

Yardy

91 ISO-0401

SENATE FILE 0097,

SENATE FILE 0097

Trk

SF0097

AN ACT to create W.S. 1-22-201 through 1-22-203; and to amend W.S. 1-12-101(a) by creating a new paragraph (vi) and 1-22-104 by creating a new subsection (e) relating to adoption; providing definitions; creating a commission to adopt standards for confidential intermediaries; authorizing confidential intermediaries to inspect confidential adoption files pursuant to court order; authorizing confidential intermediaries to seek consent for personal communication; and providing for an effective date.

Shirley J. Humphrey

Introduced by:

Shirley J. Humphrey

DATE	ACTION	DATE	ACTION
JAN 8 1991	INTRODUCED	FEB 14 1991	CONSIDERED IN COM. OF WHOLE
	READ FIRST TIME		Standing Com. Amendment SF 97 HSI/AE
	REFERRED TO COM. NO. 4		Adopted
	DELIVERED TO COM. NO. 4		
JAN 9 1991	RE-REFER TO COM. NO. 1		Recommended to THE HOUSE
JAN 21 1991	STANDING COM. REPORT	FEB 15 1991	READ SECOND TIME
	RECOMMENDED TO PASS AS AMENDED	FEB 18 1991	READ THIRD TIME
JAN 22 1991	CONSIDERED IN COM. OF WHOLE		PASSED Ayes 33, Noes 29, Absent 2, Excused 0
	STANDING COM. AMDT. ADOPTED		Sent to Senate
	SF0097551/A	FEB 19 1991	Received Amended
	DO PASS		Senate did Concur on House AMENDMENTS
JAN 23 1991	READ SECOND TIME		Ayes 32, Noes 3, Excused 1, Absent 0
	DO PASS		Delivered to Enrolling Section
JAN 24 1991	READ THIRD TIME		SEA NO. 51
	CONSENT LIST		SIGNED BY PRESIDENT FEB 20 1991
	PASSED		SIGNED BY SPEAKER
	AYES 32 NOES 2 EXCUSED 1 ABSENT 0		APPROVED BY GOVERNOR 02-23-91
	Sent to ISO		Chapter No. 0125, Session
1-24-91	ENGROSSED		House of Wyoming
1-25-91	Sent to House		
JAN 26 1991	READ FIRST TIME		
	REFERRED TO COM. NO. 1		
	DELIVERED TO COM. NO. 1		
FEB 1 8 1991	RETURNED		
	Recommended Amend and Do Pass 9 AYES		

CONTINUED ON BACK

Consat List

SF 97 3rd Date 1-24-91

SENATE ROLL CALL

FIFTY-FIRST WYOMING LEGISLATURE

	Ayes	Noes	Excused	Absent
APPLEGATE	✓			
BURKE	✓			
BYRD	✓			
CAMERON	✓			
COE	✓			
DIXON	✓			
EDDINS	✓			
FANOS	✓			
GERINGER	✓			
GRIEVE	✓			
GUICE	✓			
HEALY	✓			
HERBST	✓			
HOWARD	✓			
KINNEY	✓			
KINNISON	✓			
LALONDE	✓			
MADER	✓			
MALDONADO	✓			
PECK	✓			
PERRY	✓			
PREVEDEL	✓			
REESE	✓			
SCOTT <i>Conflict of Int.</i>			✓	
THOMAS				
TWIFORD	✓			
VINICH	✓			
YORDY	✓			
ZIMMER	✓			
ZIMMERMAN	✓			
MR. PRESIDENT	✓			

PRESENT _____ AYES 29

NOES _____

EXCUSED 1

ABSENT _____

TOTAL 30

Sen. Yordy

SF 97 Concurrence Date 2-19-91

SENATE ROLL CALL

FIFTY-FIRST WYOMING LEGISLATURE

	Ayes	Noes	Excused	Absent
APPLEGATE	✓			
BURKE	✓			
BYRD	✓			
CAMERON	✓			
COE	✓			
DIXON	✓			
EDDINS	✓			
FANOS	✓			
GERINGER	✓			
GRIEVE	✓			
GUICE	✓			
HEALY	✓			
HERBST	✓			
HOWARD	✓			
KINNEY	✓			
KINNISON	✓			
LALONDE	✓			
MADER	✓			
MALDONADO	✓			
PECK	✓			
PERRY			✓	
PREVEDEL			✓	
REESE	✓			
SCOTT <i>Conflict</i>			✓	
TRUE				
TWIFORD	✓			
VINICH	✓			
YORDY	✓			
ZIMMER	✓			
ZIMMERMAN	✓			
MR./PRESIDENT	✓			

PRESENT	AYES	<u>27</u>
	NOES	<u>3</u>
	EXCUSED	<u>3</u>
	ABSENT	<u>3</u>
	TOTAL	<u>30</u>

#

S. 97 House Reading

Date

1/18/91

HOUSE ROLL CALL

FIFTY-FIRST WYOMING LEGISLATURE

Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent		
	✓			ALDEN		✓			MICHELI	
✓				ANDERSON	✓				MILLER	
	✓			ARNOLD	✓				O'TOOLE	
	✓			BEBOUT		✓			PERKINS, D.	
✓				BENSEL	✓				PERKINS, J.	
✓				BLACKWELL	✓				PHELAN	
✓				BODINE		✓			PLANT	
	✓			BOWRON		✓			RANKINE	
✓				BUDD		✓			RATLIFF	
		✓		CALL	✓				ROHRBACH	
✓				CHAMBERLAIN	✓				RYCKMAN	
				CHAMBERS	✓				SCHWOPE	
	✓			CUBIN		✓			SHREVE	
	✓			DEWITT		✓			SIMONS	
✓				DUNNUCK	✓				SULLIVAN	
✓				ENZI		✓			TEMPEST	
	✓			GAMS	✓				TIBBS	
✓				GARCIA	✓				TIPPETS	
✓				GOODENOUGH	✓				TIPTON	
	✓			GRANT		✓			TYSDAL	
✓				HACKER	✓				VASEY	
	✓			HAGEMAN		✓			VLASTOS	
	✓			HANSEN		✓			WALLIS	
✓				HARRIS	✓				WATSON	
✓				HARRISON, F.		✓			WOLD	
✓				HARRISON, R.			✓		WOLFLEY	
	✓			HINCHEY	✓				WRIGHT	
	✓			HINES		✓			ZUMBRUNNEN	
	✓			HONAKER		✓			MR. SPEAKER	
✓				HUMPHREY	AYES <u>33</u> NOES <u>29</u> EXCUSED <u>2</u> ABSENT _____ TOTAL <u>64</u> LESS <u>31</u> <u>33</u>					PRESENT _____
✓				KUNZ						
✓				LAW						
✓				LUMMIS						
	✓			MACMILLAN, P.						
✓				MARTON						
	✓			MCMILLAN, B.						

- Page 3-line 18 Delete "a" insert "within the department of family services, an adoption intermediary"; delete "six (6)" insert "five (5)".
- Page 3-line 21 Delete "Two (2) members" insert "One (1) member".
- Page 4-line 6 Delete "Two (2) members" insert "One (1) member".
- Page 4-line 7 Delete "chief jus-" insert "director of the department of family services".
- Page 4-line 8 Delete "tice".
- Page 4-line 10 Delete "provides" insert "provide".
- Page 4-line 11 Delete "chief justice" insert "director of the department of family services"; delete "." insert ";".
- Page 4-After line 11 insert:
- "(v) One (1) member shall be an adult adoptee, adoptive parent or biological parent appointed by the director of the department of family services or his designee.".
- Page 5-line 7 Delete "quarterly" insert "semiannually".
- Page 5-line 11 After "personnel" insert ", except members of the commission appointed pursuant to subsection (a) of this section,".
- Page 7-line 4 After "." insert "Costs related to the proceeding and investigation may be assessed to the party filing the motion for appointment and investigation.".
- Page 7-line 13 Delete "," insert ":" and delete balance of line.
- Page 7-lines 14 and 15 Delete entirely.
- Page 7-line 17 After "when" insert "written".
- Page 7-line 18 After "been" insert "obtained from both parties and".
- Page 8-line 5 After "section" insert "shall be subject to citation and punishment for contempt as provided by Rule 41, Wyoming Rules of Criminal Procedure." and delete balance of line.
- Page 8-lines 6 and 7 Delete entirely.
- Page 9-line 11 Delete "July 1, 1991" insert "immediately

upon completion of all acts necessary for a
bill to become law as provided by Article
4, Section 8 of the Wyoming Constitution".
PERRY, CHAIRMAN

Done

SF 97

- 1 SF0097HS1/AE TO ENGROSSED COPY
- 2 ✓ Page 4-line 3 ✓ After "by" insert "and serve at the pleas-
3 ure of"; delete "or his".
- 4 ✓ Page 4-line 4 ✓ Delete "designee".
- 5 ✓ Page 4-line 6 ✓ After "by" insert "and serve at the pleas-
6 ure of".
- 7 ✓ Page 4-line 7 ✓ Delete "or his designee".
- 8 ✓ Page 4-line 9 ✓ After "by" insert "and serve at the pleas-
9 ure of".
- 10 ✓ Page 4-line 10 ✓ Delete "or his designee".
- 11 ✓ Page 4-line 13 ✓ After "by" insert "and serve at the pleas-
12 ure of".
- 13 ✓ Page 4-line 14 ✓ Delete "or his designee".
- 14 ✓ Page 4-line 16 ✓ After "by" insert "and serve at the pleas-
15 ure of".
- 16 ✓ Page 4-line 17 ✓ Delete "or his des-".
- 17 ✓ Page 4-line 18 ✓ Delete "ignee".
- 18 ✓ Page 7-line 8 ✓ Delete "his" insert "the".
- 19 ✓ Page 7-line 14 ✓ Delete "may be assessed to" insert "shall
20 be the responsibility of". TIPTON, CHAIR-
21 MAN

Adopted

House of Intro
To Com. No. _____
Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___

Second House
To Com No. _____
Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___

ENGROSSED

1991

STATE OF WYOMING

91LSO-0401.ENG

SENATE FILE NO. 0097

Adoption-confidential intermediaries.

Sponsored by: Senator(s) YORDY and PERRY
and Representative(s) HUMPHREY

A BILL

for

1 AN ACT to create W.S. 1-22-201 through 1-22-203; and to
2 amend W.S. 1-12-101(a) by creating a new paragraph (vi)
3 and 1-22-104 by creating a new subsection (e) relating to
4 adoption; providing definitions; creating a commission to
5 adopt standards for confidential intermediaries; authoriz-
6 ing confidential intermediaries to inspect confidential
7 adoption files pursuant to court order; authorizing confi-
8 dential intermediaries to seek consent for personal commu-
9 nication; and providing for an effective date.

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

11 Section 1. W.S. 1-22-201 through 1-22-203 are created

1 to read:

2 1-22-201. Definitions.

3 (a) As used in this act:

4 (i) "Adoptee" means a person who, as a minor,
5 was adopted pursuant to a final decree of adoption entered
6 by a court;

7 (ii) "Adoptive parent" means an adult who has
8 become a parent of a minor through the legal process of
9 adoption;

10 (iii) "Adult" means a person nineteen (19) years
11 of age or older;

12 (iv) "Biological grandparent" means a parent, by
13 birth or adoption, of a biological parent;

14 (v) "Biological parent" means a parent, by
15 birth, of an adopted person;

16 (vi) "Biological sibling" means a sibling, by
17 birth, of an adopted person;

18 (vii) "Chief justice" means the chief justice of
19 the Wyoming supreme court;

1 (viii) "Confidential intermediary" means a per-
2 son twenty-one (21) years of age or older who has com-
3 pleted a training program for confidential intermediaries
4 which meets the standards set forth by the commission pur-
5 suant to W.S. 1-22-202(b) and who is authorized to inspect
6 confidential relinquishment and adoption records at the
7 request of an adult adoptee, adoptive parent, biological
8 parent, biological sibling or biological grandparent;

9 (ix) "Consent" means voluntary, informed, writ-
10 ten consent. Consent always shall be preceded by an expla-
11 nation that the consent permits the confidential interme-
12 diary to arrange a personal contact among biological rela-
13 tives;

14 (x) "Court" means any court of record with
15 jurisdiction over the matter at issue;

16 (xi) "This act" means W.S. 1-22-201 through
17 1-22-203.

18 1-22-202. Commission created; powers; duties.

19 (a) There is hereby created within the department of
20 family services, an adoption intermediary commission of
21 five (5) members. Representation and appointment of the

1 members shall be as follows:

2 (i) One (1) member shall represent the judicial
3 branch and shall be appointed by the chief justice or his
4 designee;

5 (ii) One (1) member shall represent the depart-
6 ment of family services and shall be appointed by the
7 director of the department or his designee;

8 (iii) One (1) member shall represent private
9 adoption agencies and shall be appointed by the director
10 of the department of family services or his designee;

11 (iv) One (1) member shall represent programs
12 which provide confidential intermediary services and shall
13 be appointed by the director of the department of family
14 services or his designee;

15 (v) One (1) member shall be an adult adoptee,
16 adoptive parent or biological parent appointed by the
17 director of the department of family services or his des-
18 ignee.

19 (b) The commission shall have the responsibility for:

20 (i) Drafting a manual of standards for training

1 confidential intermediaries;

2 (ii) Monitoring confidential intermediary train-
3 ing programs to ensure compliance with the standards set
4 forth in the manual with authority to approve or deny such
5 programs based upon compliance with such standards;

6 (iii) Maintaining an up-to-date list of persons
7 who have completed training as confidential intermediaries
8 and communicating that list to the judicial branch.

9 (c) The commission shall adopt rules for its own pro-
10 cedure. The commission shall select a chairman, a vice-
11 chairman, and such other officers as it deems necessary,
12 and shall keep a record of its proceedings. The commission
13 shall meet as often as necessary to carry out its duties,
14 but in no instance shall it meet less than semiannually.
15 The commission may seek input from confidential intermedi-
16 ary organizations in carrying out its duties.

17 (d) The commission shall be voluntary and no state
18 funds or personnel, except members of the commission
19 appointed pursuant to subsection (a) of this section,
20 shall be used in its operation. The commission may accept
21 gifts and grants and expend funds received to carry out
22 its duties.

1 1-22-203. Confidential intermediaries; confidential
2 intermediary services.

3 (a) Any person who has completed a confidential
4 intermediary training program which meets the standards
5 set forth by the commission shall be responsible for noti-
6 fying the commission that his name should be included on
7 the list of confidential intermediaries to be maintained
8 by the commission and made available to the judicial
9 branch. The commission's rules shall specify when and
10 under what conditions the name of a confidential interme-
11 diary shall be removed from the list available to the
12 judicial branch. Once a person is included on such list,
13 he shall be:

14 (i) Authorized to inspect confidential relin-
15 quishment and adoption records, as ordered by the court,
16 upon motion to the court by an adult adoptee, adoptive
17 parent, biological parent, biological sibling or biologi-
18 cal grandparent;

19 (ii) Available, subject to time constraints, for
20 appointment by the court to act as a confidential interme-
21 diary for an adult adoptee, adoptive parent biological
22 parent, biological sibling or biological grandparent.

1 (b) Any adult adoptee, adoptive parent, biological
2 parent, biological sibling or biological grandparent who
3 is nineteen (19) years of age or older may file a motion,
4 with supporting affidavit, in the court where the adoption
5 took place or in the court in which parental rights were
6 terminated pursuant to W.S. 14-2-308 through 14-2-319, to
7 appoint one (1) or more confidential intermediaries for
8 the purpose of determining the whereabouts of his unknown
9 biological relative or relatives, except that no one shall
10 seek to determine the whereabouts of a relative who is a
11 minor. The court may rule on the motion and affidavit
12 without hearing and may appoint a confidential intermedi-
13 ary. Costs related to the proceeding and investigation
14 may be assessed to the party filing the motion for
15 appointment and investigation.

16 (c) Any information obtained by the confidential
17 intermediary during the course of his investigation shall
18 be kept strictly confidential and shall be utilized only
19 for the purpose of arranging a contact between the indi-
20 vidual who initiated the search and the sought-after bio-
21 logical relative.

22 (d) When a sought-after biological relative is
23 located by a confidential intermediary on behalf of the

1 individual who initiated the search:

2 (i) Contact shall be made between the parties
3 involved in the investigation only when written consent
4 for such contact has been obtained from both parties and
5 filed with the court;

6 (ii) If consent for personal communication is
7 not obtained from both parties, all relinquishment and
8 adoption records and any information obtained by any con-
9 fidential intermediary during the course of his investiga-
10 tion shall be returned to the court and shall remain con-
11 fidential.

12 (e) Any person acting as a confidential intermediary
13 who knowingly fails to comply with the provisions of sub-
14 sections (c) and (d) of this section shall be subject to
15 citation and punishment for contempt as provided by Rule
16 41, Wyoming Rules of Criminal Procedure.

17 Section 2. W.S. 1-12-101(a) by creating a new para-
18 graph (vi) and 1-22-104 by creating a new subsection (e)
19 are amended to read:

20 1-12-101. Privileged communications and acts.

21 (a) The following persons shall not testify in cer-

1 tain respects:

2 (vi) A CONFIDENTIAL INTERMEDIARY, AS DEFINED IN
3 W.S. 1-22-201(a)(viii), CONCERNING COMMUNICATIONS MADE TO
4 HIM OR INFORMATION OBTAINED BY HIM DURING THE COURSE OF AN
5 INVESTIGATION PURSUANT TO W.S. 1-22-203, WHEN THE PUBLIC
6 INTERESTS, IN THE JUDGMENT OF THE COURT, WOULD SUFFER BY
7 THE DISCLOSURE.

8 1-22-104. Petition for adoption of minor; by whom
9 filed; requisites; confidential nature; inspection; sepa-
10 rate journal to be kept.

11 (e) THE COURT MAY ORDER INSPECTION OF ALL OR ANY PART
12 OF THE CONFIDENTIAL FILE UPON A PROPER MOTION MADE PURSU-
13 ANT TO W.S. 1-22-203(b). ANY ORDER PERMITTING INSPECTION
14 UNDER THIS SUBSECTION SHALL PRESERVE THE ANONYMITY OF THE
15 NATURAL PARENTS, THE ADOPTIVE PARENTS AND THE CHILD AND
16 SHALL PROVIDE THAT THE INSPECTION IS SUBJECT TO THE PRO-
17 VISIONS OF W.S. 1-22-203. DOCUMENTS FILED PURSUANT TO W.S.
18 1-22-203(b) OR THIS SUBSECTION SHALL BECOME PART OF THE
19 CONFIDENTIAL FILE.

1 Section 3. This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming Consti-
4 tution.

5 (END)

- ✓ Page 3-line 18 Delete "a" insert "within the department of family services, an adoption intermediary"; delete "six (6)" insert "five (5)".
- ✓ Page 3-line 21 Delete "Two (2) members" insert "One (1) member".
- ✓ Page 4-line 6 Delete "Two (2) members" insert "One (1) member".
- ✓ Page 4-line 7 Delete "chief jus-" insert "director of the department of family services".
- ✓ Page 4-line 8 Delete "tice".
- ✓ Page 4-line 10 Delete "provides" insert "provide".
- ✓ Page 4-line 11 Delete "chief justice" insert "director of the department of family services"; delete "." insert ";".
- ✓ Page 4-After line 11 insert:

"(v) One (1) member shall be an adult adoptee, adoptive parent or biological parent appointed by the director of the department of family services or his designee."
- ✓ Page 5-line 7 Delete "quarterly" insert "semiannually".
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- ✓ Page 8-lines 6 and 7 Delete entirely.
- ✓ Page 9-line 11 Delete "July 1, 1991" insert "immediately

JAN 22 1991

SF 97 ①

upon completion of all acts necessary for a
bill to become law as provided by Article
4, Section 8 of the Wyoming Constitution".
PERRY, CHAIRMAN

Done

House of Intro
 To Com. No. _____
 Stand Report Do Amd Not _____
 Com Whole Do Amd Not _____
 2nd Reading Amd _____
 3rd Reading Amd Pass Fail _____

Second House
 To Com No. _____
 Stand Report Do Amd Not _____
 Com Whole Do Amd Not _____
 2nd Reading Amd _____
 3rd Reading Amd Pass Fail _____

INTRODUCED

1991

STATE OF WYOMING

91LSO-0401.01

SENATE FILE NO. 0097

Adoption-confidential intermediaries.

Sponsored by: Senator(s) YORDY and Representative(s) HUMPHREY

Yordy
Shirley Humphrey
 A BILL

for

1 AN ACT to create W.S. 1-22-201 through 1-22-203; and to
 2 amend W.S. 1-12-101(a) by creating a new paragraph (vi)
 3 and 1-22-104 by creating a new subsection (e) relating to
 4 adoption; providing definitions; creating a commission to
 5 adopt standards for confidential intermediaries; authoriz-
 6 ing confidential intermediaries to inspect confidential
 7 adoption files pursuant to court order; authorizing confi-
 8 dential intermediaries to seek consent for personal commu-
 9 nication; and providing for an effective date.

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

11 Section 1. W.S. 1-22-201 through 1-22-203 are created
 12 to read:

- 1 -

**NO SIGNIFICANT FISCAL OR
 PERSONNEL IMPACT AT STATE LEVEL**

SF 97

1 1-22-201. Definitions.

2 (a) As used in this act:

3 (i) "Adoptee" means a person who, as a minor,
4 was adopted pursuant to a final decree of adoption entered
5 by a court;

6 (ii) "Adoptive parent" means an adult who has
7 become a parent of a minor through the legal process of
8 adoption;

9 (iii) "Adult" means a person nineteen (19) years
10 of age or older;

11 (iv) "Biological grandparent" means a parent, by
12 birth or adoption, of a biological parent;

13 (v) "Biological parent" means a parent, by
14 birth, of an adopted person;

15 (vi) "Biological sibling" means a sibling, by
16 birth, of an adopted person;

17 (vii) "Chief justice" means the chief justice of
18 the Wyoming supreme court;

19 (viii) "Confidential intermediary" means a per-

1 son twenty-one (21) years of age or older who has com-
2 pleted a training program for confidential intermediaries
3 which meets the standards set forth by the commission pur-
4 suant to W.S. 1-22-202(b) and who is authorized to inspect
5 confidential relinquishment and adoption records at the
6 request of an adult adoptee, adoptive parent, biological
7 parent, biological sibling or biological grandparent;

8 (ix) "Consent" means voluntary, informed, writ-
9 ten consent. Consent always shall be preceded by an expla-
10 nation that the consent permits the confidential interme-
11 diary to arrange a personal contact among biological rela-
12 tives;

13 (x) "Court" means any court of record with
14 jurisdiction over the matter at issue;

15 (xi) "This act" means W.S. 1-22-201 through
16 1-22-203.

17 1-22-202. Commission created; powers; duties.

18 (a) There is hereby created a commission of six (6)
19 members. Representation and appointment of the members
20 shall be as follows:

21 (i) Two (2) members shall represent the judicial

1 branch and shall be appointed by the chief justice or his
2 designee;

3 (ii) One (1) member shall represent the depart-
4 ment of family services and shall be appointed by the
5 director of the department or his designee;

6 (iii) Two (2) members shall represent private
7 adoption agencies and shall be appointed by the chief jus-
8 tice or his designee;

9 (iv) One (1) member shall represent programs
10 which provides confidential intermediary services and
11 shall be appointed by the chief justice or his designee.

12 (b) The commission shall have the responsibility for:

13 (i) Drafting a manual of standards for training
14 confidential intermediaries;

15 (ii) Monitoring confidential intermediary train-
16 ing programs to ensure compliance with the standards set
17 forth in the manual with authority to approve or deny such
18 programs based upon compliance with such standards;

19 (iii) Maintaining an up-to-date list of persons
20 who have completed training as confidential intermediaries

1 and communicating that list to the judicial branch.

2 (c) The commission shall adopt rules for its own pro-
3 cedure. The commission shall select a chairman, a vice-
4 chairman, and such other officers as it deems necessary,
5 and shall keep a record of its proceedings. The commission
6 shall meet as often as necessary to carry out its duties,
7 but in no instance shall it meet less than quarterly. The
8 commission may seek input from confidential intermediary
9 organizations in carrying out its duties.

10 (d) The commission shall be voluntary and no state
11 funds or personnel shall be used in its operation. The
12 commission may accept gifts and grants and expend funds
13 received to carry out its duties.

14 1-22-203. Confidential intermediaries; confidential
15 intermediary services.

16 (a) Any person who has completed a confidential
17 intermediary training program which meets the standards
18 set forth by the commission shall be responsible for noti-
19 fying the commission that his name should be included on
20 the list of confidential intermediaries to be maintained
21 by the commission and made available to the judicial
22 branch. The commission's rules shall specify when and

1 under what conditions the name of a confidential interme-
2 diary shall be removed from the list available to the
3 judicial branch. Once a person is included on such list,
4 he shall be:

5 (i) Authorized to inspect confidential relin-
6 quishment and adoption records, as ordered by the court,
7 upon motion to the court by an adult adoptee, adoptive
8 parent, biological parent, biological sibling or biologi-
9 cal grandparent;

10 (ii) Available, subject to time constraints, for
11 appointment by the court to act as a confidential interme-
12 diary for an adult adoptee, adoptive parent biological
13 parent, biological sibling or biological grandparent.

14 (b) Any adult adoptee, adoptive parent, biological
15 parent, biological sibling or biological grandparent who
16 is nineteen (19) years of age or older may file a motion,
17 with supporting affidavit, in the court where the adoption
18 took place or in the court in which parental rights were
19 terminated pursuant to W.S. 14-2-308 through 14-2-319, to
20 appoint one (1) or more confidential intermediaries for
21 the purpose of determining the whereabouts of his unknown
22 biological relative or relatives, except that no one shall

1 seek to determine the whereabouts of a relative who is a
2 minor. The court may rule on the motion and affidavit
3 without hearing and may appoint a confidential intermedi-
4 ary.

5 (c) Any information obtained by the confidential
6 intermediary during the course of his investigation shall
7 be kept strictly confidential and shall be utilized only
8 for the purpose of arranging a contact between the indi-
9 vidual who initiated the search and the sought-after bio-
10 logical relative.

11 (d) When a sought-after biological relative is
12 located by a confidential intermediary on behalf of the
13 individual who initiated the search, the confidential
14 intermediary shall obtain consent from both parties that
15 they wish to personally communicate with one another:

16 (i) Contact shall be made between the parties
17 involved in the investigation only when consent for such
18 contact has been filed with the court;

19 (ii) If consent for personal communication is
20 not obtained from both parties, all relinquishment and
21 adoption records and any information obtained by any con-
22 fidential intermediary during the course of his investiga-

1 tion shall be returned to the court and shall remain con-
2 fidential.

3 (e) Any person acting as a confidential intermediary
4 who knowingly fails to comply with the provisions of sub-
5 sections (c) and (d) of this section commits a misdemeanor
6 and, upon conviction thereof, shall be punished by a fine
7 of five hundred dollars (\$500.00).

8 Section 2. W.S. 1-12-101(a) by creating a new para-
9 graph (vi) and 1-22-104 by creating a new subsection (e)
10 are amended to read:

11 1-12-101. Privileged communications and acts.

12 (a) The following persons shall not testify in cer-
13 tain respects:

14 (vi) A CONFIDENTIAL INTERMEDIARY, AS DEFINED IN
15 W.S. 1-22-201(a)(viii), CONCERNING COMMUNICATIONS MADE TO
16 HIM OR INFORMATION OBTAINED BY HIM DURING THE COURSE OF AN
17 INVESTIGATION PURSUANT TO W.S. 1-22-203, WHEN THE PUBLIC
18 INTERESTS, IN THE JUDGMENT OF THE COURT, WOULD SUFFER BY
19 THE DISCLOSURE.

20 1-22-104. Petition for adoption of minor; by whom
21 filed; requisites; confidential nature; inspection; sepa-

THE LEGISLATURE OF THE STATE OF WYOMING

Senate

Cheyenne, January 18, 1991

Mr. President:

Your Committee No. 1 on Judiciary
to whom was referred SF No. 97

respectfully reports same back to the Senate with the recommendation that

DO PASS WITH THE FOLLOWING AMENDMENTS:

Page 3 - line 18 Delete "a" and insert "within the Department of Family Services, an adoption intermediary"; delete "six (6)" and insert "five (5)".
 Page 3 - line 21 Delete "Two (2)" and insert "One (1)".
 Page 4 - line 6 Delete "Two (2) members" and insert "One (1) member".
 Page 4 - line 7 Delete "chief jus-" and insert "Director of the Department of Family Services".
 Page 4 - line 8 Delete "tice".
 Page 4 - line 10 Delete "provides" insert "provide".
 Page 4 - line 11 Delete "chief justice" and insert "Director of the Department of Family Services"; delete "." and insert ";".
 Page 4 - after line 11 Insert:

"(v) One (1) member shall be an adult adoptee, adoptive parent or biological parent appointed by the Director of the Department of Family Services or his designee."

Page 5 - line 7 Delete "quarterly" insert "semiannually".
 Page 5 - line 11 After "personnel" insert ", except members of the commission appointed pursuant to subsection (a) of this section,".
 Page 7 - line 4 After "ary." insert "Costs related to the proceeding and investigation may be assessed to the party filing the motion for appointment and investigation."
 Page 7 - line 13 Delete ", " and insert ";" and delete balance of line.
 Page 7 - line 14 Delete entirely.
 Page 7 - line 15 Delete entirely.
 Page 7 - line 17 After "when" insert "written".
 Page 7 - line 18 After "been" insert "obtained from both parties and".
 Page 8 - line 5 After "section" insert "shall be subject to citation and punishment for contempt as provided by Rule 41, Wyoming Rules of Criminal Procedure." and delete balance of line.
 Page 8 - line 6 Delete entirely.
 Page 8 - line 7 Delete entirely.
 Page 9 - line 11 Delete "July 1, 1991" insert "immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution".

Ayes

John Perry, Chairman
 Michael J. Burke
 Robert J. Reese
 Gary L. Yordy

Noes

Lisa P. Kinney



Chairman

SF0097551/

- Page 3-line 18 Delete "a" insert "within the department of family services, an adoption intermediary"; delete "six (6)" insert "five (5)".
- Page 3-line 21 Delete "Two (2) members" insert "One (1) member".
- Page 4-line 6 Delete "Two (2) members" insert "One (1) member".
- Page 4-line 7 Delete "chief jus-" insert "director of the department of family services".
- Page 4-line 8 Delete "tice".
- Page 4-line 10 Delete "provides" insert "provide".
- Page 4-line 11 Delete "chief justice" insert "director of the department of family services"; delete "." insert ";".
- Page 4-After line 11 insert:
- "(v) One (1) member shall be an adult adoptee, adoptive parent or biological parent appointed by the director of the department of family services or his designee.".
- Page 5-line 7 Delete "quarterly" insert "semiannually".
- Page 5-line 11 After "personnel" insert ", except members of the commission appointed pursuant to subsection (a) of this section,".
- Page 7-line 4 After "." insert "Costs related to the proceeding and investigation may be assessed to the party filing the motion for appointment and investigation.".
- Page 7-line 13 Delete "," insert ":" and delete balance of line.
- Page 7-lines 14 and 15 Delete entirely.
- Page 7-line 17 After "when" insert "written".
- Page 7-line 18 After "been" insert "obtained from both parties and".
- Page 8-line 5 After "section" insert "shall be subject to citation and punishment for contempt as provided by Rule 41, Wyoming Rules of Criminal Procedure." and delete balance of line.
- Page 8-lines 6 and 7 Delete entirely.
- Page 9-line 11 Delete "July 1, 1991" insert "immediately

upon completion of all acts necessary for a
bill to become law as provided by Article
4, Section 8 of the Wyoming Constitution".
PERRY, CHAIRMAN

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

SF 0097 HSI/

Cheyenne, February 13, 1991

Mr. Speaker:

Your Committee No. 1 on JUDICIARY

to whom was referred Senate File No. 0097 ENGROSSED

respectfully reports same back to the House with the recommendation that IT

DO PASS with the following amendments:

Page 4 - line 3 After "by" insert "and serve at the pleasure of"; delete "or his".

Page 4 - line 4 Delete "designee".

Page 4 - line 6 After "by" insert "and serve at the pleasure of".

Page 4 - line 7 Delete "or his designee".

Page 4 - line 9 After "by" insert "and serve at the pleasure of".

Page 4 - line 10 Delete "or his designee".

Page 4 - line 13 After "by" insert "and serve at the pleasure of".

Page 4 - line 14 Delete "or his designee".

Page 4 - line 16 After "by" insert "and serve at the pleasure of".

Page 4 - line 17 Delete "or his des-".

Page 4 - line 18 Delete "ignee".

Page 7 - line 8 Delete "his" insert "the".

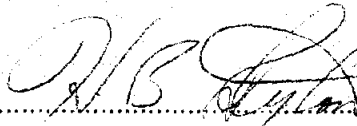
Page 7 - line 14 Delete "may be assessed to" insert "shall be the responsibility of".

AYESNOESEXCUSED

Anderson
Call
Goodenough
Harrison, Fred
Harrison, Ray
Honaker
Miller
Rohrbach
Tipton

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Harry B. Tipton,

Chairman

