

Draft Only  
Approval Pending  
**SUMMARY of  
PROCEEDINGS**



**JOINT JUDICIARY COMMITTEE**

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**COMMITTEE MEETING INFORMATION**

September 20-21, 2018 | 8:30 a.m.  
University of Wyoming, Coe Library - Room 506  
E. Ivinson Ave. & 15th St.  
Laramie, Wyoming

**COMMITTEE MEMBERS PRESENT**

Senator Leland Christensen, Co-Chairman  
Representative Dan Kirkbride, Co-Chairman  
Senator Liisa Anselmi-Dalton  
Senator Larry Hicks  
Senator Dave Kinskey  
Senator Tara Nethercott  
Representative Bo Biteman  
Representative Mark Jennings  
Representative Jared Olsen  
Representative Charles Pelkey  
Representative Bill Pownall  
Representative Tim Salazar  
Representative Clark Stith  
Representative Nathan Winters

**LEGISLATIVE SERVICE OFFICE STAFF**

Torey Racines, Legislative Counsel  
Brian Fuller, Staff Attorney  
Kayla Spencer, Staff Attorney  
Sheri Briggs, Bill Processing Specialist

**OTHERS PRESENT AT MEETING**

Please refer to **(Appendix 1-02)** to review the Committee Sign-in Sheet for a list of other individuals who attended the meeting.

*The Committee Meeting Summary of Proceedings (meeting minutes) is prepared by the Legislative Service Office (LSO) and is the official record of the proceedings of a legislative committee meeting. This document does not represent a transcript of the meeting; it is a digest of the meeting and provides a record of official actions taken by the Committee. All meeting materials and handouts provided to the Committee by the Legislative Service Office, public officials, lobbyists, and the public are on file at the Legislative Service Office and are part of the official record of the meeting. An index of these materials is provided at the end of this document and these materials are on file at the Legislative Service Office. For more information or to review meeting materials, please contact the Legislative Service Office at (307) 777-7881 or by e-mail at [lso@wyoleg.gov](mailto:lso@wyoleg.gov). The Summary of Proceedings for each legislative committee meeting can be found on the Wyoming Legislature's website at [www.wyoleg.gov](http://www.wyoleg.gov).*

keeping records for a certain time period to comply with required audits and suggested amending the statute to provide that records could be kept until audits were completed.

Mr. Oedekoven noted that sheriffs and chiefs of police had reporting requirements for juveniles and also needed to keep records until audits were completed.

The Committee deferred action on the bill draft until its November meeting.

### **Court Security Cameras**

Mr. Fuller provided an overview of 19LSO-0025 (**Appendix 6-06**), which would require county sheriffs to provide and maintain security cameras in district and circuit courtrooms.

Ronda Munger, Deputy Court Administrator, Wyoming Supreme Court, gave the Committee the 2018 Annual Report from the Court Security Commission (**Appendix 6-07**) and highlighted security incidents in Wyoming's courtrooms in the last year. She noted concerns with judges entering courtrooms without being able to first see them and noted that the bill draft would clarify that the responsibility for courtroom security lies with the county sheriff.

### **Public Comment**

Sheriff O'Malley expressed concern with the fiscal responsibility of cameras and noted that Albany County had installed cameras that were becoming obsolete and were difficult to maintain and transition to digital.

Representative Pownall asked to have information regarding the number of courtrooms needing camera systems and the cost of installing and maintaining the systems for the November meeting.

The Committee deferred consideration of the bill draft until its November meeting.

### ***Public Access to Electronic Docket - Working Group Report***

Senator Nethercott updated the Committee on the public-access working group. She noted that rollout of the public access for e-filing was several years away and encouraged the Committee to thoughtfully consider what pleadings should be made available for public access.

Chief Justice Davis outlined the work of a subcommittee of the Court Automation Committee of the Board of Judicial Policy and Administration. He noted that the subcommittee had proposed several options, including policies outlining what records would not be publicly available and establishing a paywall for public access to records. Chief Justice Davis shared an overview of the Supreme Court's e-filing and public access system and issues with adapting that system to the district courts.

## **DE FACTO GUARDIANSHIP**

Mr. Fuller gave an overview of 19LSO-0026 (**Appendix 9-01**), which would establish procedures and factors to consider when a parent moves to terminate a guardianship and authorizes district judges to enter orders to provide a transition and stability at the end of a guardianship.

Annie McGlothin, Guardians as Protectors, provided the Committee with several documents related to guardianship and de facto custody (**Appendix 9-03, Appendix 9-04, Appendix 9-05, Appendix 9-06, Appendix 9-07, and Appendix 9-08**).

Professor Julia McLaughlin, Florida Coastal School of Law, expressed support for the bill draft and provided proposed amendments to the bill draft (**Appendix 9-09**). She discussed situations where parents have decided not to or have been unable to meet the obligations of parenting and how grandparents became guardians of children, whether through a legal process or not. She noted that the bill draft would apply in cases of a different procedural posture, namely when parents were not fit.

Dr. James Baroffio, Clinical Psychologist, explained issues children face when they experience a disrupted attachment with a guardian and the significant damage children experience after separation from a guardian. He noted that healthy and stable attachments were critical for a child's neuropsychological development and that biological affiliation was not necessary for children to attach to others. He noted the critical role parents or caregivers play in a child's life. He noted the need for a gradual plan of action when a parent returned to care for her children and avoiding abrupt disruption in the child's life while the child gradually builds a relationship with the returning parent.

#### Public Comment

Ms. Sharpe shared comments from Judge Day, who noted a situation where the bill draft would have addressed the difficult situation.

Linda Denitson, Guardians as Protectors, shared her story in caring for children and encouraged the Committee to consider bills that would protect children.

Jan Loftus, State Coordinator, ParentalRights.org, provided In re MEO (**Appendix 9-10**) to the Committee and noted that both parents and children share a vital interest in the relationship they have with each other. She noted that the parents' rights to care for their children is a fundamental right and the importance of bonds between parents and children and the impact of those bonds in society.

Tom Schmidt, Laramie, noted the tension between people and government action.

Art Huckfeldt, Guardians as Protectors, shared that parents gave up their rights when they abandoned children, and a finding of unfitness should include abandonment. He encouraged the Committee to take actions that would protect children from neglectful parents.

Ms. McGlothin thanked the Committee for its work on the topic and noted that many states had passed de facto custody laws, and state courts that had considered their constitutionality had upheld the laws.

The Committee voted by a show of hands to consider the bill draft at its November meeting. The Committee voted not to consider the proposed amendments in (**Appendix 9-09**).

The Committee took no action on 19LSO-0129, De Facto Custodian Act (**Appendix 9-02**).

#### **MEETING ADJOURNMENT**

There being no further business, Chairman Christensen adjourned the meeting at 5:33 p.m.

Respectfully submitted,

# Committee Meeting Materials Index

Index Number	Agenda Item	Document Description	Document Provider
1-01		Agenda	LSO
1-02		Sign-in Sheet	LSO
2-01	Justice Reinvestment	Justice Reinvestment Presentation	CSG Justice Center
2-02	Justice Reinvestment	Glossary of Presentation Terms	CSG Justice Center
2-03	Justice Reinvestment	Summary and Policy Options	CSG Justice Center
6-01	Judicial Updates	19LSO-0087 v0.5 Alternative penalties and pretrial release for alcohol offenses.	LSO
6-02	Judicial Updates	19LSO-0021 v0.4 Terms of court.	LSO
6-03	Judicial Updates	19LSO-0022 v0.4 Jury procedure amendments.	LSO
6-04	Judicial Updates	19LSO-0024 v0.4 Recordation of judgments and orders.	LSO
6-05	Judicial Updates	19LSO-0107 v0.6 Expungement of juvenile court records.	LSO
6-06	Judicial Updates	19LSO-0025 v0.5 Court security cameras.	LSO
6-07	Judicial Updates	2018 Annual Report	Wyoming Court Security Commission
9-01	De Facto Guardianship	19LSO-0026 v0.5 Guardianship terminations and orders.	LSO
9-02	De Facto Guardianship	19LSO-0129 v0.5 De Facto Custodian Act.	LSO
9-03	De Facto Guardianship	Expert Trauma and Attachment in Children	Guardians as Protectors
9-04	De Facto Guardianship	Dissociation in Infants and Young Children	Guardians as Protectors

Representative Dan Kirkbride, Co-Chairman

9-05	De Facto Guardianship	Curriculum Vitae, James Baroffio	Guardians as Protectors
9-06	De Facto Guardianship	Attachment and Consequences of Disrupted Attachment	Guardians as Protectors
9-07	De Facto Guardianship	Curriculum Vitae, Julia McLaughlin	Guardians as Protectors
9-08	De Facto Guardianship	The Fundamental Truth About Best Interests	Guardians as Protectors
9-09	De Facto Guardianship	Proposed Amendments to 19LSO-0026	Guardians as Protectors
9-10	De Facto Guardianship	In re Guardianship of MEO	Parentalrights.org