

INSTRUCTIONS FOR APPLYING  
FOR A  
SEXUAL ASSAULT PROTECTION ORDER  
IN WYOMING

A sexual assault protection order is a civil order issued by the court on behalf of a sexual assault victim. The order can require the alleged perpetrator to stay away from the victim or place(s) where the victim lives or works and to have no further contact with the victim.

Any person 18 or older who is a victim of sexual assault – including a single incident – may petition the court to obtain the order. Victims under 18 need a parent or guardian to petition on their behalf. A third party may also file on behalf of a vulnerable adult or any other adult who cannot file due to age, disability, health or inaccessibility.

The sexual assault protection order is designed for victims who do not meet the “household member” requirement with the person who sexually assaulted them to qualify for a domestic violence protection order. If you are considering petitioning for a sexual assault protection order, you should meet with a sexual assault advocate or a lawyer to discuss the different available remedies and challenges with the various orders.

A Sexual Assault Protection Order may also be obtained as part of a criminal case. If a victim reports the sexual assault to law enforcement and the assailant is being prosecuted, a judge may order the perpetrator to keep the assailant away from the victim when they are released from custody.

***Petitioning the court for a Sexual Assault Protection Order does not guarantee your safety or that the alleged perpetrator or Respondent will comply with the terms of such an order.***

*For help in developing a safety plan or about protection orders and how to get one, contact your local domestic violence program (see Crisis Intervention in the Yellow Pages) or call the Wyoming Coalition Against Domestic Violence and Sexual Assault at (844) 264-8080 (toll free) or (307) 755-0992 or 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.*

**Read all the instructions before completing forms to ensure that you qualify to seek a sexual assault protection order in Wyoming. YOU DON’T NEED TO FILL OUT EVERY FORM. ONLY FILL OUT THE INFORMATION SHEET AND THE PETITION. Keep the other forms, as you may need them at a later date.**

**Definitions for Sexual Assault Order of Protection**  
**Wyo. Stat. § 7-3-506**

- (i) "Court" means the Circuit Court \* \* \* in the County where an alleged victim of sexual assault resides or where the alleged perpetrator of the sexual assault is found;
- (ii) "Order of Protection" means a court order granted for the protection of a victim of sexual assault;
- (iii) "Sexual assault" means conduct as defined by W.S. § 6-2-302, 6-2-303, 6-2-314 through 6-2-318, which state:

**Sexual assault in the first degree:**<sup>i</sup>(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; or an attempt or conspiracy to commit such act.

**Sexual assault in the second degree:**<sup>ii</sup> (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) The actor is in a position of authority over the victim and uses this position of authority to cause the victim to submit; (vi) 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) The actor inflicts sexual intrusion in treatment or examination of a

victim for purposes or in a manner substantially inconsistent with reasonable medical practices; or (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 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; or an attempt or conspiracy to commit such act.

**Sexual abuse of a minor in the first degree<sup>iii</sup>** (a) An actor commits the crime of sexual abuse of a minor in the first degree if: (i) Being sixteen (16) years of age or older, the actor inflicts sexual intrusion on a victim who is less than thirteen (13) years of age; (ii) Being eighteen (18) years of age or older, the actor inflicts sexual intrusion on a victim who is less than eighteen (18) years of age, and the actor is the victim's legal guardian or an individual specified in W.S. 6-4-402; (iii) Being eighteen (18) years of age or older, the actor inflicts sexual intrusion on a victim who is less than sixteen (16) years of age and the actor occupies a position of authority in relation to the victim. (b) Except as provided in subsection (c) of this section, a person convicted under subsection (a) of this section is subject to imprisonment for not more than fifty (50) years, unless the person convicted qualifies under W.S. 6-2-306(e). (c) A person convicted under paragraph (a)(i) of this section, where the actor is at least twenty-one (21) years of age, is subject to imprisonment for not less than twenty-five (25) years nor more than fifty (50) years, unless the person convicted qualified under W.S. 6-2-306(e); or an attempt or conspiracy to commit such act.

**Sexual abuse of a minor in the second degree<sup>iv</sup>** (a) Except under circumstance constituting sexual abuse of a minor in the first degree as defined by W.S. 6-2-314, an actor commits the crime of sexual abuse of a minor in the second degree if: (i) Being seventeen (17) years of age or older, the actor inflicts sexual intrusion on a victim who is thirteen (13) through fifteen (15) years of age, and the victim is at least four (4) years younger than the actor; (ii) Being sixteen (16) years of age or older, the actor engages in sexual contact of a victim who is less than thirteen (13) years of age; (iii) Being eighteen (18) years of age or older, the actor engages in sexual contact with a victim who is less than eighteen (18) years of age and the actor is the victim's legal guardian or an individual specified in W.S. 6-4-402; or (iv) Being eighteen (18) years of age or older the actor engages in sexual contact with a victim who is less than sixteen (16) years of age and the actor occupies a position of authority in relation to the victim; or an attempt or conspiracy to commit such act.

**Sexual abuse of a minor in the third degree:** Except under circumstance constituting sexual abuse of a minor in the first or second degree as defined by W.S. 6-2-314 and 6-2-315, an actor commits the crime of sexual abuse of a minor

in the third degree if: (i) Being seventeen (17) years of age or older, the actor engages in sexual contact with a victim who is thirteen (13) through fifteen (15) years of age, and the victim is at least four (4) years younger than the actor; (ii) Being twenty (20) years of age or older, the actor engages in sexual intrusion with a victim who is either sixteen (16) or seventeen (17) years of age, and the victim is at least four (4) years younger than the actor, and the actor occupies a position of authority in relation to the victim; (iii) Being less than sixteen (16) years of age, the actor inflicts sexual intrusion on a victim who is less than thirteen (13) years of age, and the victim is at least three (3) years younger than the actor; or (iv) Being seventeen (17) years of age or older, the actor knowingly takes immodest, immoral or indecent liberties with a victim who is less than seventeen (17) years of age and the victim is at least four (4) years younger than the actor;<sup>v</sup> or an attempt or conspiracy to commit such act.

**Sexual abuse of a minor in the fourth degree:** Except under circumstances constituting sexual abuse of a minor in the first, second, third degree as defined by W.S. 6-2-314 through 6-2-316, an actor commits the crime of sexual abuse of a minor in the fourth degree if: (i) Being less than sixteen (16) years of age, the actor engages in sexual contact with a victim who is less than thirteen (13) years of age, and the victim is at least three (3) years younger than the actor; or (ii) Being twenty (20) years of age or older, the actor engages in sexual contact with a victim who is either sixteen (16) or seventeen (17) years of age, and the victim is at least four (4) years younger than the actor, and the actor occupies a position of authority in relation to the victim;<sup>vi</sup> or an attempt or conspiracy to commit such act.

**Soliciting to engage in illicit sexual relations:** Defined as conduct, except under circumstances constituting sexual assault in the first, second or third degree as defined by W.S. 6-2-302 through 6-2-304, or sexual abuse of a minor in the first, second, third or fourth degree as defined by W.S. 6-2-314 through 6-2-317, by anyone who has reached the age of majority and who solicits, procures or knowingly encourages anyone less than the age of fourteen (14) years, or a person purported to be less than the age of fourteen (14) years, to engage in sexual intrusion as defined in W.S. 6-2-301;<sup>vii</sup> or an attempt or conspiracy to commit such act.