

WYOMING CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC’s TA team if you have questions!

In Wyoming, there are 2 types of civil protection orders:

- ☐ **Orders of Protection for Stalking and Sexual Abuse** are available for individuals who are seeking protection from any individual who stalked or sexually assaulted them (WY Stat §§ 7-3-506, et seq.).
- ☐ **Domestic Abuse Orders of Protection** are available for individuals who are seeking protection from domestic violence committed by a household member (WY Stat § 35-21-101, et seq.).

ORDER OF PROTECTION FOR STALKING OR SEXUAL ABUSE

Who can apply?

An individual who has been **stalked** or **sexually assaulted**. The petition can be filed by:

- The survivor on their own behalf;
- The district attorney on the survivor's behalf, with consent;
- Any person with legal authority to act on their behalf if the survivor is a minor, a vulnerable adult, or another adult who cannot fill out the petition due to age, disability, health, or inaccessibility.

WY Stat § 7-3-507; WY Stat § 7-3-509.

Stalking includes conduct reasonably likely to harass a person with the intent to harass, for example:

- Harassing communication (threats, lewd statements or images, vandalism, nonconsensual physical contact);
- Following a person, other than within a residence of the defendant;
- Placing a person under surveillance by remaining present, other than at a residence of the defendant;
- Using electronic means to surveil another person's internet or wireless activity without authorization; or
- Otherwise harassing another person.

WY Stat § 6-2-506(b); WY Stat § 7-3-507.

In this context, **sexual assault** is defined as committing, attempting to commit or conspiring with another person to commit any of the following:

- Sexual assault (in the 1st degree or 2nd degree);
- Sexual abuse of a minor (in the 1st degree, 2nd degree, 3rd degree or 4th degree); or
- Soliciting to engage in illicit sexual relations.

WY Stat §§ 7-3-506(a)(3); 6-2-302; 6-2-303; 6-2-314 to 6-2-318.

ORDER OF PROTECTION FOR STALKING OR SEXUAL ABUSE

Can minors apply?	Yes. Minors under 18 years old may have a parent or guardian petition on their behalf.
Who can be restrained?	Any individual who has subjected the petitioner to stalking or sexual assault, regardless of relationship.
What types of relief may a court order?	If the court determines there exists a clear and present danger to petitioner, it may grant a temporary order that includes terms it deems sufficient to protect petitioner. <i>WY Stat § 7-3-508(b)</i>. After a hearing, the judge may issue a final order that includes any of the following terms: • Respondent must refrain from any further acts of stalking or sexual assault; • Respondent must stay away from petitioner's home, school, place of employment, or other location; and • Respondent must refrain from contacting, threatening, or interfering with petitioner and any household members; <i>WY Stat § 7-3-508; WY Stat § 7-3-509.</i>
How long does the order last?	An ex parte temporary order lasts 72 hours. A final order of protection lasts up to 3 years. <i>WY Stat § 7-3-510(b)</i>. If the respondent is incarcerated or imprisoned for any reason while the final order is in effect, the order will be extended after the respondent's release by the amount of time remaining as of the first day of the term of incarceration or imprisonment or 1 year from the date of release, whichever is greater. <i>WY Stat § 7-3-510(b)(ii)</i>.

ORDER OF PROTECTION FOR STALKING OR SEXUAL ABUSE

Can the order be renewed?	Yes, a final order can be renewed for additional periods of 3 years. <i>WY Stat § 7-3-510(b)(i).</i>
Is a hearing with the respondent required?	No, respondent need not be present for a temporary, ex parte hearing. For a final order, the respondent must be served before the hearing. <i>WY Stat § 7-3-508(a).</i> Upon request and at the court's discretion, the petitioner may be allowed to attend the hearing by remote means. <i>WY Stat § 7-3-507(f).</i>

DOMESTIC ABUSE ORDER OF PROTECTION

Who can apply?	An individual who is a victim of domestic abuse committed by a household member. <i>WY Stat § 35-21-103(a).</i> Domestic abuse means: • Physically abusing or threatening to physically abuse; • Attempting to cause or causing physical harm; • Acts which unreasonably restrain the personal liberty of any household member; • Placing a household member in reasonable fear of imminent physical harm; • Causing a household member to engage in nonconsensual sexual activity by force, threat, or duress. <i>WY Stat § 35-21-102(a)(iii).</i>
Can minors apply?	Yes. Minors aged 15 years or younger may have a parent or guardian petition on their behalf.
Who can be restrained?	The respondent must be a household member of petitioner. <i>WY Stat § 35-21-102(a)(iii).</i> Household member means: • Persons currently or formerly married to each other; • Persons currently or formerly living together as if married; • Parents and children aged 16 or older; • Persons with a child in common; • Other persons aged 16 or older sharing common living quarters; and • Persons who are in, or have been in, a dating relationship. <i>WY Stat § 35-21-102(a)(i), (iv).</i>

DOMESTIC ABUSE ORDER OF PROTECTION

What types of relief may a court order?	In a temporary or final protection order, the court may make orders that: • Prohibit respondent from acts of abuse; • Exclude respondent from shared residence or require respondent to provide temporary alternative housing; • Prohibit contact; • Prohibit respondent from removing/concealing a child in petitioner's custody; • Prohibit respondent from disposing of petitioner's property or joint property; • Require respondent complete counseling/treatment if there is a danger of further domestic abuse; • Require transfer of minor child's phone number to petitioner; • Prohibit respondent from possessing, interfering with, harming, or contacting a household pet; • Provide for temporary custody, or visitation of minor children, including specific provisions for said visitation (e.g., sobriety, payment of fees); • Prohibit overnight visitations; • Require respondent post bond to secure the return of children; • Order child support or temporary spousal support; and • Payment of medical costs incurred by petitioner as a result of abuse. <i>WY Stat § 35-21-105.</i>
How long does the order last?	An ex parte temporary order lasts 72 hours. <i>WY Stat § 35-21-104(a)(i to iii).</i> A final order of protection lasts up to 3 years. <i>WY Stat § 35-21-106.</i> continued on next page

DOMESTIC ABUSE ORDER OF PROTECTION

How long does the order last?	If the respondent is incarcerated or imprisoned for any reason while the final order is in effect, the order will be extended after the respondent's release by the amount of time remaining as of the first day of the term of incarceration or imprisonment or 1 year from the date of release, whichever is greater. <i>WY Stat § 35-21-106(b)(ii).</i>
Can the order be renewed?	Yes, a final order can be renewed for additional periods of 3 years. <i>WY Stat § 35-21-106.</i>
Is a hearing with the respondent required?	No, respondent need not be present for a temporary, ex parte hearing. For a final order, the Respondent must be served before the hearing. <i>WY Stat § 35-21-104.</i> Upon request and at the court's discretion, the petitioner may be allowed to attend the hearing by remote means. <i>WY § Stat 35-21-103(j).</i>

HOW TO APPLY

Forms are available at courthouse and online at <https://www.courts.state.wy.us/legal-assistances-and-forms/court-self-help-forms/>
("Protection Orders")

SCAN ME!



For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!

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