

Wyoming's Hidden  
Children and the  
Attorneys That  
Represent Them

By Stacey L. Obrecht

According to last published statistics, 1,176 Wyoming children were in out-of-home care in 2008.<sup>1</sup> This may not seem like a large number, but for a state with only 124,976 children in 2008<sup>2</sup>, the number becomes more significant. Out-of-home care includes foster care, kinship care, residential treatment, detention, etc. The types of placements can vary, but the end result is always the same—children are living away from their families, homes and, oftentimes, their friends.

The vast majority of residents and attorneys in Wyoming have no knowledge of the lives these children live and the difficult jobs attorney guardians *ad litem* (GALs) and other juvenile court stakeholders have attempting to achieve the best outcome possible for these children through the juvenile court system. The reason most people aren't aware of the number of children and families involved in juvenile court is due to the tremendous confidentiality standard to which these cases are held.

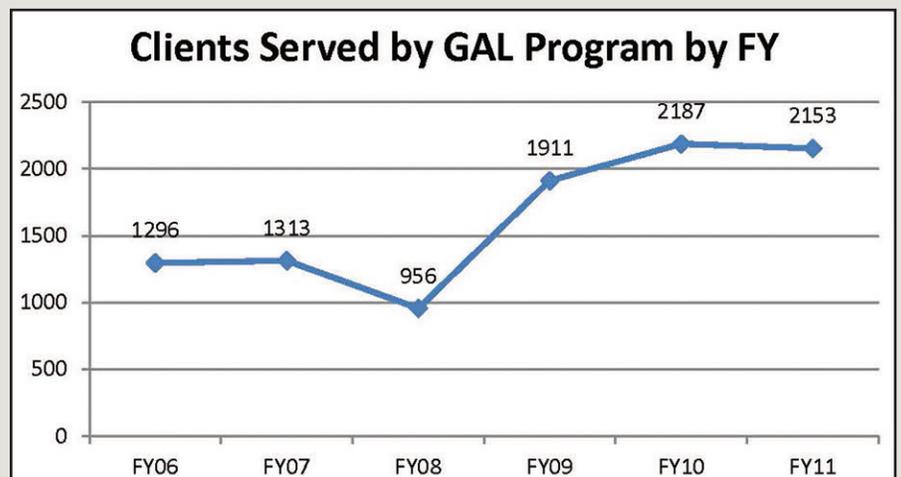
In Wyoming, the simple fact that a child is involved in the juvenile court system is confidential. Therefore, a GAL cannot go home and discuss the plight of their clients with her spouses or friends; nor can she hope that a community non-profit organization will become aware of the family's situation and offer assistance. Consequently, the majority of the abuse and neglect that occurs in a community goes unseen by its residents. A resident in Laramie County for example, may be shocked to know that in 2008, of the 21,327 children living in Laramie County:

- 2,943 children were living in poverty;
- 5,210 children were eligible for free or reduced lunch;
- 40% of births were covered by Medicaid;
- 7,808 children were enrolled in Medicaid and KidCare CHIP;
- 89 cases were substantiated for abuse and neglect;
- 690 incidents of domestic violence occurred;
- 1,611 children were arrested; and
- 271 children were in out-of-home care.<sup>3</sup>

Attorney GALs know these statistics and the children behind the statistics well. They work daily in an often unnoticed and unappreciated area of law to help these struggling families and children succeed. The GAL Program currently employs eight full-time attorneys and 36 part-time attorneys. All

but three of these 44 attorneys are in private practice and are paid by the hour with no benefits. The current rate of pay is \$70 per hour and \$35 per hour for travel, and every last one of them could make more per hour in other areas of private practice. For comparison purposes: Workers' Compensation attorneys (who are paid by the state just as GALs) are paid \$120 per hour and \$60 per hour for travel, in addition to being reimbursed for their costs and their paralegal's time.<sup>4</sup> Additionally, the majority of attorneys in Wyoming charge between \$150 and \$300 per hour. Thus, attorneys do not get involved with the GAL Program to make money.

The number of children the attorneys in the GAL Program serve has been increasing since the Program was created by the Legislature; from 1,296 children in FY2006 (July 1, 2005, through June 30, 2006) to 2,153 children in FY2011 (July 1, 2010, through June 30, 2011).



The 44 attorneys in the GAL Program, at all stages of their careers, are conscientious, caring and sharp attorneys who work hard for their child clients. They work on a variety of cases—everything from a family in extreme poverty that cannot meet the needs of their children and are, therefore, found neglectful; to a case of severe physical abuse of a young child with bruises and broken bones all over his body; to a 15-year old child who has run away from home and may be battling mental illness or substance abuse. Every day is different, just as every client and family is different. GAL attorneys are forced to find creative ways to help these families and children in need.

Attorney GALs are asked to be experts in an ever-evolving area of law that covers a large volume of state and federal law. They must be experts in Title 14 of the Wyoming State Statutes and knowledgeable in areas of family law, adoption, guardianship, termination of parental rights, child support, criminal law, etc. They must be experts in over 20 different federal laws and have a working knowledge of

many more federal laws, such as the Adoption and Safe Families Act (ASFA), Indian Child Welfare Act (ICWA), Fostering Connections, Child Abuse and Prevention Treatment Act (CAPTA), and many others. There are so many acronyms, your head would spin! They must know and understand all of the Wyoming and federal case law on child protection and juvenile justice issues, and they must have a working knowledge of a substantial number of related areas that these families and children are involved in and struggle with, which is no small feat. These other areas include:

- mental illness, substance abuse, developmental disabilities, child development, educational law, physical abuse, sexual abuse, neglect, attachment, bonding, communicating with children, domestic violence, cultural issues, poverty, immigration issues, independent living, department of family services roles and responsibilities, systems of care, visitation, family engagement, child engagement, psychotropics and other medication issues for children, Medicaid, benefits, trauma and so much more.

Finally, although most of a GAL's work is done outside of a courtroom, lately this area of law is requiring more and more specialized trial skills as these attorneys are asked to litigate complicated and emotional areas of law. Jury trials, once a rarity in the juvenile court system, are now occurring more frequently in addition to bench trials. The trial skills used in this system require quite a bit of finesse since working in juvenile court requires you to collaborate with a team and use many team dynamics and mediation skills, yet still be able to zealously advocate for your client in the courtroom.

One thing this area of law lacks little of is emotion. Attorney GALs watch painful and sometimes horrific things happen to families and children. They are asked to be non-judgmental, understanding and empathetic, which forces them to internalize this pain. In contrast to their peers, they can't then take that pain and frustration and vent to their friends. When their spouses or significant others

sense something wrong, they can't explain. It can be a very emotionally draining job that is impossible to leave at the office. Yet, GALs reap many rewarding emotional experiences as well, which is what keeps these attorneys tied to this type of law practice. Nothing can replace the feeling of seeing a foster child graduate, go home to a loving family, or be adopted by a safe and nurturing family. A success for one child can make up for hundreds of heart-wrenching experiences, and those pleasant feelings aren't soon forgotten.

There are also many other attorneys that work in this area of law alongside the GALs. Parents' attorneys, county/district attorneys, assistant attorneys general and judges work day in, day out on these cases as well. They struggle with the same issues the GALs do within the same unseen system and do a tremendous job every day. For the judges, they are balancing this area of law with all others, as being a juvenile court judge is only one hat they wear each day. Despite the additional responsibilities, each judge takes these cases seriously and makes hard decisions daily.

What I do know without a doubt is how important and worthwhile this work is and what it means to the children these attorneys represent. I will remember each and every one of my clients years from now. I will think of them often and wonder where they are and how they are doing. Some check back in with me and let me know what's new in their lives—which I appreciate more than they know. I am sure this is true for all of the GALs. I wish I could share with you the success stories of my clients as they would break your heart and brighten your day all at the same time. My clients' stories would show you how strong and resilient children can be. As members of the Bar, I hope you realize and appreciate the hard work and dedication these GALs give to their clients and their cases. A GAL's hard work will reap benefits for families in your counties and for the social fabric of our state for years to come.\*

*endnotes continued on page 61*



**Stacey L. Obrecht** received her Bachelor's Degree in Sociology/Criminal Justice from the University of Northern Colorado, and a Juris Doctorate from the University of Wyoming College of Law. Ms. Obrecht is currently the Director of the Wyoming Guardians Ad Litem Program within the Wyoming Office of the Public Defender. She administers the Program, which supervises, trains and pays the attorneys throughout Wyoming that represent children in Juvenile Court. She is also a member of the National Association of Counsel for Children and serves on many committees and boards regarding children, women and Wyoming's juvenile justice system, including but not limited to, the Wyoming Children's Justice Project Advisory Board, the Wyoming Early Childhood State Advisory Council, the Montessori Community of Cheyenne and the Juvenile Detention Alternatives Initiative Wyoming Steering Committee.

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## ENDNOTES

1. Child Welfare League of America, *Wyoming's Children 2011*, available at [www.cwla.org](http://www.cwla.org) or 202-688-4200.
2. *Id.*
3. Wyoming Kids Count Data Center, *2008 Profile for Laramie County*, available at <http://datacenter.kidscount.org>.
4. Wyoming Office of Administrative Hearings, *Special Rules Relating to Workers' Compensation*, Chapter 5, Section 3 (5/7/2008), available at <http://oah.state.wy.us/OAH%20Rules/OAH%20Ch5.pdf>.

