

This guide is designed to help you make a decision for yourself. It is not legal advice.
Clerks cannot give you legal advice or explain the information on this page.
To get help from a Victim Advocate, you can call the Wyoming Coalition Against Domestic Violence and Sexual Assault at 307-755-0992 or the Wyoming Division of Victim's Services at 1-888-996-8816.

Sexual Assault Orders of Protection in Wyoming: Getting Started

This page can help you decide whether to ask the Court for a
Sexual Assault Order of Protection.

Orders of Protection might also be called
Protection Orders, Protective Orders, or Restraining Orders.
In Wyoming, the formal name is Order of Protection.

You can ask the Court to give you an Order of Protection if you are a victim of
Domestic Violence or Sexual Assault or Stalking.
This page can help you figure out if a Sexual Assault Order of Protection fits your situation.

(There are "Getting Started" pages for Domestic Violence and Stalking too.
You can get those pages from the Circuit Court Clerk or the Judicial Branch website.)

Sexual assault includes many different kinds of behaviors.

It includes forcing someone to have sex by physically overpowering them or by threatening them. These are actions that are commonly called "rape." Wyoming does not have separate laws for rape. Rape is a kind of sexual assault.

In addition to forcing a person to have sex, sexual assault also includes actions such as touching the sexual parts of another person's body without permission. The touching could be done with any body part (hand, mouth, penis, etc.). The touching could happen directly on the person's body or over the clothing that covers sexual parts.

Sexual assault also includes forcing someone to touch the sexual parts of a person's body.

Sexual assault also includes putting objects into the sexual parts of a person's body.

If any of these actions has been done to you, the Court might give you an Order of Protection to help keep you safer.

- ✓ You can ask for an Order of Protection even if the person who did these things did not get arrested.
- ✓ You can ask for an Order of Protection even if the person who did these things tells you that what they did is okay.
- ✓ You can ask for an Order of Protection even if you didn't tell anyone what happened. You do not have to have a police report or doctor's report.

You can get forms and instructions for asking the Court for an Order of Protection by visiting the Circuit Court Clerk in your county or the Judicial Branch website.

INSTRUCTIONS FOR APPLYING FOR A SEXUAL ASSAULT ORDER OF PROTECTION IN WYOMING

These instructions can help you petition the court for an Order of Protection. You might choose to ask the court for an Order of Protection if you have been the victim of sexual assault. An Order of Protection will list certain rules that the Respondent (the person you want to be protected from) has to follow.

It is important for you to understand that this process does not guarantee you will be safe. A judge might decide not to issue an Order of Protection. If an Order of Protection is issued, the Respondent might not follow the rules.

A Sexual Assault Order of Protection should not be sought unless the Petitioner has been the victim of sexual assault as defined by law. You can read the legal definition of sexual assault in Wyoming Statutes 6-2-302 through 6-2-319. You do not have to read the statute before asking for a Sexual Assault Order of Protection. But it is important for you to know that sexual assault has a particular legal definition.

For help in developing a safety plan or learning about protection orders and how to get one, contact your local domestic violence program. You can call the **Wyoming Coalition Against Domestic Violence and Sexual Assault at (307) 755-0992** or the **Wyoming Division of Victim's Services at (888) 996-8816** or the **Rape, Abuse, and Incest National Network at (800) 656-4673**.

Advocates are trained to help you decide what actions may help keep you and your loved ones safe. Find your local domestic violence program at <https://www.wyomingdvsa.org/programs>. Learn more about safety planning at <https://www.thehotline.org/plan-for-safety/>.

INSTRUCTIONS FOR COMPLETING THE PETITION FOR SEXUAL ASSAULT ORDER OF PROTECTION

READ THESE INSTRUCTIONS CAREFULLY.

It is best to fill out these papers completely and to give as much detail as you can. The court may deny your request if there is not enough information in the papers you file.

Before You Get Started

Sexual assault includes many different kinds of behaviors.

It includes forcing someone to have sex by physically overpowering them or by threatening them. These are actions that are commonly called "rape." Wyoming does not

have separate laws for rape. Rape is a kind of sexual assault.

In some of the sexual assault laws, sexual assault is also called *sexual abuse*.

In addition to forcing a person to have sex, sexual assault also includes actions such as touching the sexual parts of another person's body without permission. The touching could be done with any body part (hand, mouth, penis, etc.). The touching could happen directly on the person's body or over the clothing that covers sexual parts.

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- ✓ You can ask for an Order of Protection even if the person who did these things tells you that what they did is okay.
- ✓ You can ask for an Order of Protection even if you didn't tell anyone what happened. You do not have to have a police report or doctor's report.

At the end of these instructions, there is a section called *Important Things You Need to Know*. You can read some of the statutes (laws) there, if you want to see how they define sexual assault. You are not required to read the statutes.

The top of the page on a Petition for Order of Protection.

The top of the page has blanks for the name of the county that the Court is in (for example, County of Big Horn) and the number of the judicial district (for example, Fifth Judicial District). When you file the Petition, the Clerk of Court can give you this information.

The next blanks are for the name of the Petitioner and the name of the Respondent. If you are the one who wants an Order of Protection, you are the **Petitioner**.

Important Note: These instructions will assume that you are the Petitioner. If you are filing the petition for someone who is 17 years old or younger, or for someone who is a disabled or vulnerable adult, that person is the Petitioner. Whenever these instructions say "you" or "your name" or "your address," etc., write the information for the Petitioner.

You will be explaining to the Court that someone sexually assaulted you. That is the person you want to be protected from. That person is called the **Respondent**.

The next blank is for the Case Number. When you file the Petition, the Clerk of Court will

give you the case number.

Section 1 is for information about you, the Petitioner.

The first box is for your name. It should be written Last name, First name, Middle initial.

The next box is called “Next Friend.” You will only use this box if you are filing this petition on behalf of someone who is 17 years old or younger, or on behalf of a disabled or vulnerable adult. That person is the Petitioner, and you are the Next Friend. (Even if you are the parent of the Petitioner, you’ll still be called the “Next Friend” in the court documents.)

Then there are blanks for your home address. **You are not required to write your address here**, but the Court does need a way to mail things to you. You have a few options:

You can write your address here. You might choose to do this if the Respondent already knows your address.

You can write the address of a friend or relative. Be sure to get that person’s permission first. Also, you need to be sure that you will get the mail if the Court contacts you using that person’s address.

You can ask the Court to keep your address confidential. If it is confidential, the Respondent won’t be able to see your address on the court papers. If this is your choice, put a checkmark in the small box near the address line. You must give the Court your address in an envelope. Write “confidential” on the envelope.

If you think it will help keep you safe, you can use a friend’s or relative’s address *and* ask for it to be kept confidential. Be sure to mark the small checkbox and give the Court an envelope with the address in it.

The next blank is for your telephone number. You have the same choices here as you had for your address. You can write in your phone number or the phone number of a friend or relative; you can also ask the Court to keep your phone number confidential.

If you want to write the phone number of a friend or relative, be sure to get that person’s permission first. Also, you need to be sure that you will get the messages if the Court contacts you using that person’s phone.

If you want the Court to keep your phone number confidential, put a checkmark in the small box. You must give the Court your phone number in an envelope. Write “confidential” on the envelope.

The next blank is for other names you use. This includes names you use now and names you used to use.

The next boxes are for your Date of Birth, Race, and Gender. This information is required.

The next blanks are for your Height, Weight, Eye Color, and Hair Color. It is okay to estimate your height and weight.

Section 2 is for information about the Respondent, the person you want to be protected from.

The first box is for the Respondent's name. It should be written Last name, First name, Middle initial. If you don't know the Respondent's full name, write in as much as you know.

The next blanks are for the Respondent's home address, mailing address, and phone number. Write in as much as you know.

The next blanks are for the Respondent's Date of Birth, Race, and Gender. If you don't know the respondent's date of birth, write in an estimate of the person's age. If you don't know the Respondent's race, you can write "unsure."

The next blanks ask for more information about the Respondent. Give as much information as you can. Estimating the Respondent's height and weight is better than giving no answer at all. If you don't know the Respondent's license plate number but you do know what county it's from, write that in.

If the Court issues an Order of Protection, law enforcement officers will use the information you shared to help them recognize the Respondent, which can help keep you safer.

The next blank is for other names used by the Respondent. List any other names you know the Respondent uses, even if they aren't "legal" names.

The next blank is for scars, tattoos, and marks on the Respondent's skin. Describe what they look like and where they are on the Respondent's body. You can also include other notable physical features.

In the next blank, if you can, list the firearms and ammunition the Respondent has in their possession. Be as specific as you can. List any information you know about the type of firearms, the company that made them, and whether they have been modified. If you can, explain where the firearms are usually kept. This information is very important for your safety and for the safety of the people involved in protecting you, including law enforcement.

The next blank is for information about the Respondent's parents. If the Respondent is under the age of 18, give any information you have that could help the Court contact the

Respondent's parents. If you know a parent's name, address, or phone number, or where the parent works, that will be helpful.

If you know that the Respondent is 18 or older, leave this part blank.

Section 3 is about your relationship with the Respondent.

Many kinds of relationships are listed in this section. Select what best describes the relationship between you and the Respondent. It is okay to select more than one description. If you select "Other," write a short explanation in the blank.

Section 4 is about what happened.

In the blanks, describe the assault in as much detail as possible. If the Respondent assaulted you more than one time, describe as many of the situations as you can. This information might feel difficult to share, but it's important. If you provide a lot of details, that helps the Court decide if you qualify for a protection order. As much as you can, include the days, times, and places where assault has occurred. Include the ages of the people involved. If there were any witnesses and you can give their names, that will be helpful. If the Respondent threatened you, try to write down the Respondent's exact words.

If you need more space to write everything out, attach additional papers to your Petition.

Share as much information as you can to help the Judge understand what happened.

Section 5 is about criminal matters.

This section is asking for information that is related to the assaults you described in Section 4. Give as much information as you can. Here are a few important things to remember:

- You can ask for an Order of Protection even if you never told the police about what happened to you.
- Being arrested is not the same thing as being charged. It is possible your answers will be "yes, the Respondent was arrested" and "no, the Respondent was not charged." You can still ask for an Order of Protection.
- Having this information will help the Court decide if it will give you an Order of Protection, but it is not the only information the Court will consider. Answer honestly with as much information as you can.

Section 6 is about advocates.

Victim Advocates (or "a victims' advocate") can help people who have been assaulted. They can help right after an assault happens – for example, by taking you to a safe shelter.

And they can help later – for example, by explaining court papers to you. If you have received any kind of help from a victims' advocate, mark yes.

Section 7 is about requesting protection.

This section begins with a paragraph about two types of Protection Orders. When you file this Petition, you will be asking the Court to first give you an Ex Parte Order of Protection. (An Ex Parte Order of Protection is temporary. It takes effect only as soon as the Respondent receives a copy of it from the Court.) The Court will then hold a hearing. After the hearing, the Court may give you an Order of Protection that could last up to three years.

(You can read more information about these two types of Orders in the *Important Things You Need to Know* section at the end of these instructions.)

After that paragraph, there is a list with check boxes and some long blanks. This list is how you can let the Court know what you think will help. Please be very specific.

Remember that the Court might not do the things you ask for.

Section 8 is about a hearing.

After the Petition is filed, the Court will schedule a hearing. That will be a meeting when you and the Respondent will both have the chance to tell the judge what happened. You are required to take part in the hearing. Select either A or B to let the Court know how you want to take part. If you select B, it is important to remember that you are asking the Court for permission to take part virtually. If the Court denies your request, it means you do not have permission and you must go to the courthouse for your hearing.

Signature Section – Important!

Do not sign this form until you are in front of the Clerk of Court or a Notary. The Clerk or the Notary must witness you signing the form.

By signing the form, you are telling the Court that everything you wrote on the form is true. If the information is not true, you might be criminally charged with perjury. Perjury is a felony punishable by imprisonment or a fine or both.

Review your answers carefully before you sign the Petition.

Important Things You Need to Know

What can law enforcement (police or sheriffs) do to help me?

If you have been sexually assaulted, you can ask law enforcement officers to explain Orders of Protection and the sexual assault laws and also to explain how and in what situations criminal charges might be brought against a person who assaulted you.

You can ask the law enforcement officers to help you get to a medical facility or to a

victims' shelter.

Law enforcement officers can also make plans for you to get a medical exam after a sexual assault. If you choose to do this, you will be examined by a specially-trained nurse or doctor, and you will not have to pay for the exam.

Does it matter if I got a medical exam after the assault?

Being examined by a specially-trained nurse or doctor after a sexual assault can be helpful in many ways. It can help law enforcement officers investigate the assault, and it can help the state's lawyers (prosecutors) decide whether to bring criminal charges against the person who assaulted you.

It can also help you because getting care from the nurse or doctor might make you feel safer and healthier.

There are good reasons to get a medical exam after a sexual assault. But it is important to know that **a medical exam is not required.** You can ask the Court for an Order of Protection even if you did not get a medical exam.

Does it matter what kind of sexual assault happened?

Yes.

The Wyoming statutes (laws) describe many situations that are considered sexual assault. The Court is allowed to give you an Order of Protection for most of those situations. There are two situations when the Court is not allowed to give you an Order of Protection. In the statutes, those situations are called "Sexual assault in the third degree" and "Sexual battery." The statute numbers are 6-2-304 and 6-2-313.

You can talk to a Victim Advocate if you want help figuring out which kind of sexual assault happened to you. (Information about advocates is in the box on Page 1 of these instructions.)

Important Note: If you truly believe you were sexually assaulted, you can ask the Court for an Order of Protection. Even if a judge decides that your situation is not a kind that qualifies for an Order of Protection, you will not get in trouble for asking – as long as you are honest on your Petition and at your hearing.

What is a redacted Petition, and how do I make one?

A redacted Petition is a document with certain information blacked out. The information is blacked out to keep people who are not part of the case from seeing it. When you file your Petition, you will also need to give the Clerk of Court a redacted version of the Petition.

You can make a redacted version of your Petition by using a black marker or pen or both to mark out (cover up) certain information on a copy of the Petition. Here's what to redact:

- Petitioner's address. Do not leave any of the address visible. In the redacted Petition, the address lines should all look like this: [REDACTED]
- Names of children under the age of 18. Leave only the child's initials visible. If the child's name is Jordan Johnson, the redacted Petition should show J [REDACTED] J [REDACTED].

Important Note: Make sure you redact a *copy* of the Petition. Do not redact the Petition itself.

Is redacting the Petition the same thing as keeping my address confidential?

No.

The Respondent will be given a copy of the **non-redacted** Petition.

If you need to keep your address a secret so the Respondent won't know where you live, follow the instructions for keeping your address **confidential**. Those instructions are in Section 1 above.

What is an Ex Parte Order of Protection?

An Ex Parte Order of Protection (which also might be called a temporary or emergency protection order) is a protection order that a judge might give you soon after you file your petition. An Ex Parte Order can help protect you for a few days. Ask the Clerk of Court to give you **certified** copies of your Ex Parte Order of Protection.

Before the judge can consider replacing the Ex Parte Order with an Order that lasts longer, there will need to be a hearing (a meeting at the court) where you and the Respondent each tell the judge your side of the events.

What happens if the judge doesn't grant an Ex Parte Order?

A judge might deny you an Ex Parte Order but also set a hearing to give you and the Respondent a chance to tell your side of the events. After this hearing, the judge might grant you an Order of Protection.

Remember: Being denied an Ex Parte Order does not mean the judge is refusing to give you a protection order.

Do I have to go to the hearing?

Yes.

Whether you got an Ex Parte Order or not, you **must** attend any hearing (a meeting at the court) that the judge schedules. The hearing is when the judge will get to hear what you have to say and what the Respondent has to say. If you do not attend the hearing, the judge is not allowed to grant you an Order of Protection that lasts for several months or years. Also, if you do not attend the hearing, the Ex Parte Order will expire.

What will happen at the hearing?

The judge will allow both sides a chance to speak. If there are witnesses who can talk about what happened, you may take them with you to give testimony at the hearing. If you have evidence about what happened, you may take it to the hearing and present it to the judge. Remember, the judge knows nothing about your case, except what you include in the Petition and what you provide in court.

After considering your side of the situation and the Respondent's side, the judge will make decisions about whether to give you an Order of Protection, what restrictions to include in it, and how long it will last.

What evidence can I use at the hearing?

Your evidence might include photographs of injuries, medical records related to the sexual assault, or photographs of damaged property. You also might want to show the judge text messages or recordings, for example, if the Respondent threatened you,

recorded the assault, or sent messages to other people about what happened. It is important to understand that you must bring your evidence in some form that the judge can keep and add to your file at the courthouse. If you are bringing medical records, make sure they are *copies* of the records you have. If you want to show the judge photographs or text messages, you will need to have them printed out on paper. You will not be able to just hold your phone up for the judge to look at. If you want to show the judge a video, you will need to have it saved on a flash-drive or some other sort of device that you can give to the judge. If you need help getting your evidence ready to take to your hearing, contact your local domestic violence program. (Contact information is in the black rectangle on Page 1.)

What should I do with the Order if I get one?

Always carry the Order with you. This will make it easier for police or sheriff's officers to enforce the Order if you call them for help. It's also a good idea to keep pictures on your phone that show every page of the Order.

Ask the Clerk of Court to give you **certified** copies of your Order of Protection.

Does the Ex Parte Order still count after the judge gives me an Order of Protection?

The Order of Protection *replaces* the Ex Parte Order. The Order of Protection will last longer and may have more information or restrictions than the Ex Parte Order had.

Can I change an Order of Protection that I already have?

You can ask the Court to modify your Order of Protection. You might choose to do this if something has changed in your life and you need the Order of Protection to address that change. You could also ask for a modification if the Respondent has started doing something different that makes you feel unsafe. The Court might be able to add a new restriction to your Order to help protect you.

You will need to file a Motion to Modify Order of Protection at the Clerk of Court's office. (You can get a form for that Motion from the Clerk's office.)

It's important to remember that you cannot ask the Court to modify the Order if the Order has already expired.

What can I do if the Order of Protection doesn't last long enough?

If your Order of Protection is nearing its expiration date and you feel the Respondent is still a danger to you (or to other people included in the Order), you can ask the Court to extend the Order. You will need to file a Motion to Extend Order of Protection at the Clerk of Court's office. (You can get a form for that Motion from the Clerk's office.)

It's important to remember that you cannot ask the Court to extend the Order if the Order has already expired. It is helpful to file the Motion to Extend at least ten days before your Order expires.

Can the Order last longer if the Respondent spends some of the time in jail?

According to Wyoming law, a Sexual Assault Order of Protection **tolls** when the Respondent is in jail or prison. **Tolling** means the protection order will last longer than was originally planned. This is done to help protect you after the Respondent gets out of jail/prison. (It's important to know that tolling is different from getting an extension for your

Order. There's information about getting an Order extended in the paragraph above.) Tolling happens automatically, but the Order of Protection the Court gave you won't show the new expiration date. The Court needs to know the Respondent went to jail/prison. You can file a Notice of Incarceration or Imprisonment to let the Court know about that. (You can get a form for that Notice from the Clerk of Court's office.)

Important Note: It doesn't matter why the Respondent went to jail/prison. You can use this form even if the jail/prison time did not have anything to do with you or the protection order.

Does the Respondent still have to follow the Order if it is being appealed or reviewed?

Yes.

The Order of Protection is still in effect and must be followed during an appeal or review.

Important Note: If the Court issues a **stay** – which means putting the Order on hold – then the Respondent does not have to follow the Order. But a stay is a separate decision made by the Court, and it does not happen automatically during an appeal or review.

What does Wyoming law say about Sexual Assault?

You are not required to read the statutes (law) that define Sexual Assault.

You can use the information in the section called *Before You Get Started* (which will be on Page 1 or Page 2 above) to help figure out if your situation is considered sexual assault according to the law.

If you want to read all of the statutes about sexual assault, you can find them online by visiting the Wyoming Legislative Service Office website or you can look at statute books at your local library. The statute numbers are 6-2-301 to 6-2-319. In some of the sexual assault laws, sexual assault is also called *sexual abuse*.

Below are a few of the statutes (6-2-301 to 6-2-303). It's important to remember that these are not all of the statutes. Other kinds of situations can also be sexual assault.

(See the section above called *Does it matter what kind of sexual assault happened?* for more information.)

It's also important to know that the genders of the people involved do not matter. The ages of the people involved might matter.

It is okay if you don't understand everything the statutes say. If you think what happened to you was sexual assault, you can ask the Court for an Order of Protection. You can talk to a Victim Advocate if you want help figuring out whether what happened was sexual assault. (Information about advocates is in the box on Page 1 of these instructions.)

Here are a few statutes:

6-2-301. Definitions.

(a) As used in this article:

- (i) "Actor" means the person accused of criminal assault;
- (ii) "Intimate parts" means the external genitalia, perineum, anus or pubes of any person or the breast of a female person;
- (iii) "Physically helpless" means unconscious, asleep or otherwise physically unable to communicate unwillingness to act;
- (iv) "Position of authority" means that position occupied by a parent, guardian, relative,

household member, teacher, employer, custodian, health care provider or any other person who, by reason of his position, is able to exercise significant influence over a person;

(v) "Sexual assault" means any act made criminal pursuant to W.S. 6-2-302 through 6-2-319;

(vi) "Sexual contact" means touching, with the intention of sexual arousal, gratification or abuse, of the victim's intimate parts by the actor, or of the actor's intimate parts by the victim, or of the clothing covering the immediate area of the victim's or actor's intimate parts;

(vii) "Sexual intrusion" means:

(A) Any intrusion, however slight, by any object or any part of a person's body, except the mouth, tongue or penis, into the genital or anal opening of another person's body if that sexual intrusion can reasonably be construed as being for the purposes of sexual arousal, gratification or abuse; or

(B) Sexual intercourse, cunnilingus, fellatio, anilingus or anal intercourse with or without emission.

(viii) "Victim" means the person alleged to have been subjected to sexual assault;

(ix) "Health care provider" means an individual who is licensed, certified or otherwise authorized or permitted by the laws of this state to provide care, treatment, services or procedures to maintain, diagnose or otherwise treat a patient's physical or mental condition;

(x) Repealed by Laws 2019, ch. 186, 2.

6-2-302. Sexual assault in the first degree.

(a) Any actor who inflicts sexual intrusion on a victim commits a sexual assault in the first degree if:

(i) The actor causes submission of the victim through the actual application, reasonably calculated to cause submission of the victim, of physical force or forcible confinement;

(ii) The actor causes submission of the victim by threat of death, serious bodily injury, extreme physical pain or kidnapping to be inflicted on anyone and the victim reasonably believes that the actor has the present ability to execute these threats;

(iii) The victim is physically helpless, and the actor knows or reasonably should know that the victim is physically helpless and that the victim has not consented; or

(iv) The actor knows or reasonably should know that the victim through a mental illness, mental deficiency or developmental disability is incapable of appraising the nature of the victim's conduct.

6-2-303. Sexual assault in the second degree.

(a) Any actor who inflicts sexual intrusion on a victim commits sexual assault in the second degree if, under circumstances not constituting sexual assault in the first degree:

(i) The actor causes submission of the victim by threatening to retaliate in the future against the victim or the victim's spouse, parents, brothers, sisters or children, and the victim reasonably believes the actor will execute this threat. "To retaliate" includes

threats of kidnapping, death, serious bodily injury or extreme physical pain;

(ii) The actor causes submission of the victim by any means that would prevent resistance by a victim of ordinary resolution;

(iii) The actor administers, or knows that someone else administered to the victim, without the prior knowledge or consent of the victim, any substance which substantially impairs the victim's power to appraise or control his conduct;

(iv) The actor knows or should reasonably know that the victim submits erroneously believing the actor to be the victim's spouse;

(v) Repealed By Laws 2007, Ch. 159, 3.

(vi) The actor is in a position of authority over the victim and uses this position of authority to cause the victim to submit;

(vii) The actor is an employee, independent contractor or volunteer of a state, county, city or town, or privately operated adult or juvenile correctional system, including but not limited to jails, penal institutions, detention centers, juvenile residential or rehabilitative facilities, adult community correctional facilities or secure treatment facilities and the victim is known or should be known by the actor to be a resident of such facility or under supervision of the correctional system;

(viii) Repealed by Laws 2018, ch. 80, 3.

(ix) The actor is an employee or volunteer of an elementary or secondary public or private school who, by virtue of the actor's employment or volunteer relationship with the school, has interaction with the victim who is a student or participant in the activities of the school and is more than four (4) years older than the victim.

(b) A person is guilty of sexual assault in the second degree if he subjects another person to:

(i) Sexual contact or sexual intrusion in the person's capacity as a health care provider in the course of providing care, treatment, services or procedures to maintain, diagnose or otherwise treat a patient's physical or mental condition;

(ii) Sexual contact and causes serious bodily injury to the victim under any of the circumstances listed in W.S. 6-2-302(a)(i) through (iv) or paragraphs (a)(i) through (vii) and (ix) of this section.

(c) Repealed By Laws 1997, ch. 135, 2.

STATE OF WYOMING)
) ss
COUNTY OF _____)

IN THE CIRCUIT COURT

_____ JUDICIAL DISTRICT

Petitioner: _____ ,) Case Number _____
Name of person filing for protection order)
)
vs.)
)
Respondent: _____)
Name of person you want to be protected from)

PETITION FOR SEXUAL ASSAULT ORDER OF PROTECTION

1. **PETITIONER'S LAST NAME, FIRST NAME, MIDDLE INITIAL**

(Print)

NEXT FRIEND'S LAST NAME, FIRST NAME, MIDDLE INITIAL

(If you are filing on behalf of a child age 17 or younger, or on behalf of a disabled or vulnerable adult, write that person's name in the Petitioner box and your name in the Next Friend box. If you are filing for yourself, leave the Next Friend box blank.)

Address (Optional)

City & State (Optional)

Telephone Number (Optional)

Check here if the Petitioner is asking the Court to order the address or phone number of the Petitioner be kept confidential.

OTHER NAMES USED BY PETITIONER _____

DATE OF BIRTH RACE GENDER

HEIGHT _____ WEIGHT _____ EYE COLOR _____ HAIR COLOR _____

2. **RESPONDENT'S LAST NAME, FIRST NAME, MIDDLE INITIAL**

(Print)

Address

Mailing Address (if different)

City & State

Telephone Number

DATE OF BIRTH _____ RACE _____ GENDER _____

HEIGHT _____ WEIGHT _____ EYE COLOR _____ HAIR COLOR _____

Does the Respondent usually wear GLASSES? _____

Does the Respondent usually have FACIAL HAIR? _____

EMPLOYER _____

PLACE OF EMPLOYMENT Address _____

DRIVER'S LICENSE State of Issue _____

VEHICLE Make _____ Model _____ Year _____

VEHICLE LICENSE PLATE Number _____

VEHICLE LICENSE PLATE State of Issue _____

STATE and COUNTRY OF BIRTH _____

OTHER NAMES USED BY THE RESPONDENT _____

If you can, describe the Respondent's distinguishing marks, scars, tattoos, and tell where they are located:

If you can, list firearms and ammunition possessed by the Respondent. If you know where the firearms or ammunition are kept, give that information too.

If the Respondent is under the age of 18, and you know the names or contact information of the Respondent's parents or guardians, please list that here.

3. Select the most accurate description of your relationship with the Respondent:

☐ We are married to each other.

☐ We are married to each other, but we do not live together.

☐ We used to be married to each other, but now we are divorced.

- ☐ We have a dating relationship.
- ☐ We used to have a dating relationship, but we do not anymore.
- ☐ We have children together.
- ☐ We are friends or we used to be friends.
- ☐ We are co-workers or we used to be co-workers.
- ☐ We go to the same school or we used to go to the same school.
- ☐ The Respondent is a member of my family.
- ☐ The Respondent is my boss.
- ☐ The Respondent is my teacher or principal.
- ☐ The Respondent is my coach.
- ☐ The Respondent is my doctor, dentist, or therapist.
- ☐ The Respondent is my pastor, rabbi, imam, or other leader from my place of worship.
- ☐ The Respondent is my caregiver.
- ☐ I have no relationship with the Respondent.
- ☐ Other: _____

4. Please describe what happened. Include the date or your best estimate of the date when these things happened. Please give the ages or an estimate of the ages of the people who were involved. This information can be difficult to share, but giving a detailed explanation here will help the Court decide whether to give you an Order of Protection. If assault happened more than one time, describe each time as best as you can, starting with the most recent. ATTACH ADDITIONAL SHEETS IF NEEDED.

5. Was the Respondent arrested because of any of the actions you described in the section above? ☐ Yes ☐ No ☐ I do not know.

If you answered yes, please give as much information as you can:

When was the Respondent arrested? _____

In which county? _____

Is the Respondent in jail/prison now? _____

Has the Respondent been criminally charged for any of the actions you described?

☐ Yes ☐ No ☐ I do not know.

If you answered yes, please give as much information as you can:

When was the Respondent charged? _____

In which county? _____
What is the case number? _____
Is the Respondent in jail/prison now? _____

6. Have you received help from a victims' advocate? ☐ Yes ☐ No
7. The Court may issue an Ex Parte Order of Protection. (That's a temporary Order that can be granted before the Court hears from the Respondent.) The Court will schedule a hearing. That's when the judge will decide whether to issue an Order of Protection, which will be in effect for longer. You can learn more about the hearing and the two types of Orders in the Instructions for this form.

You can ask the Court for certain kinds of relief to be included in the Ex Parte Order of Protection and the Order of Protection. This list is how you tell the Court what you think will help. Check all that apply:

- A ☐ **Address Immediate Danger** – Issue an Ex Parte Order of Protection because I believe an immediate danger exists that I will be sexually assaulted again or that other serious physical harm will be done to me.
- B ☐ **Protection for Others** – Include the following people in the Order of Protection:

Name	Relationship to Me	Reason this Person Needs Protection

- C ☐ **No Contact** – Order the Respondent not to contact, phone, mail, e-mail, or communicate with me in any way, either directly or indirectly, including electronically.
- D ☐ **Stay Away** – Order the Respondent to:
- ☐ a. Stay at least _____ (distance) from me.
- ☐ b. Stay away from my
- Home:
- ☐ I will submit the home address confidentially.
- OR
- ☐ I will list the home address here:
- _____
(address)

Work:

(address)

The Respondent ☐ does ☐ does not work at the same place as me.

School or Childcare:

(address)

The Respondent ☐ does ☐ does not go to the same school as me.

Place of worship:

(address)

The Respondent ☐ does ☐ does not attend the same place of worship as me.

If the Respondent works at the same place, goes to the same school, or attends the same place of worship as you, the Court cannot order the Respondent to stay away from that place. Give information the Court should consider about interactions with the Respondent in those settings.

E ☐

Other Assistance Needed – Explain any other instructions that could help protect you and the other individuals listed on this form.

8. After this Petition is filed, the Court will schedule a hearing. You are **REQUIRED** to

take part in the hearing. Please check one of the boxes below.

- A** ☐ **Appear in Person** I will attend the hearing in person at the courthouse.
- B** ☐ **Appear Virtually** I ask the Court to allow me to attend the hearing by phone or computer instead of going to the courthouse in person.

I, the Petitioner, being first duly sworn upon my oath, state that I have read the above and foregoing information, and I believe the matters set forth are true and correct under penalty of perjury:

Date _____

PETITIONER

STATE OF WYOMING)
) ss
COUNTY OF _____)

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20____.

Witness my hand and official seal.

CLERK OF COURT/NOTARIAL OFFICER

My commission expires: _____

☐ A Wyoming Judicial Branch Court Navigator helped with this form.

Information Sheet

THIS PAGE IS CONFIDENTIAL AND RELEASED ONLY TO LAW ENFORCEMENT

*Items indicated in **BOLD** and Italics are required.*

PETITIONER (Print): _____

(**LAST NAME**)

(**FIRST NAME**)

(**MI**)

CONTACT PHONE NUMBER: _____

OTHER NAMES USED BY PETITIONER _____

Home Address _____

Mailing Address (if different) _____

Employment Address _____

Date of Birth _____ Gender _____ Race _____

Age _____ Height _____ Weight _____ Glasses _____

Hair Color _____ Eye Color _____ Facial Hair _____

Scars, Tattoos, other Markings _____

The Information Sheet will be retained by the Court as part of the official record in this case. However, it is confidential, which means it will not be made available to the public.

STATE OF WYOMING)
) ss
COUNTY OF _____)

IN THE CIRCUIT COURT

_____ JUDICIAL DISTRICT

Petitioner: _____,)
Name of person filing for protection order)
)
vs.)
)
Respondent: _____.)
Name of person you want to be protected from)

Case Number _____

EX PARTE SEXUAL ASSAULT ORDER OF PROTECTION

PETITIONER NAME

First Middle Last

RESPONDENT NAME

First Middle Last

Respondent's Physical Address:

Respondent's Mailing Address:

CAUTION:

Firearms Involved

☐

Firearms on
Property

☐

PETITIONER IDENTIFIERS

Date of Birth of Petitioner

Race

Sex

RESPONDENT IDENTIFIERS

SEX	RACE	DOB	HT	WT
EYES		HAIR		
Drivers License NUMBER		Drivers License STATE	Drivers License Exp. Date	
VEHICLE MAKE/MODEL		COLOR	LICENSE PLATE State and Number	
EMPLOYMENT				

Additional Information (for example, other names used, tattoos, scars):

When Does This **ORDER EXPIRE**:

This Order shall be in effect until further Order of the Court.

Based upon the verified Petition for Order of Protection on file herein and good cause appearing,
IT IS ORDERED, ADJUDGED, AND DECREED:

The Respondent must follow every requirement below that has a mark next to its number.

1. ☐ Respondent is ordered to have **no contact with Petitioner**. No contact with Petitioner is allowed anywhere. Both direct and indirect contact are prohibited. Examples of contact include talking in person, yelling, gesturing, talking on the phone, texting, instant messaging, emailing, leaving notes, sending letters, sending messages through other people, and sending messages through social media.

2. ☐ Respondent is ordered to stay away from Petitioner anywhere Petitioner is. Respondent is specifically ordered to stay away from the following places:

a. ☐ Home _____

b. ☐ School _____

c. ☐ Business _____

d. ☐ Place of Employment _____

e. ☐ Other location (describe) _____

3. ☐ Respondent is ordered not to sexually assault, stalk, contact, harass, threaten, intimidate, or in any way interfere with any of the people protected by this Order. Respondent is ordered not to ask, direct, or hire anyone else to do these things to any of the people protected by this Order.

In addition to the Petitioner, the people protected by this Order are:

4. ☐ Respondent is ordered not to surveil (spy on or watch) Petitioner. Respondent is ordered not to ask, direct, or hire anyone else to surveil (spy on or watch) Petitioner. This restriction includes using cameras, GPS, or any other electronic system to watch the Petitioner or monitor the Petitioner's movements. This restriction also includes monitoring the Petitioner's internet or cell phone activities.

5. ☐ Respondent is ordered not to use or possess firearms or ammunition.

The Court includes this restriction because it finds that the Respondent is an intimate partner of the Petitioner under 18 USC § 921(a)(32). Specifically:

- ☐ Respondent and Petitioner are or used to be married.
- ☐ Respondent and Petitioner currently cohabitate or used to cohabitate.
- ☐ Respondent and Petitioner have one or more children together.
- ☐ Respondent and Petitioner are or used to be in a dating relationship.

6. ☐ Other requirements: _____

The Court Orders the Parties to take Notice of the Following:

Certain provisions of the Federal Violent Crime Control and Law Enforcement Act of 1994 make it unlawful for persons subject to applicable protection orders to possess, ship, use or transfer any firearms or ammunition. Gun Control Act, 18 U.S.C. Section 922(g)(8)

At the time this Order is entered, a certified copy will be provided to the Petitioner by the Court.

This Order shall be filed with the clerk of court. A copy shall be sent by the clerk to the county sheriff who shall, after service, notify the local law enforcement agency within the county in which the Petitioner resides of the existence of this Order. The Order shall be personally served upon the Respondent.

The Court shall set a hearing on this matter. Notice of the Hearing shall be personally served upon the Respondent. If the Respondent fails to appear at the hearing, this Court may award any or all of the relief requested by the Petitioner.

Case Number _____

This Order applies to Respondent immediately upon service.

WARNING TO RESPONDENT: The Petitioner cannot give you legal permission to violate this Order. If you go near the Petitioner or other protected persons, even with their consent, you may be arrested. You act at your own risk if you disregard this warning. If you want to modify or dismiss the Order, you must ask the Court. Only the Court can change this Order.

Willful violation of any provision of this Ex Parte Order of Protection constitutes a crime as defined by W.S. 7-3-510(c) and can result in immediate arrest. A violation of this Ex Parte Order of Protection that constitutes the offense of stalking as defined by W.S. 6-2-506(b), may subject the Respondent to enhanced penalties for felony stalking under W.S. 6-2-506(e).

DATED this _____ day of _____, 20____.

JUDGE OR MAGISTRATE

STATE OF WYOMING) IN THE CIRCUIT COURT
) ss
COUNTY OF _____) _____ JUDICIAL DISTRICT

Petitioner: _____ ,) Case Number _____
Person listed as Petitioner on the Petition)
)
vs.)
)
Respondent: _____ .)
Person listed as Respondent on the Petition)

ORDER TO APPEAR

TO THE ABOVE-NAMED RESPONDENT:

YOU ARE notified that a Petition has been filed with the above-named Court seeking a Sexual Assault Order of Protection. Attached to this Order and hereby served upon you are the following documents:

- ☒ Petition
☐ Ex Parte Temporary Order of Protection

You are further notified that a hearing concerning the Petition will be held on the _____ day of _____, 20_____ at _____ a.m./p.m. at _____ County Circuit Court, _____, Wyoming.

FURTHERMORE, you are ordered to obey all terms of any attached Order.

YOU ARE ORDERED TO APPEAR AT THIS HEARING. YOUR FAILURE TO APPEAR OR VIOLATION OF THE ATTACHED ORDER MAY RESULT IN YOUR IMMEDIATE ARREST.

Dated this _____ day of _____, 20_____.

JUDGE/MAGISTRATE

STATE OF WYOMING) IN THE CIRCUIT COURT
) ss
COUNTY OF _____) _____ JUDICIAL DISTRICT

Petitioner: _____,) Case Number _____
Name of person filing for protection order)
)
vs.)
)
Respondent: _____)
Name of person you want to be protected from)

SEXUAL ASSAULT ORDER OF PROTECTION

PETITIONER NAME

First Middle Last

PETITIONER IDENTIFIERS

Date of Birth of Petitioner Race Sex

RESPONDENT NAME

First Middle Last

RESPONDENT IDENTIFIERS

Respondent's Physical Address:

Respondent's Mailing Address:

CAUTION:

Firearms Involved

☐

Firearms on
Property

☐

Additional Information (for example, other names used,
tattoos, scars):

When Does This **ORDER EXPIRE**:

This Order shall be in effect until and will expire at 12:01 a.m. on the _____ day of _____, 20_____, unless extended by order of the Court.

THIS MATTER was heard on _____, 20_____. These parties were present:

PETITIONER

_____ **Appeared in person**
_____ **Appeared remotely**

_____ Attorney

RESPONDENT

_____ **Appeared in person**
_____ **Appeared remotely**
_____ **Did not appear and was given proper notice**

_____ Attorney

THE COURT FINDS:

- ☐ This Court has jurisdiction over the parties and subject matter of this action.
- ☐ The parties stipulate to the Court's exercising jurisdiction in this case and the subject matter of this action.
- ☐ After hearing the testimony of the parties and their witnesses, the Court finds by a preponderance of the evidence that the Respondent's conduct constitutes sexual assault, and that an Order of Protection should be entered.

IT IS ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

The Respondent must follow every requirement below that has a mark next to its number.

1. ☒ Respondent is ordered not to commit any additional acts of sexual assault involving Petitioner or any other person. Respondent is ordered not to harass, threaten, intimidate, or in any way interfere with Petitioner.
2. ☒ Respondent is ordered to have **no contact with Petitioner**. No contact with Petitioner is allowed anywhere. Both direct and indirect contact are prohibited. Examples of contact include talking in person, yelling, gesturing, talking on the phone, texting, instant messaging, emailing, leaving notes, sending letters, sending messages through other people, and sending messages through social media.

3. ☒ Respondent is ordered to provide the Court with a current mailing address. While this Order is in effect, Respondent must promptly inform the Court in writing if that mailing address changes. Mailing of appropriate documents (for example: modification, termination, or extension of this Order) to the most recent mailing address provided to the Court by Respondent shall be considered service upon Respondent.
4. ☐ Respondent is ordered to stay away from Petitioner anywhere Petitioner is. Respondent is specifically ordered to stay away from the following places:
- a. ☐ Home _____
 - b. ☐ School _____
 - c. ☐ Business _____
 - d. ☐ Place of Employment _____
 - e. ☐ Other location (describe) _____

5. ☐ Respondent is ordered not to sexually assault, stalk, contact, harass, threaten, intimidate, or in any way interfere with any of the people protected by this Order. Respondent is ordered not to ask, direct, or hire anyone else to do these things to any of the people protected by this Order.
In addition to the Petitioner, the people protected by this Order are:

6. ☐ Respondent is ordered not to surveil (spy on or watch) Petitioner. Respondent is ordered not to ask, direct, or hire anyone else to surveil (spy on or watch) Petitioner. This restriction includes using cameras, GPS, or any other electronic system to watch the Petitioner or monitor the Petitioner's movements. This restriction also includes monitoring the Petitioner's internet or cell phone activities.
7. ☐ Respondent is ordered not to use or possess firearms or ammunition.
- The Court includes this restriction because it finds that the Respondent is an intimate partner of the Petitioner under 18 USC § 921(a)(32). Specifically:
- ☐ Respondent and Petitioner are or used to be married.
 - ☐ Respondent and Petitioner currently cohabit or used to cohabit.

- ☐ Respondent and Petitioner have one or more children together.
- ☐ Respondent and Petitioner are or used to be in a dating relationship.

8. ☐ Other requirements: _____

The Court Orders the Parties to Take Notice of the Following:

Certain provisions of the Federal Violent Crime Control and Law Enforcement Act of 1994 make it unlawful for persons subject to applicable protection orders to possess, ship, use, or transfer any firearms or ammunition. Gun Control Act, 18 U.S.C. Section 922(g)(8).

This Order shall be filed with the clerk of court and a copy shall be sent by the clerk to the county sheriff who shall, after service, notify the local law enforcement agency within the county in which the Petitioner resides. The Order shall be personally served upon the Respondent, unless the Respondent or the Respondent's attorney was present in person or by remote means when the Order was granted.

This Order applies to the Respondent immediately upon service and shall remain in full force and effect until the expiration date of the Order or until it is modified or terminated by this Court.

Interstate violation of this order may subject the Respondent to federal criminal penalties. 18 U.S.C. §§ 2261, 2261 (A) and 2262.

This protection order is enforceable in all fifty states, the District of Columbia, tribal lands and U.S. territories, and is issued to prevent violent or threatening acts by the Respondent against the Petitioner. 18 U.S.C. § 2265.

It is a crime to use a telephone or other telecommunications device to annoy, abuse, harass, or threaten another person at the called number. 47 U.S.C. § 223 (a)(1)(C), W.S. 6-6-103.

If the Respondent named on this Order is incarcerated or imprisoned, for any reason, while the Order is in effect, the effective time of the Order will toll. The Order will be in effect longer based on the date when the Respondent is released. W.S. 7-3-510(b)(ii). The parties are encouraged to file a Notice of Incarceration or Imprisonment to notify the Court of the jail/prison time and receive an Order stating the new expiration date.

The Order of Protection remains in effect and must be followed during an appeal or review. The only exception is if the Court issues a stay to put the Order on hold while the appeal or review is ongoing.

W.S. 7-3-510(e): “An order of protection granted under W.S. 7-3-506 through 7-3-512 shall remain effective during the pendency of any appeal or review of the order of protection or any decision to modify or extend the order of protection, unless a court orders a stay during the pendency of the appeal or review.”

WARNING TO RESPONDENT: The Petitioner cannot give you legal permission to violate this order. If you go near the Petitioner or other protected persons, even with their consent, you may be arrested. You act at your own risk if you disregard this WARNING. If you want to modify or dismiss the order you must ask the Court. Only the Court can change this Order.

Willful violation of any provision of this Order of Protection constitutes a crime as defined by W.S. 7-3-510(c) and can result in immediate arrest. A violation of this Order of Protection that constitutes the offense of stalking as defined by W.S. 6-2-506(b), may subject the Respondent to enhanced penalties for felony stalking under W.S. 6-2- 506(e).

DATED this _____ day of _____, 20 _____.

BY THE COURT

JUDGE OR MAGISTRATE

Case Number _____

ACCEPTANCE OF SERVICE

I, _____, Respondent in this action, voluntarily accept service of this Order of Protection, and acknowledge that I have received a true copy thereof this _____ day of _____, 20 ____.

RESPONDENT

INSTRUCTIONS FOR
GIVING THE COURT
NOTICE OF INCARCERATION OR IMPRISONMENT

For help in developing a safety plan or learning about protection orders, contact your local domestic violence program. You can call the **Wyoming Coalition Against Domestic Violence and Sexual Assault at (307) 755-0992** or the **Wyoming Division of Victim's Services at (888) 996-8816** or the **National Domestic Violence Hotline at (800) 799-SAFE (7233) or (512) 453-8117** (multi-lingual advocates are available); **TTY: (800) 787-3224**.

You can also get information from the Wyoming Coalition Against Domestic Violence and Sexual Assault website: **<https://www.wyomingdvsa.org/programs>**

READ THESE INSTRUCTIONS CAREFULLY.

If all of the following information is true, you might choose to file this form.

- There is a current Sexual Assault Order of Protection that was issued by a Wyoming court or is registered with a Wyoming court.

Important Note: It does not matter if you are the Petitioner named on the Order of Protection. This Notice can be filed by the Petitioner **OR** by anyone else who has information about the Respondent.

- The person the protection order is against (the Respondent) is in jail or prison, or recently was in jail or prison.

Important Note: It does not matter why the Respondent went to jail/prison. You can use this form even if the jail/prison time did not have anything to do with you, the Petitioner, or the protection order.

Why would you choose to file this form?

According to Wyoming law (Wyoming Statute 7-3-510(b)(ii)), a Sexual Assault Order of Protection **tolls** when the Respondent is in jail or prison. **Tolling** means the protection order will last longer than was originally planned. This is done to help protect the Petitioner after the Respondent gets out of jail/prison.

Tolling happens automatically, but the Order the Court issued won't show the new expiration date. The Court needs to know the Respondent went to jail/prison. You can use this Notice of Incarceration or Imprisonment to let the Court know about that.

Important Note: **Tolling** the Order is different from getting the Order **Extended**.

If the Petitioner wants to ask the Court to extend the Order, the Petitioner can use the Motion to Extend Order of Protection. Only use this Notice of Incarceration or Imprisonment if the Respondent went to jail/prison while the Order of Protection was in effect.

The top of the page on a Notice of Incarceration or Imprisonment.

The top of the page has blanks for the name of the county that the Court is in (for example, County of Big Horn) and the number of the judicial district (for example, Fifth Judicial District). This information will be at the top of the first page of the Order of Protection.

The next blanks are for the name of the Petitioner and the name of the Respondent.

The person who received the protection order is the **Petitioner**.

The person the protection order is against is the **Respondent**.

You might not be either of those people, and that is okay. If you are not the Petitioner or the Respondent, your name does not go here at the top of the page.

There is also a blank for the Case Number. The Case Number will be at the top of the first page of the Order of Protection. The Case Number may include letters. If you do not know the Case Number, leave this blank.

Next, you'll see the title of the document: Notice of Incarceration or Imprisonment.

After the title, there is a section with just one blank. This section makes it easy for the judge to read the statute, and it lets the judge know that you believe the statute applies to this situation. Write your name in the blank after the word "I" so the judge will know you are the person giving this information to the Court.

Next, you'll see the line **I ask this Court to take notice of the following**. After this sentence, you will need to fill in as much information as you have. The information you give here will help the Court figure out if the statute does apply to this situation and, if so, what the new expiration date will be for the Order of Protection.

- You can find the issue date for the Order of Protection by looking at the file stamp at the top of the first page of the Order. If you do not know the issue date, leave this empty.
- The expiration date will be clearly stated somewhere in the Order, probably on the first or second page. If you do not know the expiration date, leave this empty.
- If you know when the Respondent went to jail/prison, write the date in the blank.
 - If you know the date is correct, place a mark by "This is an exact date."
 - If you're giving your best guess about the date, mark "This is an approximate date."
 - If you do not know when the Respondent went to jail/prison, you can leave the blank empty and mark "I do not know the date."
- Fill in as much information as you know about where the jail or prison is located.

Next, there will be a section with lots of check boxes. Check as many as you need to check to give the Court all the information you have about the Respondent's incarceration/imprisonment.

When you get to the end of the form, fill in the date, month, and year.

Review your answers carefully before you sign. By signing the form, you are telling the

Court that you believe everything you wrote on the form is true. You will sign on the line labelled Signature of Person Submitting the Notice.

On the next line, print your name neatly.

The final line is for you to give the Court information about how to contact you, in case the judge has questions. Provide information that you are comfortable sharing. **The Respondent will see this information. Do not provide information that is confidential (secret).**

Important Things You Need to Know

How do I find out the location and dates of the Respondent's time in jail/prison?

Getting information on where and when a person is incarcerated or imprisoned can be difficult. This form **does not require** you to have this information. For help getting information about the Respondent's incarceration/imprisonment, you can try contacting:

- Victim Assistance providers in your county
 - <https://dvs.wyo.gov/victim-service-providers>
- Wyoming Coalition Against Domestic Violence and Sexual Assault
 - (307) 755-0992
- Wyoming Division of Victim's Services
 - (888) 996-8816

What will happen after I file this form?

After you file this Notice, the Court will determine whether the law about tolling applies to this situation. If it does apply, the judge will use the law to figure out the new expiration date for the Order of Protection.

The Court will issue an Order that states the new expiration date. The Petitioner should always carry the Order Setting New Expiration Date **and** the original Order of Protection. This will make it easier for police or sheriff's officers to enforce the Order if they are called for help. It is also a good idea for the Petitioner to keep pictures that show every page of the Order Setting New Expiration Date **and** the original Order of Protection.

STATE OF WYOMING) IN THE CIRCUIT COURT
) ss
COUNTY OF _____) _____ JUDICIAL DISTRICT

Petitioner: _____ ,) Case Number _____
Person listed as Petitioner on the Petition and Order)
)
vs.)
)
Respondent: _____ .)
Person listed as Respondent on the Petition and Order)

NOTICE OF INCARCERATION OR IMPRISONMENT

I, _____, state that the Respondent in this matter is or has been incarcerated or imprisoned. The period of incarceration/imprisonment coincided with the effective period of a Sexual Assault Order of Protection issued by this Court. That Order of Protection, currently in effect, is mandatorily tolled under W.S. 7-3-510(b)(ii), which reads in pertinent part:

If a party subject to an order of protection is sentenced and incarcerated or becomes imprisoned, the running of the time remaining for the order of protection shall be tolled during the term of incarceration or imprisonment. The conditions and provisions of an order of protection shall remain in effect during any period of tolling under this paragraph. Upon release from incarceration or imprisonment the effective period of the order of protection shall be the amount of time remaining as of the first day of the term of incarceration or imprisonment or one (1) year from the date of release, whichever is greater.

I ask this Court to take notice of the following:

A Sexual Assault Order of Protection was issued on _____, 20__.

The expiration date stated on the Order of Protection is _____, 20__.

The Respondent first became incarcerated/imprisoned on _____, 20__.

☐ This is an exact date. ☐ This is an approximate date. ☐ I do not know the date.

Location of incarceration/imprisonment:

City: _____ County: _____ State: _____

(In the list below, check all that apply.)

☐ The Respondent is scheduled to be released on _____, 20____.
☐ This is an exact date. ☐ This is an approximate date. ☐ I do not know the date.

☐ The Respondent was released on _____, 20____.
☐ This is an exact date. ☐ This is an approximate date. ☐ I do not know the date.

☐ The Respondent is still incarcerated/imprisoned.

☐ I do not know whether the Respondent has been released.

☐ I have attached papers with information about the Respondent's incarceration/imprisonment.

☐ I do not have papers with information about the Respondent's incarceration/imprisonment,
but I found out about it from: _____

DATED _____, 20____.

Signature of Person Submitting the Notice

Name (printed) of Person Submitting the Notice

The Court can contact me at: _____

(address, phone number, or email)

☐ A Wyoming Judicial Branch Court Navigator helped with this form.

STATE OF WYOMING)
) ss
COUNTY OF _____)

IN THE CIRCUIT COURT

_____ JUDICIAL DISTRICT

Petitioner: _____ ,)
Person listed as Petitioner on the Petition and Order)

Case Number _____

vs.)

Respondent: _____ .)
Person listed as Respondent on the Petition and Order)

ORDER SETTING NEW EXPIRATION DATE ON ORDER OF PROTECTION DUE TO TOLLING

Upon receiving notice of Respondent's incarceration and upon consideration of the notice, the Court, in accordance with Wyoming Statute, hereby sets a new expiration date on the Order of Protection issued in the above-captioned case. This new expiration date is authorized under the tolling provision in the Wyoming Statute, which mandates the tolling of orders of protection under specific circumstances.

THE COURT FINDS:

The Order of Protection mandatorily tolled under

- ☐ W.S. 35-21-106(b)(ii) pertaining to Domestic Violence.
- ☐ W.S. 7-3-510(b)(ii) pertaining to Sexual Assault and Stalking.

The Respondent was incarcerated or imprisoned on _____, 20____ and released on _____, 20____.

As of the first day of the term of incarceration/imprisonment, the Order of Protection had _____ days remaining in its effective period.

The appropriate expiration date for the Order of Protection is

- ☐ 365 days from the Respondent's date of release.
- ☐ _____ days from the Respondent's date of release.

The Respondent has twenty days from the date this Order is served or received to file an Objection or Request for a Hearing, otherwise this Order shall remain in full force and effect.

The Respondent has the right to contest this new expiration date. To do so, the Respondent must file a written request for a hearing with this court. If such a request is made, a hearing will promptly be scheduled. At the hearing, the Respondent may present testimony or evidence regarding the dates of incarceration and the calculation of the new expiration date.

The Respondent is advised that tolling occurs even if the incarceration did not relate in any way to the order of protection or to the Petitioner.

IT IS ORDERED AS FOLLOWS:

1. The Order of Protection entered on the ____ day of _____, 20_____, will continue to be in effect until 12:01 a.m. on the _____ day of _____, 20_____, unless extended or terminated by order of the Court.
2. All provisions and conditions of the original Order of Protection remain in full force and effect during this period.
3. The clerk of court shall deliver copies of this order as well as copies of the original Order of Protection to the sheriff and the local law enforcement agencies.
4. Willful violation of any provision of the Order of Protection constitutes a crime as defined by W.S. 6-4-404.

DATED this _____ day of _____, 20_____.

JUDGE OR MAGISTRATE