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Wyoming Legislature considers changes to guardianship laws

By Katie Kull, Wyoming Tribune Eagle 5 hrs ago



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Jayden, 5, feeds a horse with the help of his grandmother, Annie McGlothlin, at her ranch on Feb. 2, 2018, east of Cheyenne. Jayden first went to stay with the McGlothlins in 2014 when his mother was struggling with addiction and mental health problems. The Wyoming Legislature's Joint Judiciary Interim Committee rejected a proposal to consider the "best interest of the child" in some guardianship proceedings on Thursday, Nov. 15, 2018. But the bill isn't dead – one of the committee members has vowed to find alternative avenues to address the problem. Jacob Byk/Wyoming Tribune Eagle

CHEYENNE – Wyoming lawmakers are taking another crack at proposals that would give a child's best interest more consideration in custody proceedings.

Across the state, non-parental guardians, such as grandparents or other relatives, take care of children because the biological parents are absent, typically struggling with mental health problems, drug addictions or other criminal activity.

Under current law, if a biological parent moves to terminate those guardianship rights, the guardian must find the parent "unfit" – a legal finding that is difficult to prove.

One proposal would allow biological grandparents, who are some of the most common caretakers, to file for termination of a parent's rights after one year of caring "substantially and continuously" for the child.

Another bill would require courts to consider the "best interest of the child" in termination proceedings, and allows the court to set up a "reintegration plan" of a visitation schedule and other court-ordered conditions so the child can return to the parent eventually.

The sponsor of both bills, Rep. Mark Jennings, R-Sheridan, said they are a good "first step" to solving the problem.

"The reintegration is to give the courts another tool in the toolbox to say there's been an addiction issue or a guardianship in the first place, so let's slow this down a bit and do a reintegration plan," he said.

But advocates say it doesn't go far enough.

Annie McGlothlin, the founder of Wyoming Guardians as Protectors, has had custody of her daughter's son for most of his life. In the past, the child's mother and father, who are both addicted to drugs and have mental health problems, have tried to take him back.

McGlothlin said an integration plan like the one included in the bill wouldn't do enough to protect her grandson. Instead, she suggested an amendment that would require the parents to show the court that their circumstances had changed before the court could order reintegration.

"If they don't add this amendment, it doesn't have any teeth in it," McGlothlin said. "These parents are on debilitating drugs; these kids have been traumatized. Not (passing the amendment) is not only negligent, but it poses a significant risk to the child."

McGlothlin's amendment was voted down in a committee meeting last week, but the bill passed 9-0.

Jennings, a vocal opponent of previous iterations of the bill, said he didn't support the amendment because he was trying to be cautious.

"We need to be very careful not to step out into the rights of a fit parent, so I'm in favor of taking this very judiciously in the scope of what we want to address," he said.

But McGlothlin wasn't buying it.

"We're not talking about imperfect parents," she said. "We're talking about parents who are a danger to their child's safety."

What's next?

Two bills – House Bill 155 and House Bill 157 – aim to change the state's guardianship laws in an effort to give grandparents and other relatives, who sometimes have cared for children for most of their lives, more standing in custody proceedings. Both bills passed first reading Wednesday in the House. They must pass two more floor votes there to cross over to the Senate for consideration.

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