



HB0013

**Office of guardian ad litem-program
references.**

Sponsored By: Joint Judiciary Interim Committee

AN ACT relating to children; clarifying the duties, powers, and authority of the office of guardian ad litem by amending references from the guardian ad litem program to the office of guardian ad litem; specifying applicability; and providing for an effective date.

12/2/2022 Bill Number Assigned
1/6/2023 H Received for Introduction
1/10/2023 H Introduced and Referred to H01 - Judiciary
1/11/2023 H01 - Judiciary:Recommend Do Pass 9-0-0-0

ROLL CALL

Ayes: Representative(s) Chestek, Crago, Haroldson, Jennings, Niemiec, Oakley, Provenza, Rodriguez-Williams, Washut

Ayes 9 Nays 0 Excused 0 Absent 0 Conflicts 0

1/11/2023 H Placed on General File
1/12/2023 H COW:Passed
1/13/2023 H 2nd Reading:Passed
1/16/2023 H 3rd Reading:Passed 61-0-1-0-0

ROLL CALL

Ayes: (s) Allemand, Allred, Andrew, Angelos, Banks, Bear, Berger, Brown, Burkhart, Jr, Byron, Chadwick, Chestek, Clouston, Conrad, Crago, Davis, Eklund, Haroldson, Harshman, Heiner, Henderson, Hornok, Jennings, Knapp, Larsen, Lloyd, Larson, Jt, Lawley, Locke, Neiman, Nicholas, Niemiec, Northrup, Oakley, Obermueller, O'hearn, Olsen, Ottman, Pendergraft, Penn, Provenza, Rodriguez-Williams, Sherwood, Singh, Slagle, Smith, Speaker Sommers, Stith, Storer, Strock, Styvar, Tarver, Trujillo, Walters, Ward, Washut, Western, Winter, Wylie, Yin, Zwonitzer, Dan, Zwonitzer, Dave

Excused: Newsome

Ayes 61 Nays 0 Excused 1 Absent 0 Conflicts 0

1/16/2023 S Received for Introduction
2/2/2023 S Introduced and Referred to S01 - Judiciary
2/8/2023 S01 - Judiciary:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Case, Cooper, Furphy, Landen, Schuler

Ayes 5 Nays 0 Excused 0 Absent 0 Conflicts 0

2/8/2023 S Placed on General File

HB0013SS001/ADOPTED

Page 1-line 11 After "and (c)" insert ", 14-12-101(a)(intro), 14-12-102(a)(intro) and (i), (b) and (c)"; delete "14-12-103(f)" and insert "14-12-103(a) through (d) and (f)".

Page 7-after line 15 Insert:

"14-12-101. Office of guardian ad litem; guardian ad litem program; rulemaking; reporting.

(a) The office of guardian ad litem shall administer a guardian ad litem program. The ~~program-office~~ shall employ or contract with, supervise and manage attorneys providing legal representation as guardians ad litem in the following cases and actions:

14-12-102. 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 administered by the office:

(i) The court shall appoint the ~~program-office~~ to provide services when appointing a guardian ad litem. For purposes of this article, references to the program include the office;

(b) The ~~program-office~~ 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-office~~ to provide services in accordance with ~~program~~ requirements established by the office. 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-office~~ may vary based upon the type and difficulty of the case, location, work required and experience.".

Page 7-after line 18 Insert:

"(a) The office of guardian ad litem shall enter into agreements with each county participating in the program. Agreements shall require counties to comply with all ~~program~~ rules and policies established by the office. The agreement shall establish the compensation rate within the county for attorneys providing legal representation as guardians ad litem in program cases and the reimbursement requirements. A county may agree with an attorney providing services under the program to the office to pay a rate in excess of the rate set for payment by the ~~program-office~~. If a county agrees to do so, it shall enter into a separate contract with the attorney providing services and shall be responsible and obligated to reimburse the program for one hundred percent (100%) of the excess amount. The county shall enter into a separate agreement with the office setting out the agreement, the excess rate and the responsibilities and obligations of all parties.

(b) The ~~program-office~~ shall pay from the guardian ad litem account one hundred percent (100%) of the fees for the legal representation of children by attorneys as guardians ad litem in program cases. Participating counties shall reimburse the ~~program-office~~ an amount equal to not less than twenty-five percent (25%) of the agreed program fees, not less than twenty-five percent (25%) of the ~~program's-office's~~ administrative cost prorated by program funds expended in each county and one hundred percent (100%) of excess rate fees. The ~~program-office~~ shall invoice the county for its proportionate share. In the event a county does not make payments within ninety (90) days, the state treasurer may deduct the amount from sales tax revenues due to the county from the state and shall credit the amount to the ~~program-account~~ created in subsection (c) of this section.

(c) There is created a guardian ad litem account. All reimbursements received under the program by the office under this article shall be deposited to the account. Funds within the account are continuously appropriated to the office of guardian ad litem for expenditure for the sole purpose of the guardian ad litem program.

(d) Agreements entered into under this section shall include provision for each county, in which guardians ad litem employed by or under contract with the program-office are located, to provide adequate space and utility services, other than telephone service, for the use of the program's guardians ad litem. If suitable office space for all guardians ad litem cannot be provided, the county shall provide, based upon a proportional share, a monthly stipend to all program guardians ad litem housed in private facilities. The proportional share shall be determined by the program-office, based upon the counties served by each guardian ad litem not provided suitable office space. The stipend shall be paid directly by the county to the program guardian ad litem." LANDEN, CHAIRMAN

2/8/2023 S COW:Passed
2/9/2023 S 2nd Reading:Passed
2/13/2023 S 3rd Reading:Passed 31-0-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Baldwin, Barlow, Biteman, Boner, Bouchard, Brennan, Case, Cooper, Dockstader, Ellis, French, Furphy, Gierau, Hicks, Hutchings, Ide, Jones, Kinskey, Kolb, Landen, Laursen, Mckeown, Nethercott, Pappas, President Driskill, Rothfuss, Salazar, Schuler, Scott, Steinmetz

Ayes 31 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/13/2023 H Received for Concurrence
2/14/2023 H Concur:Passed 60-0-2-0-0

ROLL CALL

Ayes: Representative(s) Allemand, Allred, Andrew, Angelos, Banks, Bear, Berger, Brown, Burkhart, Jr, Byron, Chadwick, Chestek, Clouston, Conrad, Crago, Eklund, Haroldson, Heiner, Henderson, Hornok, Jennings, Knapp, Larsen, Lloyd, Larson, Jt, Lawley, Locke, Neiman, Newsome, Nicholas, Niemiec, Northrup, Oakley, Obermueller, O'hearn, Olsen, Ottman, Pendergraft, Penn, Provenza, Rodriguez-Williams, Sherwood, Singh, Slagle, Smith, Speaker Sommers, Stith, Storer, Strock, Styvar, Tarver, Trujillo, Walters, Ward, Washut, Western, Winter, Wylie, Yin, Zwonitzer, Dan, Zwonitzer, Dave

Excused: Representative(s) Davis, Harshman

Ayes 60 **Nays** 0 **Excused** 2 **Absent** 0 **Conflicts** 0

2/15/2023 Assigned Number HEA No. 0024
2/15/2023 H Speaker Signed HEA No. 0024
2/16/2023 S President Signed HEA No. 0024
2/21/2023 Governor Signed HEA No. 0024
2/21/2023 Assigned Chapter Number 63