

WYOMING	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>- 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, 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>(a) These Rules adopt the “Attorney Guardian ad Litem Hybrid Model” and is the model referred to whenever “attorney guardian ad litem” 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 ad litem is charged with forming the client’s position by using his/her own judgment as to the child’s “best interests.” The attorney guardian ad litem 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 ad litem 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 ad litem’s disagreement must be presented to the court. WY GAL PROGRAM RULES &</p>

	REGULATIONS, OFFICE OF THE STATE PUBLIC DEFENDER, CH. 2, SECTION 2(A).
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>	<ul style="list-style-type: none"> - 1. In all cases the GAL must maintain sufficient contact with the client to establish and maintain an attorney-client relationship that will enable the GAL to understand the client's interests and needs, as well as the client's position on issues or questions in the case. 2. A GAL must meet with the child at least once and should do so in-person. <ul style="list-style-type: none"> a. This first meeting should be scheduled as soon as the GAL receives the case from the GAL Program and/or Contact Attorney, but in every case should occur before 30 days following the appointment. 3. Prior to disposition, a GAL should meet with the client on a regular basis after the first initial meeting, in a manner appropriate to the child's age, maturity, case complexity and travel distance. 4. Pre- and post- disposition, a change to the child's day-to-day activities (such as changes in placement, school suspensions, in-patient hospitalizations, major court hearings, and similar changes) warrant meeting again with the child in-person (unless out-of-state travel exception, see 12 below). 5. If the child's placement changes, the GAL should meet with the child, at his/her home or current placement, within 30 days of the change (unless out-of-state travel exception, see 12 below). 6. All meetings should take place with sufficient time between the meeting and the court appearances in order for the GAL and the client to fully analyze the information, take appropriate actions, and formulate meaningful arguments. 7. All meetings, when possible, should take place at the child's home or current placement, so the GAL can observe the child's interactions with his/her parents/caregivers. <ul style="list-style-type: none"> a. If a meeting at the child's home is not possible, then the GAL should make his/her best efforts to find a neutral setting where the child is comfortable and can talk openly. 8. The content and direction of the meetings should take into account the child's age, maturity, and potential stress created by the circumstances of the case. 9. When meeting with a child, at a minimum, the GAL should, to the extent possible and in accordance with the child's development, inform the child of what is happening with the court proceeding, what alternatives are available, and what will happen next. 10. The GAL shall maintain the confidentiality of communications with their client, except as such communications may be conveyed as permitted by law.

11. This policy applies to each child client, not each case/proceeding. The responsibilities of the GAL are the same to each client, even if there are multiple children and/or placements in a proceeding.

12. If a child is placed out-of-state, the GAL shall balance the needs of the client with the cost of visiting the client. Factors to weigh in this decision are: has DFS or ICPC evaluated the placement; can the GAL rely on that report and speak to that evaluator; is the facility certified; can the GAL ascertain the facility's quality with third-party contacts, can the GAL communicate with the client adequately by phone, e-mail or video conferencing; etc. The costs to the Program for this out-of-state travel should be constantly balanced with the need to meet with the client in person.

13. All out-of-state travel to meet with clients must be prior approved by the GAL Program Director in accordance with the Program's *Policy on Travel Approval and Reimbursement*. [GAL's Policy on Client Meetings](#).

- Duties and Responsibilities in Relationships with Clients:

1. GALs should be aware of the unique issues facing each client, such as mental health status, poverty, domestic violence and substance abuse and take appropriate steps to assure that these issues do not interfere with effective representation.

2. GALs must be alert to and avoid potential conflicts of interest or the appearance of a conflict of interest that would interfere with the competent representation of the client.

3. A GAL shall know, recognize and maintain professional boundaries with their child clients.

4. The GAL is responsible for setting and maintaining the appropriate boundaries with their child clients.

5. Appropriate boundaries and unhealthy client relationships are especially sensitive when representing minors as a GAL.

6. The GAL Program Rules, Chapter 2, Section 3 (a) states: "(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.***" (emphasis added) This extends the GAL's responsibilities to the Wyoming Rules of Professional Conduct (WRPC), and the GAL Program Rules.

7. The role of a GAL Attorney in Juvenile Court can often be blurred due to the nature of the cases and the families with which GAL's work. Part of a GAL Attorney's job is to engage the client in a relationship of trust; yet, when working with these child clients, GALs must maintain clear boundaries to assure professional integrity and responsibility.

8. The role of a GAL is significantly different than that of a social worker or advocate working with the child client or family because the attorney's goal is to help the client work through a legal problem, rather than facilitate learning and change in the client. To resolve this legal problem in a productive and effective manner, the attorney needs to develop a health adult relationship with their client. (Note: GALs shall also ensure their actions are those

of GALs, not of parents' attorneys, especially if the parent is represented by counsel.)

9. If boundaries are not outlined and adhered to it leaves the GAL open to allegations of unprofessional conduct and abuse. This policy was created as much to protect the GAL, as the client.

10. The following behaviors are prohibited by the GAL Program:

- a. Sexual relations with the client or a member of the client's family.
- b. Initiating gratuitous talk about sex.
- c. Physical contact with sexual intent.
- d. Rough handling.
- e. Receiving money or services from the client for yourself.
- f. Accepting as a client someone with whom you have had a business relationship.
- g. Accepting as a client someone who is or was a member of your family.
- h. Accepting as a client someone you know or have known socially.
- i. Giving the client a purely personal e-mail, personal cell number, home address or home phone number.
- j. Bringing the client to your home for any reason and/or introducing the client to your family members.
- k. Spending social time with the client at your home, or frequent time with a client at various restaurants, movie theaters, or other public places outside of the client's home, where the meeting purpose is purely social, not case related.
- l. Freely sharing and discussing your own personal experiences or intimate details about self with the client.
- m. Spending your own personal funds to support the client's needs.
- n. Engaging in the use of drugs and/or alcohol with the client.

11. The following behaviors may signal violations of this professional relationship and should be warning signs to the GAL:

- a. Excessively thinking of client away from work.
- b. Planning other client's meetings and representation around a particular client's needs.
- c. Being defensive about your representative of the client.
- d. Secretive behavior.
- e. Gift giving to the client and/or their family.
- f. Feeling so strongly about a situation that the GAL can't hear feedback from the team and/or not remaining objective.
- g. Feeling responsible for the client's progress.
- h. Feeling possessive about a client.

- i. Believing that the “system” doesn’t understand, but only you do, therefore you must intervene.
 - j. Believing that colleagues don’t understand when you discuss/defend your behavior with clients.
 - k. Lending clients money.
 - l. Considering yourself “part of the family” with clients.
12. This policy cannot cover every eventuality or fact pattern and there will always be an element of debate as to what behavior is acceptable or unacceptable. Where there is doubt as to the appropriateness of behaviors, the GAL should always consult with the GAL Program Director.
13. If you do have an unhealthy relationship with a client that can’t be repaired, please see the form and policy on conflicts of interest. The GAL Program’s Conflict of Interest Policy states that a GAL assigned and appointed to a case, working for the GAL Program, shall not continue representation if a conflict of interest exists. This conflict of interest may be in the form of an unhealthy relationship with a client.
- a. The policy also states “If a conflict of interest arises after representation has been undertaken, the GAL shall withdraw from representation. The GAL must notify the Program in writing prior to withdrawal by completing a Request for Appointment of New GAL. Upon review and approval by the Program, the GAL will file a Notice of Withdrawal with the court. The Program will maintain representation of the client and assign a new GAL.” [GAL’s Policy on Client Meetings](#).
- (d) 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 non-payment of bills and/or termination of the contract. [WY GAL PROGRAM RULES & REGULATIONS, OFFICE OF THE STATE PUBLIC DEFENDER, CH. 2, SECTION 3](#).
- (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 meet with the child in a timely manner, even if a CASA or other child or family advocate is, or has

	<p>been, involved in the case, unless the child's age and capabilities prevent it.</p> <p>(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.</p> <p>(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;</p> <p>(vi) Prior to making a recommendation for out-of-home placement at a hearing, MDT or in the GAL Report, a GAL shall research and consider alternative community programs, treatments and family preservation services available to the family;</p> <p>(vii) Independently identify and advocate for 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;</p> <p>(viii) Participate in depositions, negotiations, discovery, pretrial conferences, multi-disciplinary team meetings and hearings, including review hearings;</p> <p>(ix) Independently verify and advocate for timely resolution and permanent resolution (absent compelling reasons to the contrary) of the case;</p> <p>(x) 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;</p> <p>(xi) In recognition of federal law encouraging the presence of children at hearings in which they are the subject and in recognizing the best interests of the child, children should attend all significant court hearings, unless, for their best interests, they should be excluded. A decision to exclude the child from the hearing should be made based on a particularized determination that the child does not want to attend, is too young to sit through the hearing, would be severely traumatized by such attendance, or for other good reason would be better served by nonattendance. The lawyer should consult the child, therapist, caretaker or any other knowledgeable person in determining the effect on the child of being present at the hearing. The lawyer should also ensure that the state/custodian meets its obligation to transport the child to and from the hearing and ensure the presence of someone to accompany the child any time the child is temporarily absent from the hearing;</p> <p>...</p> <p>(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, OFFICE OF THE STATE PUBLIC DEFENDER, CH. 2, SECTION 3.</p>
<p>3. In Court - Active Participation in Hearings: Appear in</p>	<p>- Hearing.</p> <p>A. Presence of the Child.</p> <p>A child who is not of suitable age to understand or participate in the proceedings need not be present at hearings in</p>

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.

abuse and neglect actions unless the court so orders. [WY Ct. R. 2A](#).

- 1. All children, regardless of age or type of Juvenile Court case, as parties to the Juvenile Court proceedings (*see* [W.S. § 14-3-402\(xiv\)](#)), should attend all significant court hearings in which they are the subject.

a. 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; but are not required to attend abuse/neglect hearings pursuant to [Wyoming Rules of Procedure for Juvenile Courts Rule 2A](#), unless the court orders their attendance.

i. Pursuant to [Wyoming Rules of Procedure for Juvenile Courts Rule 2A](#), a “child alleged or adjudicated to be delinquent, or in need of supervision, shall be present at all hearings unless otherwise ordered by the court,” regardless of age or understanding. “Upon motion of a party, the court may excuse the presence of a child alleged or adjudicated to be delinquent, or in need of supervision, who is of suitable age, if attendance would be detrimental to the child; or allow a child to appear by telephone.”

b. The GAL should consult the child, therapist, caretaker, or any other knowledgeable person in determining the effect on the child of being present at the hearing.

c. Concerns about the child being exposed to parts of the evidence or conversation may be addressed by the child’s temporary exclusion from the court room (*see* [W.S. § 14-3-424\(b\)](#) which states, “If the court finds it necessary in the best interest of the child, the child may be temporarily excluded from any hearing.”).

d. If the child’s physical presence is precluded by distance, weather or other extenuating circumstances, the GAL should coordinate a child’s attendance at the hearing by telephone, video or other appropriate means, if said technology is possible.

2. A decision to exclude the child 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 non-attendance.

a. In determining whether the child wants to attend court, the GAL should address:

i. Explain the importance of the child’s input into decisions that will affect his/her life.

ii. Address the child’s concerns or fears about attending court, if any.

iii. Ensure that the school knows the child has an excused absence for the hearing.

iv. Consult with the child’s therapist to determine if there are any concerns with the child attending the court hearing.

b. If a decision to exclude the child is made, this decision should be documented in the GAL’s file.

3. The GAL should ensure that the state/custodian meets its obligation to transport the child to and from the hearing as well as ensure the presence of someone to accompany the child any time the child is temporarily absent from the

hearing.

4. The GAL should prepare the child, in a manner developmentally appropriate to the particular child, for the court hearing according to the following procedures:

- a. Provide the child with at least two weeks notice of the hearing, when possible.
- b. Let the child know that he/she may have to wait for a couple of hours and to bring school work, quiet activities or other things to occupy his/her time.
- c. Discuss who will be present at the hearing and what their roles are. If possible and appropriate, take the child to the courtroom (when it's empty) and give them a tour and show them who will sit where.
- d. Explain your role as guardian *ad litem* and that you have to advocate for the child's wishes and the child's best interests.
- e. Tell the child that you will tell the judge what he/she wants, even if your recommendation is not the same.
- f. Let the child know what your recommendation is and what is in the GAL's report to the court (if one was approved by the parties and filed with the court pursuant to Wyoming case law).
- g. Discuss what is expected to happen and be talked about.
- h. Let the child read the DFS worker's report to the court (or tell the child the pertinent portions) and find out whether the child has any questions or responses.
- i. Find out what the child wants the judge to know.
- j. Determine how and whether the child wants to speak with the judge directly (i.e. during the court proceeding with parties present or in chambers (if possible)).
- k. If a GAL report was approved and filed before the hearing, be sure it included whether the child will attend the hearing and any accommodations that should be made; or why the decision was made to exclude the child from the hearing.
- l. Respond to the child's questions about the hearing.
- m. Decide whether the child should attend the entire hearing or be excused for certain portions.
- n. Decide with the child whether he/she should speak directly to the judge during the hearing and discuss what he/she will say.

5. Following a hearing for which the child has been present, the GAL should debrief the child about the hearing according to the following procedures:

- a. Spend time with the child after the hearing to talk about what happened during the hearing.
- b. Allow the child to ask questions.
- c. Ensure the child understands what happened, when the next court hearing is, and what is going to happen between now and then.

	<p>d. Review the court order with the child. If the order isn't available immediately after the hearing, make arrangements to contact the child at a later time to review the order.</p> <p>e. Contact the caregiver after the hearing to inform them of anything that happened during the hearing that may have impacted the child.</p> <p>f. Contact the child's therapist to provide information that might be relevant to the child's treatment. GAL's Policy & Procedure of Children In Court.</p>
<p>4. Post-Hearing: Review courts order, communicate order to child, and monitor implementation of orders.</p>	<p>- (viii) Participate in depositions, negotiations, discovery, pretrial conferences, multi-disciplinary team meetings and hearings, including review hearings...</p> <p>(xiii) Monitor and advocate for timely implementation of the case and/or permanency plan, the court's orders and communicate with the responsible agencies...WY GAL PROGRAM RULES & REGULATIONS, OFFICE OF THE STATE PUBLIC DEFENDER, CH. 2, SECTION 3.</p>
<p>5. Appellate Advocacy: Decision to appeal, withdrawal, participation in appeal, conclusion by appeal.</p>	<p>- 1. The original file will be held by the attorney until the case (including appeal and termination of parental rights, if applicable) is closed by the Court. The file will then be sent by the attorney to the Wyoming Guardians Ad Litem Program (hereinafter "Program") within sixty (60) days of the close of the case (trial, appeal or termination of parental rights, whichever is applicable). GAL's Policy on Retention of File.</p> <p>- (xiv) 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. This continuing obligation includes any appeals that may result from the case in which the GAL has been appointed. In the event of an appeal, a GAL shall participate in the appeal as permitted by rule 7.13 of the Wyoming Rules of Appellate Procedure, and shall be reimbursed for this representation pursuant with the provisions of this rule. If the GAL is not able to represent the client in the appeal, the GAL must immediately notify the Director of the Program so she may find a suitable replacement. This continuing obligation also extends through termination of parental rights proceedings unless appointment of a new GAL is in the best interests of the child. WY GAL PROGRAM RULES & REGULATIONS, OFFICE OF THE STATE PUBLIC DEFENDER, CH. 2, SECTION 3.</p> <p>Guardian ad litem.</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> <p>(1) The brief of the GAL shall be submitted on or before the time specified for the party whom the GAL</p>

	<p>supports.</p> <p>(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 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: <i>Contacts post representation, if any.</i></p>	<p>- (xiv) 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. This continuing obligation includes any appeals that may result from the case in which the GAL has been appointed. In the event of an appeal, a GAL shall participate in the appeal as permitted by rule 7.13 of the Wyoming Rules of Appellate Procedure, and shall be reimbursed for this representation pursuant with the provisions of this rule. If the GAL is not able to represent the client in the appeal, the GAL must immediately notify the Director of the Program so she may find a suitable replacement. This continuing obligation also extends through termination of parental rights proceedings unless appointment of a new GAL is in the best interests of the child. WY GAL PROGRAM RULES & REGULATIONS, OFFICE OF THE STATE PUBLIC DEFENDER, CH. 2, SECTION 3.</p>
	<p style="text-align: center;">Organizational and Administrative Supports for the Child Representative</p>
<p>7. General Representation Rules: <i>Administrative structure is clear for appointment, support and accountability of the CR. The child's representative is independent from the court</i></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> <p>(i) Child protection cases under W.S. 14-3-101 through 14-3-440;</p> <p>(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;</p> <p>(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;</p>

(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. [WY STAT. § 14-12-102.](#)

- The GAL Program has also established a [Pro Bono Panel](#), comprised of volunteer GAL attorneys who represent (without compensation for their legal services) children involved in abuse and neglect, CHINS or delinquency cases in Juvenile Court.

- Program administration.

(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

	<p>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... WY GAL PROGRAM RULES & REGULATIONS, OFFICE OF THE STATE PUBLIC DEFENDER, CH. 1, SECTION 8.</p>
<p>8. Lawyer Training: <i>Child representative trained, on-going training provided, new attorneys provided senior lawyer mentorship.</i></p>	<p>- General responsibilities of attorney guardian ad litem.</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> <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), the American Bar Association Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases (NACC Revised Version 1999) and NACC Recommendations for Representation of Children in Abuse and Neglect Cases;</p> <p>(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</p>

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, OFFICE OF THE STATE PUBLIC DEFENDER, 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 (for placement on the GAL Panel) pursuant to these Rules and the Program unless the attorney has received within the two (2) years prior to applying for certification with the Program, ten (10) or more live 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.

(A) The Program Director will decide on a case-by-case basis what constitutes “child related training.”

(B) Any training offered by the NACC or the Program constitutes child related training.

(C) If an attorney is removed from the GAL Panel after their initial training for a period of two (2) years or more, they must again complete the required initial ten (10) hours of training before being reinstated on the GAL Panel.

(D) This paragraph does not apply to subsections (c) or (d) of Section 4, below.

(E) This paragraph also does not apply to the law students supervised and practicing under faculty attorney supervisors at the University of Wyoming College of Law Clinics. It does apply to the faculty attorney supervisors.

(ii) Continuing training. In order to remain on the GAL Panel and be eligible for appointments, the attorney GAL shall obtain five (5) live hours of continuing legal education per legal education reporting year. These five (5) live hours shall be child related training and relevant to an appointment in Juvenile Court proceedings.

(A) 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.

(B) This paragraph also does not apply to the law students supervised and practicing under faculty attorney supervisors at the University of Wyoming College of Law Clinics. It does apply to the faculty attorney supervisors.

(c) 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,

	<p>will be deemed to have fulfilled the ten (10) hour initial training set forth in paragraph (i). This shall apply retroactively.</p> <p>(d) 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 supercedes any State Bar licensing requirements or State Bar rules, regulations, policies or procedures.</p> <p>(e) The Program shall ensure annual Continuing Legal Education (CLE) guardian ad litem training is available for all interested attorneys. WY GAL PROGRAM RULES & REGULATIONS, OFFICE OF THE STATE PUBLIC DEFENDER, CH. 2, SECTION 4.</p> <p>- The GAL Program will accept and review attorney applications to the Pro Bono Panel. In order to be considered for the Pro Bono Panel, each pro bono GAL must meet the following requirements:</p> <ul style="list-style-type: none"> • Be in good standing with the Wyoming State Bar Association; • Obtain the required GAL specific Continuing Legal Education (CLE) credits and file an affidavit of compliance with the Wyoming State Bar Association. Each GAL must obtain ten (10) hours of live GAL CLE credit and complete 5 hours of live GAL CLE credits each year thereafter; • Comply will all state statutes, rules, regulations and GAL Program policies and procedures; and • File monthly reports with the GAL Program on the status of the open case.
<p>9. Lawyer Compensation: <i>Adequate and timely compensation, reimbursement provided expenses.</i></p>	<p>- (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.</p> <p>- A GAL will not be paid for a case they do not receive from the GAL Program or without prior approval from the GAL Program Director. A GAL must be on the GAL Program's Panel to be assigned to a case and receive payment.</p> <p>Contracted GALs are paid \$75.00 per hour for work they do on GAL cases submitted and approved by the GAL Program and \$40.00 per hour for any travel time on their assigned GAL cases. In order to receive payment for this time, the GAL must submit to the GAL Program, within 20 calendar days from the end of the month being billed, the Monthly Invoice Form and a separate itemized bill of their time spent on each case. A GAL can only be paid for time once per month, so if all the GAL's time is not billed in their monthly invoice, they will not be paid for their time at a later date. The Monthly Invoice Form and other helpful hints on this billing procedure can be found on the GAL Program website.</p>

	<p>See GAL Policy on Payment and Submission of Time.</p> <p>- The GAL Program will reimburse selected pro bono GALs for the following pre-approved expenses: (1) out of state travel; (2) expert and witness fees; and (3) extraordinary discovery or transcript fees. The GAL Program will also provide the pro bono GALs with resources and case consultation when needed. Wyoming GAL Program, Pro Bono Panel.</p>
<p>10. Caseload Levels: <i>Caseloads are of a manageable size.</i></p>	<p>- Maximum caseload as a part-time contracted GAL, per the GAL Program Rules and Regulations, is forty (40) clients. See http://gal.state.wy.us/files/Policy on Payment and Submission of Time 8-11.docx.pdf.</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 forty (40) juvenile court cases, including juvenile delinquencies, and an attorney who contracts with, or is employed by, the Office on a full-time basis shall not carry more than eighty (80) juvenile court cases, including juvenile delinquencies. The Program will strive to keep caseloads below the maximum. Each GAL's caseload will be monitored by the Director and their cases will be weighted when assigning new cases. The following factors may be used by the Director when weighing caseloads: total workload (including non-GAL cases); case complexity; case difficulty; number of children; age of children; geographic placement of children; service needs of family; quality and aggressiveness of opposing counsel; and the judge's practice rules and expectations.</p> <p>(c) All supervisory guardians ad litem shall maintain a GAL caseload, not to exceed eighty (80) 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. WY GAL PROGRAM RULES & REGULATIONS, OFFICE OF THE STATE PUBLIC DEFENDER, CH. 2, SECTION 6.</p>