



# Minors' Privacy Toolkit

## Wyoming

Many privacy questions arise when Office on Violence Against Women (OVW)-funded victim service providers help children and teens who are survivors of sexual assault, dating and domestic violence, stalking, and sex trafficking. For example, when, if ever, may you serve minors without a parent or guardian's permission? Do you have to share records with parents or guardians if they ask for them? Can a minor sign their own release of information? How does mandatory reporting of child abuse affect minors' privacy? These FAQs provide jurisdiction-specific guidance for answering these sorts of privacy-related questions. We include legal citations so that you can read more about the laws and make sure they're current.<sup>1</sup> These FAQs are a companion piece to the Victim Rights Law Center's Minors' Privacy Toolkit, which is available in English and Spanish, with several components also available in Arabic, Hindi, Hmong, and Vietnamese. To receive an electronic copy of the Toolkit, or to ask privacy questions related to your work, email us at [TA@victimrights.org](mailto:TA@victimrights.org).

1

**Who is a "minor" in Wyoming?** In Wyoming, "minor" means an individual under eighteen years of age. Wyo. Stat. Ann. §§ 14-1-101; 14-1-201.

2

**How does emancipation work in Wyoming?** The law recognizes three kinds of emancipation: (1) by marriage; (2) for military service; and (3) by judicial decree. Wyo. Stat. Ann. § 14-1-203. A minor must be at least seventeen years old to apply for emancipation. Wyo. Stat. Ann. § 14-1-203(a)(i). A judicial declaration of emancipation is conclusive evidence that the minor is emancipated, but emancipation may also be proved by other evidence. Wyo. Stat. Ann. § 14-1-203(f).

Emancipation statute	Minor as adult for these purposes
Wyo. Stat. Ann. §§ 14-1-201 <i>et seq.</i> ; 14-1-202(a)(i).	Entering into a binding contract; suing and being sued; buying or selling real property; establishing a residence; criminal laws.

3

**What laws in Wyoming inform a minor's right to consent to services?**

General medical	
	<p>A minor may consent to health care treatment to the same extent as if they were an adult if they are:</p> <ul style="list-style-type: none"><li>legally married</li><li>active U.S. military</li><li>living apart from their parents or guardian and managing their own affairs regardless of source of income</li><li>emancipated under Wyo. Stat. Ann. §§ 14-1-201 through 14-1-206</li><li>twelve years of age or older and consenting to a tobacco cessation program</li></ul> <p>They may also consent if their parents or guardians cannot be located and their need for health care treatment requires immediate attention.</p> <p>See Wyo. Stat. Ann. § 14-1-101.</p>

<p><b>Reproductive health</b></p>	<p><b>Any age:</b> May consent to examination and treatment for any sexually transmitted disease infection. Wyo. Stat. Ann. §§ 35-4-130, 35-4-131(a).</p> <p><b>Abortion:</b> Minor’s consent and notification to at least one parent or guardian at least forty-eight hours before the abortion <i>and</i> written consent from parent or guardian required unless authorized otherwise by court order. The abortion consent provisions do not apply in an emergency where a physician determines that the abortion is necessary to preserve a minor from an imminent peril that substantially endangers their life. <i>See</i> Wyo. Stat. Ann. § 35-6-118.</p> <p><b>Family planning and contraceptive care:</b> The Department of Health may provide and pay for family planning and birth control information and services including interviews with trained personnel, distribution of literature, referral to a licensed physician for consultation, examination, tests, medical treatment and prescription, and to the extent prescribed, the distribution of rhythm charts, drugs, medical preparation, contraceptive devices and similar products, to any person who may benefit from this information and these services. Wyo. Stat. Ann. § 42-5-101.</p> <p><b>Note:</b> All clinics or providers who participate in Title X grant programs are required to follow federal consent and confidentiality regulations per 42 C.F.R. § 59.11.</p>
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**As an OVW-funded victim service provider, why do I need to know the child abuse mandatory reporting obligations in Wyoming?** The Violence Against Women Act (VAWA) confidentiality law allows OVW-funded grantees and subgrantees to disclose the personally identifying information of people who seek, receive, or are denied services only with a VAWA-compliant release of information, or in response to a statutory or court mandate. Therefore, without a release, a victim service provider who receives VAWA funding may only report child abuse or neglect if a statute or case law *requires* the report. Statutory or case law *permission* to file a report is not enough. Sexual violence disproportionately impacts children and youth, many of whom will not disclose their abuse to someone who is mandated to report it. Victim service providers should be careful not to over report child abuse. The information below gives an overview of the requirements for making a report of child abuse or neglect in Wyoming.

5

**What are the child abuse mandatory reporting obligations in Wyoming?**

**Who is a mandatory reporter of child abuse/neglect?** Any person who “knows or has reasonable cause to believe or suspect that a child has been abused or neglected or who observes any child being subjected to conditions or circumstances that would reasonably result in abuse or neglect” must report. *See* Wyo. Stat. Ann. § 14-3-205(a).

**How is “child” defined for purposes of Wyoming’s mandatory reporting law?** A “child” is any person under the age of eighteen. Wyo. Stat. Ann. § 14-3-202(a)(iii).

**How is “abuse” defined?** “Abuse” means inflicting or causing physical or mental injury, harm or imminent danger to the physical or mental health or welfare of a child other than by accidental means. Mental injury, physical injury, substantial risk, and imminent danger are all further defined at Wyo. Stat. Ann. § 14-3-202(a)(i).

“Neglect” means a failure or refusal by those responsible for the child’s welfare to provide adequate care, maintenance, supervision, education, medical, surgical, or any other care necessary for the child’s well-being. Wyo. Stat. Ann. § 14-3-202(a)(vii).

**When must a mandatory reporter make a report?** A report must be made immediately. Wyo. Stat. Ann. § 14-3-205(a).

**To whom must I report when I'm required to do so?** Reports must be made to the child protective agency or local law enforcement agency. Wyo. Stat. Ann. § 14-3-205(a).

6

**Must I notify someone if a minor is suicidal or a danger to others?** Without a VAWA-compliant release of information, OVW-funded grantees and subgrantees may disclose the personally identifying information of someone who sought, received, or was denied services only when there is a statutory or court mandate to do so. "Court mandate" includes case law. Duties to protect a third party from harm or someone from self-harm can be found in both statutes and case law, and typically apply only to mental health practitioners. Since VAWA confidentiality provisions only allow for release of information in duty to protect situations if the statute or case law *requires* the release, *permission* to release the information is not enough.

There is no specific provision in Wyoming that addresses any duty to report suicidal minors or minors who are dangers to others. However, Wyoming does impose a statutory duty on psychologists to warn "readily identifiable" victims when they hear of an "immediate threat of physical violence" against them. Wyo. Stat. Ann. § 33-27-123(a)(4).

Duties to warn or protect are complicated and can require analysis of case law. Please contact the VRLC privacy support team at [TA@victimrights.org](mailto:TA@victimrights.org) to discuss our survey of jurisdiction-specific case law that may affect your duties to warn or protect.

7

**May domestic violence and sexual assault advocates have privileged communications with a minor survivor?** Yes. Wyoming recognizes that the information transmitted in confidence between a victim (including minors) and an advocate is confidential. Advocates may not testify about these confidential communications. See Wyo. Stat. Ann. § 1-12-116(a)(vi).

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**Does a parent or guardian's presence during an otherwise privileged communication waive a victim-advocate, or similar, privilege in Wyoming?** The law does not indicate whether privilege is waived where a third party or parent is present during a privileged conversation.

9

**Does Wyoming have a privilege that protects the privacy of communication between a parent and a child?** No.

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**Who must sign a release of a minor's personal information at an OVW-funded victim service provider?** If the minor is permitted by law to receive services without a parent or guardian's consent, the minor alone may consent to release their information. Releases generally must be signed by the victim unless the victim is a minor who doesn't understand consent (because of age or other factors). In those cases, the parent or guardian should sign. If the victim understands consent, but lacks legal capacity to consent for services, the release must be signed by both the minor and a parent or guardian. Consent may not be given by the abuser of the minor or the abuser of the other parent of the minor. If a parent or guardian consents for a minor, the grantee or subgrantee should attempt to notify the minor as appropriate. 34 U.S.C. § 12291(b)(2)(B) and 28 C.F.R. § 90.4(3)(ii).

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## Endnotes

- 1 We do not guarantee that all relevant laws are included in the FAQs. The information provided is not legal advice and the Victim Rights Law Center is not establishing an attorney-client relationship with you through it. We recommend that you work with a local attorney to apply these laws to your circumstances. The American Bar Association Lawyer Referral Directory might help: [https://www.americanbar.org/groups/legal\\_services/flh-home/flh-hire-a-lawyer/](https://www.americanbar.org/groups/legal_services/flh-home/flh-hire-a-lawyer/). Or contact your jurisdiction's coalition or bar association.