

WYOMING

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| <p>Structure, organization, and delivery of Child Representation</p> <p>State-by-state, county-by-county, etc.</p> | <p>The Wyoming Guardian Ad Litem Program is an autonomous division of the Office of Public Defenders. For more information, see http://gal.state.wy.us/. The GAL Program is located in Cheyenne, Wyoming and employs or contracts with attorneys throughout the state to provide legal representation for children.</p> <p>- (a) The office of the state public defender shall administer a guardian ad litem program. The program shall employ or contract with, supervise and manage attorneys providing legal representation as guardians ad litem in the following cases and actions:</p> <ul style="list-style-type: none">(i) Child protection cases under W.S. 14-3-101 through 14-3-440;(ii) Children in need of supervision cases under W.S. 14-6-401 through 14-6-440, to the extent an attorney has been appointed to serve only as a guardian ad litem;(iii) Delinquency cases under W.S. 14-6-201 through 14-6-252, to the extent an attorney has been appointed to serve only as a guardian ad litem;(iv) Termination of parental rights actions under W.S. 14-2-308 through 14-2-319, brought as a result of a child protection, child in need of supervision or delinquency action;(v) Appeals to the Wyoming supreme court in the cases or actions specified in this subsection. <p>(b) The program shall be administered by an administrator appointed by the state public defender. The administrator shall be an attorney in good standing with the Wyoming state bar with experience in guardian ad litem representation, child welfare and juvenile justice.</p> <p>(c) The office shall adopt policies and rules and regulations governing standards for the legal representation by attorneys acting as guardians ad litem in cases under the program and for the training of those attorneys. The policies and rules shall ensure that the program will be separate and distinct from the office's performance of duties involving criminal defense and representation of a juvenile other than as a guardian ad litem in delinquency proceedings. To the maximum extent possible, the policies and rules shall ensure all fiscal and information technology duties for the program are kept separate from the fiscal and information technology duties for the office of the public defender. Any attorney providing services to the program as a guardian ad litem shall meet the standards established by the office for the program. WY Stat. § 14-12-101.</p> <p>- Appointment of program to provide guardian ad litem services.</p> <p>(a) In cases specified in W.S. 14-12-101(a), if the county in which the court is located participates in</p> |
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the program:

- (i) The court shall appoint the program to provide services when appointing a guardian ad litem;
 - (ii) The administrator or designee shall assign an attorney to act as guardian ad litem in accordance with the court's order.
- (b) The program shall cooperate with juvenile courts in developing a case appointment system in each participating county for all applicable cases requiring the appointment of a guardian ad litem.
- (c) An attorney accepting a guardian ad litem assignment under the program shall be employed by or contract with the program to provide services in accordance with program requirements. The contract shall specify the fees to be paid for the assignment, which may be a defined hourly or per case rate or a defined sum. Fees paid by the program may vary based upon the type and difficulty of the case, location, work required and experience. [WY Stat. § 14-12-102](#).
- (a) The Office shall provide necessary administrative support and supervisory oversight for the Program. The Office shall provide for oversight of the Program. Supervisory attorney guardians ad litem, or any other attorney guardian ad litem designated by the State Public Defender or her designee, or the Director or her designee, are authorized and may attend all proceedings in an action, including closed proceedings, to oversee attorney guardians ad litem, unless a conflict of interest exists.
- (b) The Office shall require any attorney who seeks to contract with or be employed by the Office for legal representation of children as a guardian ad litem to meet the standards for guardians ad litem established by the Office.
- (c) The Office shall, in its discretion, set standard fee schedules for guardian ad litem services.
- (d) The Office shall establish standards for attorney guardians ad litem that will ensure their advice remains independent of private providers and that their recommendations consider cost impacts and savings to the state of Wyoming.
- (e) The Office will cooperate with the state's juvenile courts in developing a case appointment system in each county for all applicable cases requiring the appointment of an attorney guardian ad litem. In such cases, the Office will develop a case contact system, utilizing contact attorneys or supervising attorneys in each county to find a Program guardian ad litem available to take a new case and appear at the shelter care/detention hearing.
- (i) If the court appoints the Program as the representative guardian ad litem, the Program shall assign the appointment to an attorney with whom it has contracted to serve as a guardian ad litem.

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| | <p>(ii) The Program shall maintain a list of qualified attorneys with whom it has contracted, the GAL Panel, and shall post the GAL Panel on the Program’s website. The Program shall also furnish that list to each juvenile court in the state and to the county/district attorney in each county annually periodically. Any attorney appointed by the court that is not on the Program’s list will not be reimbursed or compensated. . . .</p> <p>WY GAL Program Rules & Regulations, Wyoming Secretary of State’s Office, Ch. 1, Section 8.</p> |
| <p>Funding Child Representation</p> | <p>An attorney accepting a guardian ad litem assignment under the program shall be employed by or contract with the program to provide services in accordance with program requirements. The contract shall specify the fees to be paid for the assignment, which may be a defined hourly or per case rate or a defined sum. Fees paid by the program may vary based upon the type and difficulty of the case, location, work required and experience. Wy. Stat. §14-12-102.</p> |
| <p>1. General Duties: Timely appointment, mandatory or discretionary, attorney or lay person, represent child’s interests, undertake basic obligations, address conflict situations, address special needs and disabilities, and accommodate client preferences.</p> | <p>- Appointment of counsel for child and other parties.</p> <p>(a) The court shall appoint counsel to represent any child in a court proceeding in which the child is alleged to be abused or neglected. Any attorney representing a child under this section shall also serve as the child's guardian ad litem unless a guardian ad litem has been appointed by the court. The attorney or guardian ad litem shall be charged with representation of the child's best interest.</p> <p>(b) The court may appoint counsel for any party when necessary in the interest of justice. WY Stat. § 14-3-211.</p> <p>- Appointment of guardian ad litem.</p> <p>The court shall appoint a guardian ad litem for a child who is a party to proceedings under this act if the child has no parent, guardian or custodian appearing in his behalf or if the interests of the parents, guardian or custodian are adverse to the best interest of the child. A party to the proceeding or employee or representative thereof shall not be appointed guardian ad litem for the child. WY Stat. § 14-3-416.</p> <p>- Appointment of guardian ad litem.</p> <p>The court shall appoint a guardian ad litem for a child who is a party to proceedings under this act if the child has no parent, guardian or custodian appearing in his behalf or if the interests of the parents,</p> |

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| | <p>guardian or custodian are adverse to the best interest of the child. A party to the proceeding or employee or representative thereof shall not be appointed guardian ad litem for the child. WY Stat. § 14-6-216.</p> <p>- Role of attorney guardian ad litem.</p> <p>These Rules adopt the National Association of Counsel for Children (NACC) <i>Recommendations for Representation of Children in Abuse and Neglect Cases</i> “Attorney Guardian <i>ad Litem</i> Hybrid Model” and is the model referred to whenever “attorney guardian <i>ad litem</i>” is set forth herein. This model provides an attorney to represent the child and instructs the attorney to represent the child’s “best interests.” Rather than taking direction from the client, as is the case in traditional attorney representation of adults, the attorney guardian <i>ad litem</i> is charged with forming the client’s position by using his/her own judgment as to the child’s “best interests.” The attorney guardian <i>ad litem</i> is required to consider the child’s wishes and preferences when determining the child’s best interests, but he or she is not bound by them as in the traditional attorney-client relationship. If the attorney guardian <i>ad litem</i> determines that the child’s expressed preference is not in the best interests of the child, both the child’s wishes and the basis of the attorney guardian <i>ad litem</i>’s disagreement must be presented to the court. WY GAL Program Rules & Regulations, Wyoming Secretary of State’s Office, Ch. 2, Section 2(a).</p> |
| <p>2. Out of Court - Actions to be Taken: Meet with child, undertake an investigation, provide advice and counseling, file pleadings, request services, address special needs, negotiate settlements</p> | <p>- Guidelines for Setting & Frequency of Meetings with Clients</p> <p>A. The GAL must maintain sufficient contact with clients to establish and uphold an attorney-client relationship that will enable the GAL to understand the client’s interests and needs and position on issues or questions in the juvenile court action. All travel to and from client meetings must meet the provisions outlined in Section four of this policy.</p> <p>B. Meetings should take place in children’s placement and the GAL should observe the client’s interactions with their parents, caregivers, or custodians. All travel to and from client meetings must meet the provisions outlined in Section four of this policy.</p> <p style="padding-left: 40px;">I. The GAL must make their best effort to find a neutral setting where the client can speak openly should a meeting in the client’s placement not be possible.</p> <p>C. The GAL must meet with the client at least once and should do so in person. All travel to and from client meetings must meet the provisions outlined in Section four of this policy.</p> <p style="padding-left: 40px;">I. The GAL should schedule an initial meeting as soon as the GAL receives the case from a</p> |

GAL Program District Supervisor.

II. The initial meeting must occur within thirty (30) days following appointment to a case.

D. The GAL must meet with the client on a regular basis after the initial meeting and before disposition. These meetings should be conducted in a manner appropriate to the client's age and maturity level, and the level of complexity involved in the case. All travel to and from client meetings must meet the provisions outlined in Section four of this policy.

E. The GAL must meet with the client after any changes to the client's day-to-day activities within thirty (30) days following the event. Examples of these events are school suspensions, in-patient hospitalizations, and major court hearings. This list is not comprehensive. All travel to and from client meetings must meet the provisions outlined in Section four of this policy.

F. If a placement change has occurred, the GAL must meet with and observe the client in the new placement within thirty (30) days of the change. All travel to and from client meetings must meet the provisions outlined in Section four of this policy.

G. Meetings should be scheduled adequately before the next scheduled court appearance so that the GAL and the client have sufficient time to analyze information, take appropriate actions, and formulate meaningful arguments. [Wyoming Guardian Ad Litem Program, GAL Division Policy H, Section 2.](#)

- Responsibilities for GALs During Meetings with Clients

A. The GAL should ensure that the content and direction of meetings are appropriate to the child's age, maturity level, and the complexity and potential stress created by the circumstances of the case.

B. At a minimum, the GAL should update the client on the juvenile court action, inform the child of important changes in the case, discuss available alternatives and describe what will happen next at a level appropriate to the client's age and maturity level.

C. The GAL shall maintain the confidentiality of communications with their client, except when such communications may be conveyed as permitted by law. [Wyoming Guardian Ad Litem Program, GAL Division Policy H, Section 3.](#)

- Appropriate & Professional Relationships with Clients

A. The GAL should always be aware of unique issues facing each client, such as mental health status,

poverty level, and exposure to domestic violence or substance abuse. The GAL should take appropriate steps to assure that these issues do not interfere with effective representation of the client.

B. The GAL must be aware of and avoid all potential conflicts of interest or the appearance of a conflict of interest that would interfere with the competent representation of the client.

C. The GAL shall know, recognize, and maintain appropriate and professional boundaries with their clients. The GAL is responsible for setting and maintaining these boundaries.

I. Appropriate boundaries and unhealthy client relationships are especially important when representing minors.

D. The GAL shall adhere to the Wyoming Rules of Professional Conduct at all times.

E. The GAL shall adhere to the GAL Program Rules and Regulations, Chapter 2, Section 3(a) which states: “Notwithstanding any additional conditions imposed by order of the court, an attorney guardian ad litem in a juvenile court case shall possess the knowledge and training necessary to perform the court appointment and shall be subject to all of the rules and standards of the legal profession.”

F. The GAL shall not partake in prohibited behaviors. These behaviors are:

I. Sexual relations with the client or a member of the client’s family;

II. Initiating gratuitous talk about sex;

III. Physical contact with sexual intent;

IV. Rough handling;

V. Lending money to a client;

VI. Receiving money or services from the client for yourself;

VII. Accepting as a client someone whom you have had a business relationship;

VIII. Accepting as a client someone who is or was a member of your family;

IX. Accepting as a client someone you have known socially;

X. Giving the client a personal mobile or home phone number, a personal email address, or a home address;

i. Exception for contracted GALs only: a personal mobile or home phone number, personal e-mail address, or a home address may be given to a client if it is also used as a professional mobile or office number, professional e-mail address; or a professional home office address.

ii. Exception for employees that are not provided a state-purchased cellular phone: a personal mobile number may be given to a client if it is also used as a professional mobile number.

XI. Spending time with the client at your home, or at various restaurants, movie theatres, or

other social facilities outside of the client's home or placement, where the purpose of the meeting is purely social and not related to the client's juvenile court action;

XII. Freely sharing and discussing your own personal experiences or intimate details about self with the client; and

XIII. Engaging in the use of drugs and/or alcohol with the client.

G. The following behaviors may signal violations of a professional and appropriate relationship with the client. The GAL should heed these warning signs and contact the GAL Program Administrator immediately:

I. Excessively thinking about a client away from work;

II. Planning other client's meetings and representation around a particular client's needs;

III. Being defensive about your representation of a client;

IV. Secretive behavior with a client; V. Giving gifts to the client or their family;

VI. Inability to remain objective to feedback or comments from the team due to strong feelings for a client;

VII. Feeling personally responsible for the client's progress;

VIII. Feeling possessive about a client; IX. Believing that the system does not understand the client the way that you do and believing that because of this, you must personally intervene;

X. Believing that colleagues do not understand when you discuss or defend your behavior with a client; and

XI. Considering yourself part of a client's family. [Wyoming Guardian Ad Litem Program, GAL Division Policy H, Section 5.](#)

- Withdrawal from a GAL Program Case Appointment

A. If a GAL has an unhealthy, inappropriate, or unprofessional relationship with a client that cannot be repaired, the GAL shall not continue to represent the client and must withdraw from the case in accordance with GAL Program Policy D: Attorney-Client Conflicts of Interest and GAL Program Procedures on Withdrawal and must also complete a Request for Appointment of New GAL form.

B. Upon review and approval of the form, the GAL Program or the District Supervisor will file a Notice of Withdrawal or a Notice of Substitution with the court. The Program will maintain representation of the client and assign a new Program GAL. [Wyoming Guardian Ad Litem Program, GAL Division Policy H, Section 6.](#)

- Multidisciplinary team responsibilities.

A GAL shall attend, in person, all pertinent multidisciplinary team (“MDT”) meetings/hearings, in the child’s best interests. A GAL shall participate, in the child’s best interests, as a MDT member in reviewing the child’s personal and family history, school records, mental health records and Department of Family Services records and any other pertinent information, for the purpose of making case planning recommendations. If a GAL cannot attend a MDT team meeting in person or by telephone, he/she shall submit written reports and recommendations to the other team members and to the court prior to the meeting. If a child has been placed outside the home, the GAL, in the best interests of the child and as a MDT member, shall meet quarterly with the other team members to review the child’s progress and best interests. Any failure to attend a pertinent MDT team meeting/hearing may result in nonpayment of bills and/or termination of the contract. [WY GAL Program Rules & Regulations, Wyoming Secretary of State’s Office, Ch. 2, Section 3\(d\)](#).

(b) An attorney guardian ad litem appointed pursuant to this rule shall specifically:

- (i) Establish and maintain competence of the applicable legal and ethical standards, including relevant court rules, federal and state law, case law, agency rules and regulations and local practice;
- (ii) Be familiar with recognized standards and best practice procedures in child welfare, protection and juvenile matters, including those set forth in the American Bar Association Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases (1996) and NACC Recommendations for Representation of Children in Abuse and Neglect Cases;
- (iii) Due to the high co-occurrence of child abuse/neglect and domestic violence, be familiar with the dynamics of domestic violence, the rate of co-occurrence between child abuse and domestic violence, the barriers to leaving a violent relationship and how domestic violence may affect children and their parents or caregivers, and how to determine if it exists in a particular case and how to competently account for it in case planning;
- (iv) Conduct a full and independent case investigation in a timely manner, which shall include, at a minimum:
 - (A) Obtaining information about the child and the circumstances that led to the filing of the petition, which shall include obtaining copies of all pleadings and relevant notices;
 - (B) Meet with and observe the child’s interaction with the caregivers, which includes

meeting with and observing the child at home or in placement, even if a Court Appointed Special Advocate (hereinafter “CASA”) or other child or family advocate is, or has been, involved in the case;

(C) Personally interview the child when appropriate, even if a CASA or other child or family advocate is, or has been, involved in the case, unless the child’s age and capabilities prevent it.

(D) Failure of the GAL to fulfill the requirements of (A), (B) and (C), above, will result in non-payment of the entire bill for the case, and may result in immediate termination of the contract.

(v) Insofar as is practical, counsel the child concerning the subject matter of the litigation, the attorney’s role, the child’s rights, the possible outcomes of each proceeding, and the consequences of the child’s participation or lack of participation;

(vi) Identify appropriate family and professional resources for the child and be familiar with the knowledge of experts and their possible input and role in the cases;

(vii) Participate in depositions, negotiations, discovery, pretrial conferences, multi-disciplinary team meetings and hearings, including review hearings;

(viii) Advocate for timely resolution and permanent resolution (absent compelling reasons to the contrary) of the case;

(ix) Make independent recommendations and take into consideration cost impacts and savings of potential service options, with an emphasis on community services most likely to preserve families, continued appropriate familial relationships and avoidance of out-of-home placement, when appropriate;

(x) Determine whether the child should attend hearings by considering the impact the hearing will have on the child and the child’s ability to understand what is occurring;

(xi) After the hearings, review the court’s orders to ensure the written orders conform to the court’s oral orders, as well as comply with statutorily required findings and notices;

(xii) Monitor the implementation of the case and/or permanency plan, the court’s orders and communicate with the responsible agencies; and

(xiii) Recognize that the obligation of the attorney guardian ad litem to the child is a continuing one and does not cease until the attorney guardian ad litem is formally relieved by court order or the court terminates its jurisdiction over the child.

(c) A GAL’s failure to do any of the foregoing may result in non-payment of bills and/or termination of the contract. [WY GAL Program Rules & Regulations, Wyoming Secretary of State’s Office, Ch. 2,](#)

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| <p>3. In Court – Active Participation in Hearings: Appear in court, explain proceedings to client, present evidence, ensure child is present, expand scope of representation into other needed areas, and undertake certain obligations post-disposition.</p> | <p>Section 3(b)-(c).</p> <ul style="list-style-type: none"> - Hearing <ul style="list-style-type: none"> (a) Presence of the Child. <p>A child who is not of suitable age to understand or participate in the proceedings need not be present at hearings in abuse and neglect actions unless the court so orders. Wy. Rules of Procedure for Juvenile Courts 2(a).</p> - Determining the Client’s Presence in Court <ul style="list-style-type: none"> A. All GAL Program clients, regardless of age or type of juvenile court case, as parties to the juvenile court proceeding, should attend all significant court hearings in which they are the subject. <ul style="list-style-type: none"> I. Even those clients that are not of suitable age to understand and/or meaningfully participate in the proceedings can attend and such attendance may benefit the parties and team members. These clients are not required to attend abuse/neglect hearings unless the court orders their attendance. <ul style="list-style-type: none"> a. A client alleged or adjudicated to be delinquent, or in the need of supervision, shall be present at all hearings unless otherwise ordered by the court, regardless of age or understanding. If a client is of suitable age but their attendance would be detrimental to the client, a party may motion the court to excuse the presence of a child alleged or adjudicated to be delinquent, or in need of supervision. II. The GAL should consult the client, therapist, caretaker, or any other knowledgeable person in determining the effect of being present at the hearing on the client. III. If the GAL is concerned about the client being exposed to some parts of the evidence or conversation, and the GAL finds it is in the best interest of the client, the client may be temporarily excluded from the hearing. B. If the client is precluded from attending the hearing because of distance, weather, or other extenuating circumstance, the GAL should coordinate a client’s attendance through telephone, video, or other appropriate means if the technology is available. C. Any decision to exclude the client from a hearing should be based on a particularized determination that the child does not want to attend (after being timely informed of the hearing and its importance), would be severely traumatized by such attendance, or for other good reason would be better served by not attending. <ul style="list-style-type: none"> I. When determining if the client wasn’t to attend a hearing, the GAL should: <ul style="list-style-type: none"> a. Explain the importance of the client’s input into decisions that will affect the client’s |
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life;

b. address the client's concerns or fears about attending court;

c. ensure that the school knows the client will not be in school to attend the hearing, and that this is an excused absence; and

d. consult with the client's therapist to determine if there are any concerns with the client attending the hearing.

II. The GAL should document any decisions to exclude the client from the hearing in their case file. [Wyoming Guardian Ad Litem Program, GAL Division Policy G, Section 2.](#)

- Preparing the Client for Court

A. The GAL should ensure that the state or the custodian of the client meets their obligation to transport the client to and from any hearings.

B. The GAL should ensure that there is someone available to accompany the client should they be temporarily excluded from the hearing.

C. If a GAL report was approved and filed before the hearing, it must note if the client will be attending the hearing, if any accommodations will need to be made on behalf of the client, or if the client is excluded from the hearing and why.

D. The GAL should prepare the client, in a manner developmentally appropriate, for the court hearing. The GAL should:

I. Provide the client with at least two weeks' notice of the hearing, when possible;

II. inform the client that they may have to wait for a long period of time, suggest that they bring school work, or other quiet activities to occupy their time;

III. discuss who will be present at the hearing and what their role is with the client, when possible and appropriate, take the client to the courtroom to show them where everyone will sit;

IV. explain to the client that as their GAL you have to advocate for their wishes and their best interests, and tell them that you will tell the judge what the client wants, even if your recommendation is not the same;

V. let your client know what your recommendation is and what is in your GAL report to the court if one was filed;

VI. talk with your client about what you expect to happen and what will be discussed at the hearing;

VII. let the client know what is in the DFS worker's report to the court and answer any of their

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| | <p>questions;</p> <p>VIII. ask the client what they want the judge to know, and if they would like to speak to the judge directly, if so, talk with your client about what they should say to the judge and arrange the meeting; and</p> <p>IX. respond to any questions or concerns the child may have about the hearing. Wyoming Guardian Ad Litem Program, GAL Division Policy G, Section 3.</p> <p>- Debriefing the Client After Court</p> <p>A. Following any hearing in which the client was present, the GAL should debrief their client about the hearing. The GAL should:</p> <p>I. Spend time with the client immediately following the hearing to discuss what happened during the hearing;</p> <p>II. ensure the child understands what happened during the hearing, that they know when the next hearing is to occur, and what will happen before the next hearing;</p> <p>III. review the court order with the client. If the court order is not immediately available after the hearing, make arrangements to review the order at a later time;</p> <p>IV. contact the client’s caregiver to inform them of anything that happened during the hearing that may have impacted the client;</p> <p>V. contact the client’s therapist to inform them of anything that happened during the hearing that may be relevant to the client’s treatment; and</p> <p>VI. allow the client to ask questions. Wyoming Guardian Ad Litem Program, GAL Division Policy G, Section 4.</p> |
| <p>4. Post-Hearing: Review courts order, communicate order to child, and monitor implementation of orders</p> | <p>- An attorney guardian ad litem appointed pursuant to this rule shall specifically:</p> <p>(vii) Participate in depositions, negotiations, discovery, pretrial conferences, multi-disciplinary team meetings and hearings, including review hearings; . . .</p> <p>(xi) After the hearings, review the court’s orders to ensure the written orders conform to the court’s oral orders, as well as comply with statutorily required findings and notices;</p> <p>(xii) Monitor the implementation of the case and/or permanency plan, the court’s orders and communicate with the responsible agencies; and</p> <p>(xiii) Recognize that the obligation of the attorney guardian ad litem to the child is a continuing one and does not cease until the attorney guardian ad litem is formally relieved by court order or the court terminates its jurisdiction over the child. WY GAL Program Rules & Regulations, Wyoming</p> |

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| | Secretary of State's Office, Ch. 2, Section 3(b). |
| <p>5. Appellate Advocacy: Decision to appeal, withdrawal, participation in appeal, conclusion by appeal.</p> | <p>Should a client-file and administrative case-file become archived and a GAL is retained by the GAL Program to represent the client in the underlying juvenile court action, an additional juvenile court action, a termination of parental rights proceeding, or an appellate proceeding, then the attorney may check out the client file from the GAL Program by completing the GAL Program File Access Request form.</p> <p>I. The administrative case-file will remain on file with the GAL Program and a copy of the GAL Program File Access Request form and a statement summary of the action will be filed in the administrative case-file.</p> <p>II. The GAL Program Administrative Assistant will keep an electronic log of files checked out to attorneys of the GAL Program, and shall ensure client-files are returned upon completion of representation. Any correspondence regarding these actions shall be filed in the administrative case-file.</p> <p>III. No written release from the client is required to complete this step. Wyoming Guardian Ad Litem Program, GAL Division Policy N, Section 2(C).</p> <p>An attorney guardian <i>ad litem</i> . . . shall specifically . . . [r]ecognize that the obligation of the attorney guardian ad litem to the child is a continuing one and does not cease until the attorney guardian ad litem is formally relieved by court order or the court terminates its jurisdiction over the child. WY GAL Program Rules & Regulations, Wyoming Secretary of State's Office, Ch. 2, Section 3(b)(xiii).</p> <p>(a) A lawyer appointed as a guardian ad litem (GAL) by a district court, or a lawyer retained to represent a GAL, may participate in any appeal involving the matter for which the GAL has been appointed.</p> <p>(b) Brief of GAL. - A GAL may submit a brief in support of any party to an appeal. If the GAL does not support any party, the GAL may submit a brief only with the permission of the court, which may be granted upon motion of the GAL made on or before the time specified in Rule 7.12. All provisions of Rule 7.12 shall apply to a GAL who does not support any party. If the GAL supports a party:</p> <ol style="list-style-type: none"> (1) The brief of the GAL shall be submitted on or before the time specified for the party whom the GAL supports. (2) The brief of the GAL shall comply with Rule 7.01, except that no statement of issues, statement of the case, or an appendix shall be required. In addition, the cover page must |

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| | <p>identify that the brief is being submitted by a GAL and indicate whether the brief supports affirmance or reversal.</p> <p>(3) The brief of the GAL shall not exceed 35 pages, and shall otherwise conform to the requirements of W.R.A.P. 7.05.</p> <p>(4) A GAL who supports an appellant is not permitted to file a reply brief.</p> <p>(c) Oral argument. - Unless otherwise ordered by the court, a GAL's argument may not exceed 10 minutes, which shall be in addition to the time allotted to the parties pursuant to Rule 8.02. If more time is desired, the request must be made by motion at the time of filing the GAL's brief. The court may make such order as it deems proper. Wyo. R. App. P. 7.13.</p> |
| <p>6. Cessation of Representation: Contacts post representation, if any</p> | <p>An attorney guardian <i>ad litem</i> . . . shall specifically . . . [r]ecognize that the obligation of the attorney guardian ad litem to the child is a continuing one and does not cease until the attorney guardian ad litem is formally relieved by court order or the court terminates its jurisdiction over the child. WY GAL Program Rules & Regulations, Wyoming Secretary of State's Office, Ch. 2, Section 3(b)(xiii).</p> |
| <p>7. General Representation Rules: Administrative structure is clear for appointment, support and accountability of the CR. The child's representative is independent from the court</p> | <p>The Wyoming Guardian Ad Litem Program is an autonomous division of the Office of Public Defenders. For more information, see http://gal.state.wy.us/. The GAL Program is located in Cheyenne, Wyoming and employs or contracts with attorneys throughout the state to provide legal representation for children.</p> <p>- (a) The office of the state public defender shall administer a guardian ad litem program. The program shall employ or contract with, supervise and manage attorneys providing legal representation as guardians ad litem in the following cases and actions:</p> <ul style="list-style-type: none"> (i) Child protection cases under W.S. 14-3-101 through 14-3-440; (ii) Children in need of supervision cases under W.S. 14-6-401 through 14-6-440, to the extent an attorney has been appointed to serve only as a guardian ad litem; (iii) Delinquency cases under W.S. 14-6-201 through 14-6-252, to the extent an attorney has |

been appointed to serve only as a guardian ad litem;

(iv) Termination of parental rights actions under W.S. 14-2-308 through 14-2-319, brought as a result of a child protection, child in need of supervision or delinquency action;

(v) Appeals to the Wyoming supreme court in the cases or actions specified in this subsection.

(b) The program shall be administered by an administrator appointed by the state public defender. The administrator shall be an attorney in good standing with the Wyoming state bar with experience in guardian ad litem representation, child welfare and juvenile justice.

(c) The office shall adopt policies and rules and regulations governing standards for the legal representation by attorneys acting as guardians ad litem in cases under the program and for the training of those attorneys. The policies and rules shall ensure that the program will be separate and distinct from the office's performance of duties involving criminal defense and representation of a juvenile other than as a guardian ad litem in delinquency proceedings. To the maximum extent possible, the policies and rules shall ensure all fiscal and information technology duties for the program are kept separate from the fiscal and information technology duties for the office of the public defender. Any attorney providing services to the program as a guardian ad litem shall meet the standards established by the office for the program. [WY Stat. § 14-12-101](#).

- Appointment of program to provide guardian ad litem services.

(a) In cases specified in W.S. 14-12-101(a), if the county in which the court is located participates in the program:

(i) The court shall appoint the program to provide services when appointing a guardian ad litem;

(ii) The administrator or designee shall assign an attorney to act as guardian ad litem in accordance with the court's order.

(b) The program shall cooperate with juvenile courts in developing a case appointment system in each participating county for all applicable cases requiring the appointment of a guardian ad litem.

(c) An attorney accepting a guardian ad litem assignment under the program shall be employed by or contract with the program to provide services in accordance with program requirements. The contract shall specify the fees to be paid for the assignment, which may be a defined hourly or per case rate or a defined sum. Fees paid by the program may vary based upon the type and difficulty of the case, location, work required and experience. [WY Stat. § 14-12-102](#).

(a) The Office shall provide necessary administrative support and supervisory oversight for the

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| | <p>Program. The Office shall provide for oversight of the Program. Supervisory attorney guardians ad litem, or any other attorney guardian ad litem designated by the State Public Defender or her designee, or the Director or her designee, are authorized and may attend all proceedings in an action, including closed proceedings, to oversee attorney guardians ad litem, unless a conflict of interest exists.</p> <p>(b) The Office shall require any attorney who seeks to contract with or be employed by the Office for legal representation of children as a guardian ad litem to meet the standards for guardians ad litem established by the Office.</p> <p>(c) The Office shall, in its discretion, set standard fee schedules for guardian ad litem services.</p> <p>(d) The Office shall establish standards for attorney guardians ad litem that will ensure their advice remains independent of private providers and that their recommendations consider cost impacts and savings to the state of Wyoming.</p> <p>(e) The Office will cooperate with the state’s juvenile courts in developing a case appointment system in each county for all applicable cases requiring the appointment of an attorney guardian ad litem. In such cases, the Office will develop a case contact system, utilizing contact attorneys or supervising attorneys in each county to find a Program guardian ad litem available to take a new case and appear at the shelter care/detention hearing.</p> <p>(i) If the court appoints the Program as the representative guardian ad litem, the Program shall assign the appointment to an attorney with whom it has contracted to serve as a guardian ad litem.</p> <p>(ii) The Program shall maintain a list of qualified attorneys with whom it has contracted, the GAL Panel, and shall post the GAL Panel on the Program’s website. The Program shall also furnish that list to each juvenile court in the state and to the county/district attorney in each county annually periodically. Any attorney appointed by the court that is not on the Program’s list will not be reimbursed or compensated. . . .</p> <p><u>WY GAL Program Rules & Regulations, Wyoming Secretary of State’s Office, Ch. 1, Section 8.</u></p> |
| <p>8. Lawyer Training: Child representative trained, on-going training provided, new attorneys provided senior lawyer mentorship.</p> | <p>(a) Notwithstanding any additional conditions imposed by order of the court, an attorney guardian ad litem in a juvenile court case shall possess the knowledge and training necessary to perform the court appointment and shall be subject to all of the rules and standards of the legal profession.</p> <p>(b) An attorney guardian ad litem appointed pursuant to this rule shall specifically:</p> <p>(i) Establish and maintain competence of the applicable legal and ethical standards, including relevant court rules, federal and state law, case law, agency rules and regulations and local practice;</p> |

(ii) Be familiar with recognized standards and best practice procedures in child welfare, protection and juvenile matters, including those set forth in the American Bar Association Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases (1996) and NACC Recommendations for Representation of Children in Abuse and Neglect Cases;

(iii) Due to the high co-occurrence of child abuse/neglect and domestic violence, be familiar with the dynamics of domestic violence, the rate of co-occurrence between child abuse and domestic violence, the barriers to leaving a violent relationship and how domestic violence may affect children and their parents or caregivers, and how to determine if it exists in a particular case and how to competently account for it in case planning . . .

[WY GAL Program Rules & Regulations, Wyoming Secretary of State's Office, Ch. 2, Section 3.](#)

- Qualifications and training.

(a) Before the Office may contract with an attorney to provide attorney guardian ad litem services for the Program, the attorney must satisfy certain minimum qualifications in addition to training requirements set forth by these Rules.

(b) The Program will contract with and employ attorneys only from the ranks of qualified attorneys. Contracts, employment, appointments and assignments will not be made without regard to prior training or practice. Competence requires relevant training and experience. Attorneys contracted with, employed, appointed or assigned as attorney guardians ad litem pursuant to these Rules and the Program shall be subject to all of the rules and standards of the legal profession.

(i) Initial training. A lawyer shall not be qualified for an initial contract, employment, appointment or assignment pursuant to these Rules and the Program unless the attorney has received, since July 1, 2006, ten (10) or more hours of child related training accredited by the Wyoming State Bar, or the attorney otherwise provides evidence acceptable to the Administrator that he or she has recent training, experience, or both, which is reasonably equivalent. Work performed prior to the effective date of this pre-amended rule, July 1, 2005, does not qualify for compensation or reimbursement pursuant to this rule or its accompanying enabling legislation. This paragraph does not apply to paragraph (iii), below. This paragraph also does not apply to the University of Wyoming College of Law's Legal Services Program.

(ii) Continuing training. In addition, beginning with the 2007 reporting period, the attorney guardians ad litem shall obtain at least five (5) hours of continuing legal education or other courses relevant to an appointment that enhance the attorney's knowledge of the issues of

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| | <p>representation, per year to maintain qualification pursuant to these Rules. These hours are not in addition to any existing continuing legal education requirements of the Wyoming State Bar. The Program and the court shall require that proof of such education, expertise, or experience is on file with the Bar at the time of contract, employment, appointment or assignment. All qualifying continuing legal education credits may be carried over to subsequent years pursuant to the Wyoming State Bar rules and regulations. The Director has the additional authority and discretion to require all Program GALs to obtain training in addition to the minimum five (5) hours of continuing legal education when necessary. This paragraph also does not apply to the University of Wyoming College of Law’s Legal Services Program.</p> <p>(iii) Successful completion of the University of Wyoming College of Law’s Children and Law course (or equivalent thereof). Any attorney who has, while in law school, successfully completed the Children and the Law course at the University of Wyoming College of Law, or an equivalent course there or at another ABA accredited law school, will be deemed to have fulfilled the ten (10) hour initial training set forth in paragraph (I). This shall apply retroactively.</p> <p>(c) The Program shall ensure annual Continuing Legal Education (CLE) guardian ad litem training is available for all interested attorneys. Persons having successfully completed their second year of law school may also attend any training and may count any training toward the Program’s requirement found in paragraph (ii). Nothing in these Rules supersedes any State Bar licensing requirements or State Bar rules, regulations, policies or procedures. WY GAL Program Rules & Regulations, Wyoming Secretary of State’s Office, Ch. 2, Section 4.</p> |
| <p>9. Lawyer Compensation: Adequate and timely compensation, reimbursement provided for expenses.</p> | <p>An attorney accepting a guardian ad litem assignment under the program shall be employed by or contract with the program to provide services in accordance with program requirements. The contract shall specify the fees to be paid for the assignment, which may be a defined hourly or per case rate or a defined sum. Fees paid by the program may vary based upon the type and difficulty of the case, location, work required and experience. Wy. Stat. §14-12-102.</p> |
| <p>10. Caseload Levels: Caseloads are of a manageable size</p> | <p>- Caseloads</p> <p>(a) In order to ensure that attorneys have adequate time to provide the investigation and advocacy necessary to secure appropriate outcomes for dependent children and their families, an attorney appointed pursuant to this rule shall maintain a reasonable caseload, as set out below.</p> <p>(b) An attorney who contracts with, or is employed by, the Office to perform attorney guardian ad litem services on a part-time basis shall not carry more than sixty-five (65) juvenile court cases,</p> |

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| | <p>including juvenile delinquencies, and an attorney who contracts on a full-time basis shall not carry more than one hundred (100) juvenile court cases, including juvenile delinquencies.</p> <p>(c) All supervisory guardians ad litem shall maintain a full GAL caseload, not less than sixty five (65) nor more than one hundred (100) individual GAL cases, depending upon whether the supervisory guardian ad litem is employed by or contracted with the Office on a part-time or full-time basis, in addition to her supervisory duties.</p> <p>(d) The Office reserves, in its sole discretion, the right to limit guardian ad litem appointments of a GAL when that GAL=s other obligations interfere with his or her ability to provide proper guardian ad litem services. This reservation of right applies to all caseloads, even those under the caseload limits.</p> <p>WY GAL Program Rules & Regulations, Wyoming Secretary of State's Office, Ch. 2, Section 6.</p> |
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