

CHAPTER 77

Original House Bill No. 167

SUPPORT ORDERS — SECURITY

AN ACT to create W.S. 20-2-118; and to amend W.S. 14-2-115(a) and by creating new subsections (c) and (d) and 20-3-102 relating to orders for support of children; providing that the court may require security to secure payment of child support in certain cases; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 20-2-118 is created to read:

20-2-118. Court may require security for child support payments.

(a) Upon the issuance of any order or entering of a decree under this chapter which provides for child support payments, or any time thereafter following notice and opportunity for hearing, the court may, for good cause shown, require the obligor to provide security of nonexempt property that the court deems satisfactory to secure payment of child support.

(b) The court, upon petition and following notice and hearing, shall no longer require the order for security if the court determines:

(i) Good cause no longer exists to require security to assure payment upon the obligation to pay child support; and

(ii) There is no overdue support outstanding.

(c) Once the obligor has satisfied the obligation to make child support payments as ordered by the court, the security shall be released.

Section 2. W.S. 14-2-115(a) and by creating new subsections (c) and (d) and 20-3-102 are amended to read:

14-2-115. Court order for support payments; providing for security; failure to obey.

(a) If existence of the father and child relationship is declared or paternity or a duty of support has been acknowledged or adjudicated under W.S. 14-2-101 through 14-2-120 or under prior law, the court may order support payments to be made to the mother, the clerk of the court or a person, corporation or agency designated to administer them for the benefit of the child under the supervision of the court. Upon issuance of an order for support, or any time thereafter following notice and opportunity for hearing, the court may, for good cause shown, require the obligor to provide any security of nonexempt property that the court deems satisfactory to secure payment of child support.

(c) The court, upon petition and following notice and hearing, shall no longer require the order for security if the court determines:

(i) Good cause no longer exists to require security to assure payment upon the obligation to pay child support; and

(ii) There is no overdue support outstanding.

(d) Once the obligor has satisfied the obligation to make child support payments as ordered by the court, the security shall be released.

20-3-102. Ordering of payments for support in lieu of penalty; when authorized; term; release of defendant on probation; entering of recognizance; conditions of recognizance; providing for security.

(a) Before trial with the consent of the defendant, or on entry of a plea of guilty or after conviction, instead of the penalty provided by W.S. 20-3-101(a) or in addition thereto, the court having regard to the circumstances and the financial ability or earning capacity of the defendant, may enter an order directing the defendant to pay a certain sum for not exceeding two (2) years, to the parent, the guardian or custodian of the minor child or children or to an organization or individual approved by the court as trustee. The court may release the defendant on probation for the period so fixed, upon a recognizance with or without surety in an amount as the court may order, conditioned that if the defendant appears in court whenever ordered and complies with the terms of the order of support or any modification thereof, the recognizance shall be void.

(b) The court may require the defendant to provide any security of nonexempt property that the court deems satisfactory to secure the obligation to pay child support.

(c) The court, upon petition and following notice and hearing, shall no longer require the order for security if the court determines:

(i) Good cause no longer exists to require security to assure payment upon the obligation to pay child support; and

(ii) There is no overdue support outstanding.

(d) Once the obligor has satisfied the obligation to make child support payments as ordered by the court, the security shall be released.

Section 3. This act is effective May 23, 1985.

Approved February 14, 1985.