

ENROLLED ACT NO. 24, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

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.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 14-2-318(b)(i) and (d)(iii), 14-3-434(b)(vi), 14-6-235(b)(vi) and (c), 14-6-434(b)(vi) and (c), 14-12-101(a)(intro), 14-12-102(a)(intro) and (i), (b) and (c) and 14-12-103(a) through (d) and (f) are amended to read:

14-2-318. Costs of proceedings; appointment of counsel.

(b) Where petitioner is an authorized agency as defined by W.S. 14-2-308(a)(ii)(B), it shall pay for the costs of the action. Costs shall include:

(i) Fee for the guardian ad litem. If the agency had entered into an agreement with the office of guardian ad litem ~~program~~ pursuant to W.S. 14-12-101 through 14-12-104 and the ~~program~~office was appointed to provide the guardian ad litem, the ~~program~~office shall pay the fee for the guardian ad litem in accordance with that agreement;

(d) Where petitioner is an authorized agency as defined by W.S. 14-2-308(a)(ii)(A):

(iii) The authorized agency shall pay the guardian ad litem reasonable fees and expenses approved by

ENROLLED ACT NO. 24, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

the court unless the agency had entered into an agreement with the office of guardian ad litem ~~program~~ pursuant to W.S. 14-12-101 through 14-12-104 and the ~~program~~office was appointed to provide the guardian ad litem. If so, the ~~program~~office shall pay the fee for the guardian ad litem in accordance with that agreement.

14-3-434. Fees, costs and expenses.

(b) The following costs and expenses, when approved and certified by the court to the county treasurer, shall be a charge upon the funds of the county where the proceedings are held and shall be paid by the board of county commissioners of that county:

(vi) Reasonable compensation for services and costs of a guardian ad litem appointed by the court, unless the county participates in the guardian ad litem program administered by the office of guardian ad litem pursuant to W.S. 14-12-101 through 14-12-104 and the ~~program~~office was appointed to provide the guardian ad litem; and

14-6-235. Fees, costs and expenses.

(b) The following costs and expenses, when approved and certified by the court to the county treasurer, shall be a charge upon the funds of the county where the proceedings are held and shall be paid by the board of county commissioners of that county:

(vi) Reasonable compensation for services and costs of a guardian ad litem appointed by the court, unless the county participates in the guardian ad litem program administered by the office of guardian ad litem pursuant to

ENROLLED ACT NO. 24, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

W.S. 14-12-101 through 14-12-104 and the ~~program~~office was appointed to provide the guardian ad litem; and

(c) Legal services rendered to a child for his benefit and protection are necessities which the child's parents or any person obligated by law for the child's support may be held responsible. In every case in which a guardian ad litem has been appointed to represent the child under W.S. 14-6-216 or in which counsel has been appointed under W.S. 14-6-222 to represent the child, the child's parents, guardian or other person responsible for the child's support, the court shall determine whether the child, the child's parents, guardian or other person responsible for the child's support is able to pay part or all of the costs of representation and shall enter specific findings on the record. If the court determines that any of the parties is able to pay any amount as reimbursement for costs of representation, the court shall order reimbursement or shall state on the record the reasons why reimbursement was not ordered. The court may also in any case order that all or any part of the costs and expenses enumerated in paragraphs (b)(i), (iii), (iv) and (vii) of this section, be reimbursed to the county by the child, his parents or any person legally obligated for his support, or any of them jointly and severally, upon terms the court may direct. An order for reimbursement of costs made pursuant to this subsection may be enforced as provided in W.S. 14-6-236. Any reimbursement ordered for guardian ad litem services provided pursuant to W.S. 14-12-101 through 14-12-104 shall be apportioned between the county and the office of guardian ad litem ~~program~~—in accordance with payments made for those services.

14-6-434. Fees, costs and expenses.

ENROLLED ACT NO. 24, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

(b) The following costs and expenses, when approved and certified by the court to the county treasurer, shall be a charge upon the funds of the county where the proceedings are held and shall be paid by the board of county commissioners of that county:

(vi) Reasonable compensation for services and costs of a guardian ad litem appointed by the court, unless the county participates in the guardian ad litem program administered by the office of guardian ad litem pursuant to W.S. 14-12-101 through 14-12-104 and the program-office was appointed to provide the guardian ad litem; and

(c) In every case in which a guardian ad litem has been appointed to represent the child under this act or in which counsel has been appointed under this act to represent a child or the child's parents, guardian or custodian, the court shall determine whether the child, the child's parents, guardian, custodian or other person responsible for the child's support is able to pay part or all of the costs of representation and shall enter specific findings on the record. If the court determines that any of the parties is able to pay any amount as reimbursement for costs of representation, the court shall order reimbursement or shall state on the record the reasons why reimbursement was not ordered. The court may also in any case order that all or any part of the costs and expenses enumerated in paragraphs (b)(i), (iii), (iv) and (vii) of this section, be reimbursed to the county by the child, the child's parents or any person legally obligated for his support, or any of them jointly and severally, upon terms the court may direct. An order for reimbursement of costs made pursuant to this subsection may be enforced as provided in W.S. 14-6-435. Any reimbursement ordered for guardian ad litem services provided pursuant to W.S.

ENROLLED ACT NO. 24, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

14-12-101 through 14-12-104 shall be apportioned between the county and the office of guardian ad litem ~~program~~ in accordance with payments made for those services.

CHAPTER 12
OFFICE OF GUARDIAN AD LITEM

ARTICLE 1
OFFICE OF GUARDIAN AD LITEM

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 office 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.

ENROLLED ACT NO. 24, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

(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.

14-12-103. County participation; reimbursement; offices and equipment.

(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

ENROLLED ACT NO. 24, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

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

ENROLLED ACT NO. 24, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

stipend shall be paid directly by the county to the program guardian ad litem.

(f) The office shall enter into a memorandum of understanding with the department of family services under which a guardian ad litem will be provided for cases in which the department is required by law or court order to provide guardian ad litem services in any of the cases or actions specified in W.S. 14-12-101(a). The department shall reimburse the ~~program~~office an amount equal to not less than twenty-five percent (25%) of the agreed ~~program~~ fees paid to guardians ad litem in actions under this subsection.

Section 2. Nothing in this act shall be construed as modifying or impairing any contract that the office of guardian ad litem or the guardian ad litem program entered into before the effective date of this act.

ORIGINAL HOUSE
BILL NO. HB0013

ENGROSSED

ENROLLED ACT NO. 24, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

Section 3. This act is effective July 1, 2023.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk