

UTAH	Legal Authority
	GENERAL DUTIES AND ACTIVITIES OF THE CHILD'S LEGAL REPRESENTATIVE
<p>1. General Duties: <i>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.</i></p>	<p>- All proceedings -- Persons entitled to be present. (4) In every abuse, neglect, or dependency proceeding under this chapter, the court shall order that the child be represented by a guardian ad litem, in accordance with Section 78A-6-902. The guardian ad litem shall represent the best interest of the child, in accordance with the requirements of that section, at the shelter hearing and at all subsequent court and administrative proceedings, including any proceeding for termination of parental rights. UT CODE 78A-6-317.</p> <p>- Appointment of attorney guardian ad litem -- Duties and responsibilities -- Training -- Trained staff and court-appointed special advocate volunteers -- Costs -- Immunity -- Annual report. (1) (a) The court: (i) may appoint an attorney guardian ad litem to represent the best interest of a minor involved in any case before the court; and (ii) shall consider the best interest of a minor, consistent with the provisions of Section 62A-4a-201, in determining whether to appoint a guardian ad litem. (b) In all cases where an attorney guardian ad litem is appointed, the court shall make a finding that establishes the necessity of the appointment. (2) An attorney guardian ad litem shall represent the best interest of each child who may become the subject of a petition alleging abuse, neglect, or dependency, from the earlier of the day that: (a) the child is removed from the child's home by the division; or (b) the petition is filed. ... UT. CODE 78A-6-902.</p> <p>- Guardian ad Litem attorneys are assisted by court appointed volunteers referred to as CASAs (Court Appointed Special Advocates). CASA volunteers are members of the community who work with a guardian ad litem to represent the best interest of a child whose case is before the court. CASA volunteers serve as the eyes and ears of both the guardian ad litem and the court. They gather relevant information about the child, the family, and most importantly, they get to know the child. A CASA volunteer spends an average of 8 hours per month on the case they are assigned. Office of Guardian ad Litem, CASAs: Volunteers Make the Process Work</p> <p>- (6) Conflicts of interest and disqualification of guardian ad litem. (6)(A) In cases where a guardian ad litem has a conflict of interest, the guardian ad litem shall declare the conflict and request that the court appoint a conflict guardian ad litem in the matter. Any party who perceives a conflict of interest may file a motion with the court setting forth the nature of the conflict and a request that the guardian ad</p>

	<p>litem be disqualified from further service in that case. Upon a finding that a conflict of interest exists, the court shall relieve the guardian ad litem from further duties in that case and appoint a conflict guardian ad litem.</p> <p>(6)(B) The Administrative Office of the Courts may contract with attorneys to provide conflict guardian ad litem services.</p> <p>(6)(C) If the conflict guardian ad litem is arranged on a case-by-case basis, the Court shall use the order form approved by the Council. The Order shall include a list of the duties of a guardian ad litem. The court shall distribute the Order as follows: original to the case file and one copy each to: the appointed conflict guardian ad litem, the guardian ad litem, all parties of record, the parents, guardians or custodians of the child(ren), the court executive and the Director. UT R J Admin Rule 4-906.</p>
<p>2. Out of Court - Actions to be Taken: <i>Meet with child, undertake an investigation, provide advice and counseling, file pleadings, request services, address special needs, negotiate settlements</i></p>	<p>- All proceedings -- Persons entitled to be present.</p> <p>(1) A child who is the subject of a juvenile court hearing, any person entitled to notice pursuant to Section 78A-6-306 or 78A-6-310, preadoptive parents, foster parents, and any relative providing care for the child, are:</p> <p>(a) entitled to notice of, and to be present at, each hearing and proceeding held under this part, including administrative reviews; and</p> <p>(b) have a right to be heard at each hearing and proceeding described in Subsection (1)(a).</p> <p>(2) A child shall be represented at each hearing by the guardian ad litem appointed to the child's case by the court. The child has a right to be present at each hearing, subject to the discretion of the guardian ad litem or the ...</p> <p>(5) (a) Except as provided in Subsection (5)(b), and notwithstanding any other provision of law:</p> <p>(i) counsel for all parties to the action shall be given access to all records, maintained by the division or any other state or local public agency, that are relevant to the abuse, neglect, or dependency proceeding under this chapter. . . UT CODE 78A-6-317.</p> <p>- (8) (a) An attorney guardian ad litem shall represent the best interest of a minor.</p> <p>(b) If the minor's wishes differ from the attorney's determination of the minor's best interest, the attorney guardian ad litem shall communicate the minor's wishes to the court in addition to presenting the attorney's determination of the minor's best interest.</p> <p>(c) A difference between the minor's wishes and the attorney's determination of best interest may not be considered a conflict of interest for the attorney.</p> <p>(d) The guardian ad litem shall disclose the wishes of the child unless the child:</p> <p>(i) instructs the guardian ad litem to not disclose the child's wishes; or</p> <p>(ii) has not expressed any wishes.</p> <p>(e) The court may appoint one attorney guardian ad litem to represent the best interests of more than one child</p>

of a marriage.

(9) An attorney guardian ad litem shall be provided access to all Division of Child and Family Services records regarding the minor at issue and the minor's family.

(10) (a) An attorney guardian ad litem shall conduct an independent investigation regarding the minor at issue, the minor's family, and what constitutes the best interest of the minor.

(b) An attorney guardian ad litem may interview the minor's Division of Child and Family Services caseworker, but may not:

(i) rely exclusively on the conclusions and findings of the Division of Child and Family Services; or

(ii) except as provided in Subsection (10)(c), conduct a visit with the client in conjunction with the visit of a Division of Child and Family Services caseworker.

(c) A guardian ad litem may meet with a client during a team meeting, court hearing, or similar venue when a Division of Child and Family Services caseworker is present for a purpose other than the guardian ad litem's visit with the client.

(11) (a) An attorney guardian ad litem shall maintain current and accurate records regarding:

(i) the number of times the attorney has had contact with each minor; and

(ii) the actions the attorney has taken in representation of the minor's best interest.

(b) In every hearing where the guardian ad litem makes a recommendation regarding the best interest of the child, the court shall require the guardian ad litem to disclose the factors that form the basis of the recommendation.

(12) (a) Except as provided in Subsection (12)(b), all records of an attorney guardian ad litem are confidential and may not be released or made public upon subpoena, search warrant, discovery proceedings, or otherwise. This subsection supersedes Title 63G, Chapter 2, Government Records Access and Management Act.

(b) Consistent with Subsection (12)(d), all records of an attorney guardian ad litem:

(i) are subject to legislative subpoena, under Title 36, Chapter 14, Legislative Subpoena Powers; and

(ii) shall be released to the Legislature.

(c) (i) Except as provided in Subsection (12)(c)(ii), records released in accordance with Subsection (12)(b) shall be maintained as confidential by the Legislature.

(ii) Notwithstanding Subsection (12)(c)(i), the Office of the Legislative Auditor General may include summary data and nonidentifying information in its audits and reports to the Legislature.

(d) (i) Subsection (12)(b) constitutes an exception to Rules of Professional Conduct, Rule 1.6, as provided by Rule 1.6(b)(4), because of:

(A) the unique role of an attorney guardian ad litem described in Subsection (8); and

(B) the state's role and responsibility:

(I) to provide a guardian ad litem program; and

(II) as parens patriae, to protect minors.

(ii) A claim of attorney-client privilege does not bar access to the records of an attorney guardian ad litem by the

Legislature, through legislative subpoena. [UT. CODE 78A-6-902.](#)

- (3) The director shall ensure that each attorney guardian ad litem employed by the office:

(a) represents the best interest of each client of the office in all venues, including:

...

(ii) meetings to develop, review, or modify the child and family plan with the Division of Child and Family Services in accordance with Section [62A-4a-205](#);

...

(c) conducts or supervises an ongoing, independent investigation in order to obtain, first-hand, a clear understanding of the situation and needs of the minor;

(d) (i) personally meets with the minor, unless:

(A) the minor is outside of the state; or

(B) meeting with the minor would be detrimental to the minor;

(ii) personally interviews the minor, unless:

(A) the minor is not old enough to communicate;

(B) the minor lacks the capacity to participate in a meaningful interview; or

(C) the interview would be detrimental to the minor; and

(iii) if the minor is placed in an out-of-home placement, or is being considered for placement in an out-of-home placement, unless it would be detrimental to the minor:

(A) to the extent possible, determines the minor's goals and concerns regarding placement; and

(B) personally assesses or supervises an assessment of the appropriateness and safety of the minor's environment in each placement;

...

(g) is familiar with local experts who can provide consultation and testimony regarding the reasonableness and appropriateness of efforts made by the Division of Child and Family Services to:

(i) maintain a minor in the minor's home; or

(ii) reunify a child with the child's parent;

(h) to the extent possible, and unless it would be detrimental to the minor, personally or through a trained volunteer, paralegal, or other trained staff, keeps the minor advised of:

(i) the status of the minor's case;

(ii) all court and administrative proceedings;

(iii) discussions with, and proposals made by, other parties;

(iv) court action; and

(v) the psychiatric, medical, or other treatment or diagnostic services that are to be provided to the minor; and

...[UT. CODE 78A-6-902.](#)

<p>3. In Court - Active Participation in Hearings: <i>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.</i></p>	<ul style="list-style-type: none"> - (3) The director shall ensure that each attorney guardian ad litem employed by the office: <ul style="list-style-type: none"> (a) represents the best interest of each client of the office in all venues, including: <ul style="list-style-type: none"> (i) court proceedings...UT. CODE 78A-6-902. - All proceedings -- Persons entitled to be present. <p>A child who is the subject of a juvenile court hearing is entitled to notice of, and to be present at, each hearing and proceeding held under this part, including administrative reviews, and has a right to be heard at specified hearings. Ut CODE 78A-6-317(1).</p> <ul style="list-style-type: none"> - Opportunity for a child to testify or address the court. <ul style="list-style-type: none"> (1) For purposes of this section, "postadjudication hearing" means: <ul style="list-style-type: none"> (a) a disposition hearing; (b) a permanency hearing; or (c) a review hearing, except a drug court review hearing. (2) A child shall be present at any postadjudication hearing in a case relating to the abuse, neglect, or dependency of the child, unless the court determines that: <ul style="list-style-type: none"> (a) requiring the child to be present at the postadjudication hearing would be detrimental to the child, or impractical; or (b) the child is not sufficiently mature to articulate the child's wishes in relation to the hearing. (3) A court may, in the court's discretion, order that a child described in Subsection (2) be present at a hearing that is not a postadjudication hearing. (4) (a) Except as provided in Subsection (4)(b), at any hearing in a case relating to the abuse, neglect, or dependency of a child, when the child is present at the hearing, the court shall: <ul style="list-style-type: none"> (i) ask the child whether the child desires the opportunity to address the court or testify; and (ii) if the child desires an opportunity to address the court or testify, allow the child to address the court or testify. (b) Subsection (4)(a) does not apply if the court determines that: <ul style="list-style-type: none"> (i) it would be detrimental to the child to comply with Subsection (4)(a); or (ii) the child is not sufficiently mature to articulate the child's wishes in relation to the hearing. (c) Subject to applicable court rules, the court may allow the child to address the court in camera. (5) Nothing in this section prohibits a child from being present at a hearing that the child is not required to be at

	by this section or by court order, unless the court orders otherwise. UT CODE 78A-6-305.
4. Post-Hearing: Review courts order, communicate order to child, and monitor implementation of orders.	<p>- Appointment of attorney guardian ad litem -- Duties and responsibilities -- Training -- Trained staff and court-appointed special advocate volunteers -- Costs -- Immunity -- Annual report.</p> <p>...</p> <p>(3) The director shall ensure that each attorney guardian ad litem employed by the office:</p> <p>...</p> <p>(e) personally attends all review hearings pertaining to the minor's case; UT. CODE 78A-6-902.</p> <p>- (i) in cases where a child and family plan is required, personally or through a trained volunteer, paralegal, or other trained staff, monitors implementation of a minor's child and family plan and any dispositional orders to:</p> <p>(i) determine whether services ordered by the court:</p> <p>(A) are actually provided; and</p> <p>(B) are provided in a timely manner; and</p> <p>(ii) attempt to assess whether services ordered by the court are accomplishing the intended goal of the services. UT. CODE 78A-6-902.</p>
5. Appellate Advocacy: Decision to appeal, withdrawal, participation in appeal, conclusion by appeal.	<p>-The director of the GAL office shall ensure that attorney GALs participate in all appeals, unless excused by the court. UT CODE § 78A-6-902(3)(f).</p> <p>- (a) Filing. Any appellee, including the Guardian ad Litem, may file a response to the petition on appeal. . . UT CODE R. APP. PROC. 56.</p>
6. Cessation of Representation: Contacts post representation, if any.	<p>- (5) The attorney guardian ad litem shall continue to represent the best interest of the minor until released from that duty by the court. UT. CODE 78A-6-902.</p>
	Organizational and Administrative Supports for the Child Representative
7. General Representation Rules: Administrative structure is clear for appointment,	<p>- Office of Guardian Ad Litem -- Appointment of director -- Duties of director -- Contracts in second, third, and fourth districts.</p> <p>(1) As used in this part:</p> <p>(a) "Director" means the director of the office.</p>

<p><i>support and accountability of the CR. The child's representative is independent from the court</i></p>	<p>(b) "Office" means the Office of Guardian Ad Litem, created in this section.</p> <p>(2) There is created the Office of Guardian Ad Litem under the direct supervision of the Guardian Ad Litem Oversight Committee.</p> <p>(3) (a) The Guardian Ad Litem Oversight Committee shall appoint one person to serve full time as the guardian ad litem director for the state. The guardian ad litem director shall serve at the pleasure of the Guardian Ad Litem Oversight Committee, in consultation with the state court administrator.</p> <p>(b) The director shall be an attorney licensed to practice law in this state and selected on the basis of:</p> <ul style="list-style-type: none"> (i) professional ability; (ii) experience in abuse, neglect, and dependency proceedings; (iii) familiarity with the role, purpose, and function of guardians ad litem in both juvenile and district courts; <p>and</p> <ul style="list-style-type: none"> (iv) ability to develop training curricula and reliable methods for data collection and evaluation. <p>(c) The director shall, prior to or immediately after the director's appointment, be trained in nationally recognized standards for an attorney guardian ad litem.</p> <p>(4) The guardian ad litem director shall:</p> <ul style="list-style-type: none"> (a) establish policy and procedure for the management of a statewide guardian ad litem program; (b) manage the guardian ad litem program to assure that minors receive qualified guardian ad litem services in abuse, neglect, and dependency proceedings in accordance with state and federal law and policy; (c) develop standards for contracts of employment and contracts with independent contractors, and employ or contract with attorneys licensed to practice law in this state, to act as attorney guardians ad litem in accordance with Section 78A-6-902; (d) develop and provide training programs for volunteers in accordance with the United States Department of Justice National Court Appointed Special Advocates Association standards; (e) develop and update a guardian ad litem manual that includes: <ul style="list-style-type: none"> (i) best practices for an attorney guardian ad litem; and (ii) statutory and case law relating to an attorney guardian ad litem; (f) develop and provide a library of materials for the continuing education of attorney guardians ad litem and volunteers; (g) educate court personnel regarding the role and function of guardians ad litem; (h) develop needs assessment strategies, perform needs assessment surveys, and ensure that guardian ad litem training programs correspond with actual and perceived needs for training; (i) design and implement evaluation tools based on specific objectives targeted in the needs assessments described in Subsection (4)(h); (j) prepare and submit an annual report to the Guardian Ad Litem Oversight Committee and the Child Welfare Legislative Oversight Panel regarding:
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- (i) the development, policy, and management of the statewide guardian ad litem program;
- (ii) the training and evaluation of attorney guardians ad litem and volunteers; and
- (iii) the number of minors served by the Office of Guardian Ad Litem;
- (k) hire, train, and supervise investigators; and
- (l) administer the program of private guardians ad litem established by Section **78A-2-228**.

(5) A contract of employment or independent contract described under Subsection (4)(c) shall provide that attorney guardians ad litem in the second, third, and fourth judicial districts devote their full time and attention to the role of attorney guardian ad litem, having no clients other than the minors whose interest they represent within the guardian ad litem program. [UT CODE 78A-6-901.](#)

- Guardian ad litem program.

Intent:

To establish the responsibilities of the Guardian ad Litem Oversight Committee established in Rule 1-205.

To establish the policy and procedures for the management of the guardian ad litem program.

To establish responsibility for management of the program.

To establish the policy and procedures for the selection of guardians ad litem.

To establish the policy and procedures for payment for guardian ad litem services.

To establish the policy and procedures for complaints regarding guardians ad litem and volunteers.

Applicability:

This rule shall apply to the management of the guardian ad litem program.

This rule does not affect the authority of the Utah State Bar to discipline a guardian ad litem.

Statement of the Rule:

(1) Guardian ad Litem Oversight Committee. The Committee shall:

(1)(A) develop and monitor policies of the Office of Guardian ad Litem to:

(1)(A)(i) ensure the independent and professional representation of a child-client and the child's best interest; and

(1)(A)(ii) ensure compliance with federal and state statutes, rules and case law;

(1)(B) recommend rules of administration and procedure to the Judicial Council and Supreme Court;

(1)(C) select the Director of the Office of Guardian ad Litem in consultation with the State Court Administrator;

(1)(D) develop a performance plan for the Director;

(1)(E) monitor the Office's caseload and recommend to the Judicial Council adequate staffing of guardians ad litem and staff;

(1)(F) develop standards and procedures for hearing and deciding complaints and appeals of complaints; and

(1)(G) hear and decide complaints and appeals of complaints as provided in this rule.

(2) Qualifications of the director. The Director shall have the qualifications provided by the Utah Code.

(3) Responsibilities of the director. In addition to responsibilities under the Utah Code, the Director shall have the following responsibilities.

(3)(A) Manage the Office of Guardian ad Litem to ensure that minors who have been appointed a guardian ad litem by the court receive qualified guardian ad litem services.

(3)(B) Develop the budget appropriation request to the legislature for the guardian ad litem program.

(3)(C) Coordinate the appointments of guardians ad litem among different levels of courts.

(3)(D) Monitor the services of the guardians ad litem, staff and volunteers by regularly consulting with users and observers of guardian ad litem services, including judges, court executives and clerks, and by requiring the submission of appropriate written reports from the guardians ad litem.

(3)(E) Determine whether the guardian ad litem caseload in Judicial Districts 1, 5, 6, 7, and 8 is best managed by full or part time employment or by contract.

(3)(F) Select guardians ad litem and staff for employment as provided in this rule. Select volunteers. Coordinate appointment of conflict counsel.

(3)(G) Supervise, evaluate, and discipline guardians ad litem and staff employed by the courts and volunteers. Supervise and evaluate the quality of service provided by guardians ad litem under contract with the court.

(3)(H) Monitor and report to the Committee guardian ad litem, staff and volunteer compliance with federal and state statutes, rules and case law.

(3)(I) Prepare and submit to the Committee in August an annual report regarding the development, policy, and management of the guardian ad litem program and the training and evaluation of guardians ad litem, staff and volunteers. The Committee may amend the report prior to release to the Legislative Interim Human Services Committee.

...

(9) Complaints and appeals.

(9)(A)(i) Any person may file with the chair of the Committee a complaint regarding the Director, or regarding an administrative policy or procedure, not including complaints regarding a particular guardian ad litem, private guardian ad litem, or volunteer. The Committee shall enter a recommendation to the Judicial Council, which may include discipline of the Director.

(9)(A)(ii) If a complaint regarding the Director or an administrative policy or procedure is received in the Director's office, the Director shall forward the complaint to the chair of the Committee within a reasonable time, but not more than 14 days after receipt.

(9)(B) Any person may file with the Director a complaint regarding a guardian ad litem, private guardian ad litem, or volunteer. The decision of the Director regarding the complaint is final and not subject to appeal.

(9)(C) If a guardian ad litem and a volunteer disagree on the major decisions involved in representation of the client, either may notify the Director that the dispute cannot be resolved. The decision of the Director regarding the

	<p>dispute is final and not subject to appeal.</p> <p>(9)(D) The failure of the Director to satisfactorily resolve a complaint against a guardian ad litem, private guardian ad litem or volunteer is not grounds for a complaint against the Director.</p> <p>...</p> <p>(9)(F)(i) A complaint shall be in writing, stating the name and contact information of the complainant, the name of the child or children involved, the nature of the complaint and the facts upon which the complaint is based.</p> <p>(9)(F)(ii) In resolving a complaint or appeal, the Director or the Committee shall conduct such investigation as the Director or the Committee determines to be reasonable. The Director or the Committee may meet separately or together with the complainant and the person against whom the complaint is filed.</p> <p>(9)(F)(iii) The decision of the Director may include discipline of the person against whom the complaint is filed. If the complaint is against a private guardian ad litem, the decision may include removal of the private guardian ad litem from the list of private guardians ad litem and the conditions for reinstatement.</p> <p>(9)(G) This subsection does not apply to conflict guardians ad litem. Ut R J Admin Rule 4-906.</p> <p>- (16) The Office of Guardian ad Litem and the Guardian Ad Litem Oversight Committee shall compile a list of attorneys willing to accept an appointment as a private attorney guardian ad litem.</p> <p>(17) Upon the advice of the director of the Office of Guardian ad Litem and the Guardian Ad Litem Oversight Committee, the Judicial Council shall establish by rule:</p> <ul style="list-style-type: none"> (a) the minimum qualifications and requirements for appointment by the court as an attorney guardian ad litem; (b) the standard fee rate and retainer amount for a private attorney guardian ad litem; (c) the percentage of cases a private attorney guardian ad litem may be expected to take on pro bono. <p>UT Code 78A-2-228.</p>
<p>8. <i>Lawyer Training:</i> <i>Child representative trained, on-going training provided, new attorneys provided senior lawyer mentorship.</i></p>	<p>- (3) The director shall ensure that each attorney guardian ad litem employed by the office:</p> <p>...</p> <ul style="list-style-type: none"> (b) prior to representing any minor before the court, be trained in: <ul style="list-style-type: none"> (i) applicable statutory, regulatory, and case law; and (ii) nationally recognized standards for an attorney guardian ad litem; UT. CODE 78A-6-902. <p>- Public policy regarding guardian ad litem -- Training.</p> <ul style="list-style-type: none"> (1) A guardian ad litem may not presume that a child and the child's parent are adversaries. (2) A guardian ad litem shall be trained in: <ul style="list-style-type: none"> (a) the parental rights and child and family protection principles provided in Section 62A-4a-201; (b) the fundamental liberties of parents and the public policy of the state to support family unification to the fullest extent possible;

	<p>(c) the constitutionally protected rights of parents, in cases where the state is a party; and</p> <p>(d) the use of a least restrictive means analysis regarding state claims of a compelling child welfare interest. Ut CODE 78A-2-227.5.</p> <p>- The director of the GAL office shall ensure that each attorney GAL employed by the office shall prior to representing any minor before the court, be trained in:</p> <p>(i) applicable statutory, regulatory, and case law; and</p> <p>(ii) nationally recognized standards for an attorney guardian ad litem. UT. CODE 78A-6-902(3)(b).</p> <p>- (7) Staff and Volunteers.</p> <p>(7)(A) The Director shall develop a strong volunteer component to the guardian ad litem program and provide support for volunteer solicitation, screening and training. Staff and volunteers shall have the responsibilities established by the Utah Code.</p> <p>(7)(B) Training for staff and volunteers shall be conducted under the supervision of the attorney guardian ad litem with administrative support provided by the Director. Staff and volunteers shall receive training in the areas of child abuse, child psychology, juvenile and district court procedures and local child welfare agency procedures. Staff and volunteers shall be trained in the guidelines established by the National Court Appointed Special Advocate Association. UT. Code 78A-6-902.</p>
<p>9. Lawyer Compensation: <i>Adequate and timely compensation, reimbursement provided expenses.</i></p>	<p>- (6) (a) Consistent with Subsection (6)(b), the juvenile court is responsible for:</p> <p>(i) all costs resulting from the appointment of an attorney guardian ad litem; and</p> <p>(ii) the costs of volunteer, paralegal, and other staff appointment and training.</p> <p>(b) The court shall use funds appropriated by the Legislature for the guardian ad litem program to cover the costs described in Subsection (6)(a).</p> <p>(c) (i) When the court appoints an attorney guardian ad litem under this section, the court may assess all or part of the attorney fees, court costs, and paralegal, staff, and volunteer expenses against the child's parents, parent, or legal guardian in a proportion that the court determines to be just and appropriate, taking into consideration costs already borne by the parents, parent, or legal guardian, including:</p> <p>(A) private attorney fees;</p> <p>(B) counseling for the child;</p> <p>(C) counseling for the parent, if mandated by the court or recommended by the Division of Child and Family Services; and</p>

(D) any other cost the court determines to be relevant.
(ii) The court may not assess those fees or costs against:
(A) a legal guardian, when that guardian is the state; or
(B) consistent with Subsection (6)(d), a parent who is found to be impecunious.
(d) For purposes of Subsection (6)(c)(ii)(B), if a person claims to be impecunious, the court shall:
(i) require that person to submit an affidavit of impecuniosity as provided in Section [78A-2-302](#); and
(ii) follow the procedures and make the determinations as provided in Section [78A-2-304](#).
(e) The child's parents, parent, or legal guardian may appeal the court's determination, under Subsection (6)(c), of fees, costs, and expenses. [UT. CODE 78A-6-902.](#)

- (6)(D) A conflict guardian ad litem's compensation shall not exceed \$50 per hour or \$1000 per case in any twelve month period, whichever is less. Under extraordinary circumstances, the Director may extend the payment limit upon request from the conflict guardian ad litem. The request shall include justification showing that the case required work of much greater complexity than, or time far in excess of, that required in most guardian ad litem assignments. Incidental expenses incurred in the case shall be included within the limit. If a case is appealed, the limit shall be extended by an additional \$400. [UT. CODE 78A-6-902.](#)

- Right to counsel -- Appointment of counsel for indigent -- Cost -- Court hearing to determine compelling reason to appoint a noncontracting attorney.

(1) (a) The parents, guardian, custodian, and the minor, if competent, shall be informed that they have the right to be represented by counsel at every stage of the proceedings. They have the right to employ counsel of their own choice and if any of them requests an attorney and is found by the court to be indigent, counsel shall be appointed by the court, subject to the provisions of this section. The court may appoint counsel without a request if it considers representation by counsel necessary to protect the interest of the minor or of other parties.

(b) The cost of appointed counsel for an indigent minor or other indigent party, including the cost of counsel and expense of appeal, shall be paid by the county in which the trial court proceedings are held. Counties may levy and collect taxes for these purposes.

(c) The court shall take into account the income and financial ability to retain counsel of the parents or guardian of a child in determining the indigency of the child.

(2) If the state or county responsible to provide legal counsel for an indigent under Subsection (1)(b) has arranged by contract to provide services, the court if it has received notice or a copy of such contract shall appoint the contracting attorney as legal counsel to represent that indigent.

(3) In the absence of contrary contractual provisions regarding the selection and appointment of parental defense counsel, the court shall select and appoint the attorney or attorneys if:

(a) the contract for indigent legal services is with multiple attorneys; or

	<p>(b) the contract is with an additional attorney or attorneys in the event of a conflict of interest.</p> <p>(4) If the court considers the appointment of a noncontracting attorney to provide legal services to an indigent despite the existence of an indigent legal services contract and the court has a copy or notice of such contract, before the court may make the appointment, it shall:</p> <p>(a) set the matter for a hearing;</p> <p>(b) give proper notice to the attorney general and the Child Welfare Parental Defense Program created in Section 63A-11-103; and</p> <p>(c) make findings that there is a compelling reason to appoint a noncontracting attorney before it may make such appointment.</p> <p>(5) The indigent's mere preference for other counsel may not be considered a compelling reason justifying the appointment of a noncontracting attorney.</p> <p>(6) The court may order a minor, parent, guardian, or custodian for whom counsel is appointed and the parents or guardian of any child for whom counsel is appointed to reimburse the county for some or all of the cost of appointed counsel.</p> <p>(7) (a) Except as provided in Subsections (7)(b) and (c), the court shall order a minor, parent, guardian, or custodian for whom counsel is appointed and the parents or guardian of any child for whom counsel is appointed to reimburse the county for the cost of appointed counsel arising from any work of counsel that is not primarily directed at the state or the guardian ad litem.</p> <p>(b) The court may not order reimbursement of the county pursuant to Subsection (7)(a) for the cost of appointed counsel arising from any work of counsel:</p> <p>(i) that is specifically undertaken to defend against the filing of a petition to terminate parental rights, regardless of who filed the petition; and</p> <p>(ii) that is undertaken after the petition to terminate parental rights has been filed.</p> <p>(c) The state, or an agency of the state, may not be ordered to reimburse the county pursuant to Subsection (7)(a). UT CODE 78A-6-1111.</p>
<p>10. Caseload Levels: <i>Caseloads are of a manageable size.</i></p>	<p>The GAL Oversight Committee shall monitor the Office of the GAL's caseload and recommend to the Judicial Council adequate staffing of GALs and staff. Judicial Administration Rule 4-906(1)(E).</p>