

# **WYOMING CASE LAW REGARDING “UNFITNESS” FACTORS**

## **OF BIOLOGICAL PARENT**

*Reference: Wyoming Legislative Service Office Memorandum October 27, 2017*

**In a recent case, the Wyoming Supreme Court listed 12 factors “that will, in sufficient combination, support a conclusion that a parent is unfit to have custody and control of his or her children.” Those factors are:**

1. An inability to assist with therapy and recovery of a child with significant mental health needs
2. Lack of contact with and expressed lack of desire to take custody of the child
3. Contribution to the child’s mental health or behavioral problems
4. Unstable living situation relating to employment or maintenance of a suitable home
5. A criminal record, particularly on primarily related to drug use, OR a pattern of ongoing drug use
6. Failure to take responsibility for past conduct
7. A lack of emotional bond with the child
8. A failure to develop child-rearing skills
9. Convictions for crimes that create potential harm to the child
10. An inability to monitor or make healthy nutritional choices OR to provide a safe environment
11. A history of parent surrounding himself or herself and the child with unsafe individuals
12. The child has become upset by OR resistant to visitation with the parent