

Draft Only
Approval Pending
**SUMMARY of
PROCEEDINGS**



JOINT JUDICIARY COMMITTEE

COMMITTEE MEETING INFORMATION

May 07-08, 2018 | 8:30 AM
Worland Community Center Complex
1200 Culbertson Ave.
Worland, Wyoming

COMMITTEE MEMBERS PRESENT

Senator Leland Christensen, Co-chairman
Representative Dan Kirkbride, Co-chairman
Senator Liisa Anselmi-Dalton
Representative Bo Biteman
Senator Larry Hicks
Representative Mark Jennings
Senator Dave Kinskey
Senator Tara Nethercott
Representative Jared Olsen
Representative Charles Pelkey (May 7)
Representative Bill Pownall
Representative Tim Salazar
Representative Clark Stith
Representative Nathan Winters

LEGISLATIVE SERVICE OFFICE STAFF

Torey Racines, Legislative Counsel
Brian Fuller, Staff Attorney
Jennifer Lockwood, Associate Research Analyst
MaryBeth Oatsvall, Legislative Editor

OTHER LEGISLATORS PRESENT

Representative Mike Greear

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Judge Tom Harrington, Fifth Judicial District Circuit Judge, discussed the Court Security Commission's work and upcoming meetings. Judge Harrington noted that the Commission has not discussed standards for municipal and circuit court security and encouraged the Committee to address the provision of cameras in courtrooms.

Mr. Oedekoven, Washakie County Sheriff Steve Rakness, and Washakie County Commissioner Fred Frandson expressed concern with the bill draft and with requiring the sheriffs to maintain cameras instead of only providing physical security. They expressed concern about the financial responsibility that would fall on sheriffs and counties with this additional responsibility.

Ms. Sharpe stated that 2018 Senate File 0024 provided that the Judicial Branch would fund, install, and maintain information-technology equipment in courtrooms, but that it did not address courtroom security cameras or technology.

The Committee directed LSO to prepare a bill draft on courtroom cameras for consideration at its next meeting.

DE FACTO CUSTODY

Mr. Fuller provided an overview of the topic to the Committee, including the Committee's previous work and consideration of 2018 House Bill 0015.

Judge Thomas Campbell, First Judicial District Judge (Laramie County), addressed the Committee and discussed the tools and discretion district judges have and need in resolving third-party custody cases.

Annie McGlothlin, Wyoming Guardians as Protectors, expressed support for a law authorizing de facto custodians. She noted that 22 states have de facto custodian laws, which do not terminate parental rights. Ms. McGlothlin suggested stronger language in the bill draft and definitions of "fit" and "unfit."

Korin Schmidt, Deputy Director, Department of Health, and Ed Heimer, District Manager, Department of Family Services, discussed Title 14 and the placement of abused or neglected children and their efforts to place children with grandparents and other family members first. Ms. Schmidt noted that the Department is neutral on any proposed legislation but encouraged the Committee to exempt child-welfare cases from any de facto custody provisions.

Ms. Sheen and Wendy Sweeny, Worland attorney, noted current authority for guardianships for limited medical and educational purposes, and that grandparents could petition for guardianships and to terminate parental rights. Both Ms. Sheen and Ms. Sweeney suggested revising statutory definitions in Titles 3, 14, and 20 of the Wyoming Statutes.

Debbie Walter, Community Action of Laramie County, discussed her group's work to support grandparents raising grandchildren as well as issues of financial support for grandparents in these situations. Ms. Walter discussed grandparents' fear of parents returning into the picture and retaliating against grandparents who file for guardianships. Ms. Walter encouraged the Committee to establish standing for grandparents in guardianship cases, define "fitness," and give courts the ability to fashion an integration plan for transitioning children from their grandparents to their returning parents.

Jan Loftus, Parentalrights.org, provided the Committee with a case involving third-party custody and guardianships and the Wyoming statute outlining termination of parental rights (Appendix 4-17) and (Appendix 4-18). Ms. Loftus expressed concern with conducting a best-interest analysis before a court

found a parent or parents unfit and suggested adding substance abuse as grounds for terminating parental rights.

Ms. McGlothin reiterated issues with fitness and unfitness and expressed support for a law requiring the admission of substance abuse and mental health records in competency hearings.

The Committee directed LSO to prepare a bill draft for consideration at the next meeting that includes provisions granting courts authority to consider the child's best interests in tandem with a fitness analysis that would give courts tools to fashion an integration plan when parents return to care for their children.

MEETING RECESS

The Committee recessed at 5:02 pm.

CALL TO ORDER (MAY 8TH, 2018)

Co-Chairman Kirkbride called the meeting to order at 8:30 am.

JUSTICE REINVESTMENT

Jennifer Lockwood, Associate Research Analyst, provided an overview of justice reinvestment for the Committee, including work this Committee has done in the past as well as other states' efforts in justice reinvestment.

Marc Pelka and Ed Weckerly, Council of State Governments (CSG), presented to the Committee on justice reinvestment (**Appendix 6-09**) and (**Appendix 6-10**). Mr. Pelka noted that Wyoming was approved for federal grants to fund CSG's work and that justice reinvestment requires a state-by-state approach. Mr. Pelka also provided information regarding the upcoming justice-reinvestment summit in Cheyenne on June 11, 2018. Mr. Pelka and Mr. Weckerly also discussed justice-reinvestment application methods and phases, criminal justice trends, and next steps that the Committee might take in continuing its work on justice reinvestment.

The Committee discussed with Mr. Pelka and Mr. Weckerly specific questions on data involving courts, prosecutors, the effect of Colorado's marijuana laws, tribal lands, allocation of resources, and approaches for legislation addressing justice reinvestment.

Public Comment

Mr. Oedekoven stated that he appreciated the discussion and the level of inclusivity. Mr. Oedekoven stated that law enforcement is often the first to see and assess defendants. Mr. Oedekoven noted many have underlying alcohol or substance abuse issues. Mr. Oedekoven also discussed the increase of individuals in jail on psychotropics. Mr. Oedekoven identified funding as important issue in the effectiveness of treatment and rehabilitation. Mr. Oedekoven also noted a lack of supervision and probation options for misdemeanants and issues with recidivism. Mr. Oedekoven urged the Committee to focus on public safety as it considers justice reinvestment and to address sentencing, including considering an increase in dollar-amount thresholds for certain crimes to qualify as felonies.

Sheriff Rakness stated that Washakie County works well with probation and parole agents, prosecutors, and courts for sentencing alternatives and treatment. He noted that some individuals received numerous chances to comply with treatment and supervision conditions but repeatedly failed to comply.

Mike Blonigen, Seventh Judicial District Attorney, Natrona County, stated that alternative sentencing and targeted services can be effective. Mr. Blonigen noted issues with treatment and available services in