: Senator(s) Landen

A BILL

for

1 AN ACT relating to domestic relations; providing that the
2 wishes of a child shall be considered in child custody
3 determinations as specified; and providing for an effective
4 date.

5

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

7

8 **Section 1.** W.S. 20-2-112(b) and 20-2-201(a) by
9 creating a new paragraph (x) and by renumbering (x) as (xi)
10 are amended to read:

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12 **20-2-112. Examination concerning property interests;**
13 **enforcement of court orders; temporary custody of children.**

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15 (b) On the application of either party, the court may
16 make such order concerning the care and custody of the

1 minor children of the parties and their suitable
2 maintenance during the pendency of the action as is proper
3 and necessary and may enforce its order and decree in the
4 manner provided in subsection (a) of this section. The
5 court shall consider the wishes of each minor child if the
6 child is of sufficient age and capacity to form an
7 intelligent preference as to his custody. The party
8 applying for the order shall notify the court of any known
9 protection or custody orders issued on behalf of the
10 parties from any other court. The court shall consider
11 evidence of spouse abuse or child abuse as being contrary
12 to the best interest of the children. If the court finds
13 that family violence has occurred, the court shall make
14 arrangements for visitation during temporary custody that
15 best protect the children and the abused spouse from
16 further harm.

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18 **20-2-201. Disposition and maintenance of children in**
19 **decree or order; access to records.**

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21 (a) In granting a divorce, separation or annulment of
22 a marriage or upon the establishment of paternity pursuant
23 to W.S. 14-2-401 through 14-2-907, the court may make by
24 decree or order any disposition of the children that

1 appears most expedient and in the best interests of the
2 children. In determining the best interests of the child,
3 the court shall consider, but is not limited to, the
4 following factors:

5

6 (x) The wishes of the child if the child is of
7 sufficient age and capacity to form an intelligent
8 preference as to his custody;

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10 ~~(x)~~ (xi) Any other factors the court deems
11 necessary and relevant.

12

13 **Section 2.** This act is effective July 1, 2011.

14

15 (END)