



Office of the  
State Public Defender

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October 30, 2008

Joint Appropriations Interim Committee  
Wyoming State Legislature  
213 Capitol Building  
Cheyenne, Wyoming 82002

Joint Judiciary Interim Committee  
Wyoming State Legislature  
213 Capitol Building  
Cheyenne, Wyoming 82002

Senator Phil Nicholas, Co-Chairman  
Representative Frank Philp, Co-Chairman  
Senator Rae Lynn Job  
Senator Curt Meier  
Senator Ray Peterson  
Senator Charles Townsend  
Representative Rosie Berger  
Representative Steve Harshman  
Representative Alan Jones  
Representative Pete Jorgensen  
Representative Owen Petersen  
Representative Jane Warren

Senator Tony Ross, Co-Chairman  
Representative Ed Buchanan, Co-Chairman  
Senator Bruce Burns  
Senator Ken Decaria  
Senator Drew Perkins  
Senator Kathryn Sessions  
Representative Deb Alden  
Representative George Bagby  
Representative Dan Dockstader  
Representative Keith Gingery  
Representative Erin Mercer  
Representative Monte Olsen  
Representative Lisa Shepperson  
Representative Mary Throne

RE: Office of the Public Defender, Wyoming Guardians *Ad Litem* Program

Dear Senators and Representatives,

On July 1, 2008, the administration of the Guardians *Ad Litem* Program (hereinafter "GAL Program") was transferred from the Wyoming Supreme Court to the Wyoming Office of the Public Defender (hereinafter "PD Office") pursuant to 2008 Wyo. Sess. Laws Chapter 48, Section 316. That same legislation requires the PD Office to report to the joint judiciary and

appropriations interim committees on or before November 1, 2008, and 2009, on the results of the program transferred including the number of cases, the amount of monies expended for reimbursements and the amounts of matching monies from participating counties.

The GAL Program is located in a separate office from the Office of the State Public Defender and separate from any State Public Defender field office. The GAL Program is being managed by an attorney who monitors caseloads, organizes training, oversees attorney performance, and reviews attorney billing, as well as carries a GAL caseload. An AWEC receptionist handles secretarial duties and assists with caseload data entry; fiscal duties are being shared by the fiscal staff of the PD Office. The PD Office has entered into Memorandums of Understanding with each of the twenty-three (23) counties for purposes of the 25% match, and the PD Office currently has contracts with ninety-five (95) attorneys.

## **GAL PROGRAM RULES AND REGULATIONS**

The PD Office began the rulemaking process prior to July 1, 2008, as required by subsection (d) of 2008 Wyo. Sess. Laws Chapter 48, Section 316. The PD office adopted emergency Guardians *Ad Litem* Program Rules and Regulations on June 30, 2008. After the first comment period and public hearing, several changes were made to the proposed rules, necessitating a second comment period. The PD Office received an extension of 120 days for the Emergency Rules on October 25, 2008. The proposed rules as they now exist will be adopted by the PD Office. The PD office will finalize the proposed rules per the Wyoming Administrative Procedures Act within the prescribed time periods. The emergency rules and the proposed rules can be found at <http://gal.state.wy.us>.

## **CHANGES TO THE PROGRAM**

Prior to July 1, 2008, meetings were conducted with the district court judges, the district court clerks, county attorneys, GALs and CASA representatives to assess the need to improve the GAL Program by increasing oversight and fiscal responsibility. Three major changes were implemented as a result of those meetings: 1) GAL attorneys contract with the Office of the Public Defender rather than the counties; 2) the GAL Program compensates the GAL attorneys directly at \$100/hr and bills the counties quarterly for the 25% match; and 3) the Courts appoint the GAL Program and the GAL Program assigns a certified GAL to each case on a rotation basis.

The GAL Program has created a formal complaint process, a conflict of interest policy and a records retention policy and has implemented and is using an in-house case management system. A website has also been created, and the GAL Program continues to use a listserv created by the Wyoming Supreme Court.

## **TRAINING AND CERTIFICATION OF ATTORNEY GALs**

Planning is currently underway for the 2009 Children's Justice Conference, the annual GAL training conference. The GAL Program is co-sponsoring this event with the Children's Justice Project, an initiative with the Wyoming Supreme Court. The GAL Program has

conducted three monthly teleconference trainings entitled, “Child Chat,” with an average of 26 attendees per training.

In order to certify new GALs prior to the annual conference, the GAL Program has conducted local trainings. The four-hour training entitled “The Nuts and Bolts of Representing Children in Wyoming,” covers both state and federal law applicable to GAL practice. The GAL Program has assisted the University of Wyoming, College of Law in training law students and is participating in the law school’s extern and intern programs.

**CASELOADS AND EXPENDITURES**

The current number of clients is 1189, including 163 new clients since July 1, 2008. The following outlines the numbers of clients per county along with the amount of monies expended per county and the quarterly 25% match per county:

<u>COUNTY</u>	<u>AMOUNT</u>	<u>QUARTERLY COUNTY MATCH</u>	<u>OPEN CASES</u>
Albany	\$6,070.00	\$1,517.50	20
Big Horn	\$6,220.00	\$1,555.00	23
Campbell	\$31,830.00	\$7,957.50	197
Carbon	\$14,980.00	\$3,745.00	79
Converse	\$9,595.00	\$2,398.75	59
Crook	\$200.00	\$50.00	4
Fremont	\$5,983.00	\$1,495.75	28
Goshen	\$3,997.00	\$999.25	30
Hot Springs	\$640.00	\$160.00	9
Johnson	\$9,700.00	\$2,425.00	14
Laramie	\$29,580.00	\$7,395.00	177
Lincoln	\$1,380.00	\$345	6
Natrona	\$110,747.25	\$27,686.81	273
Niobrara	\$1,910.00	\$477.50	2
Park	\$20,615.00	\$5,153.75	40
Platte	\$5,650.00	\$1,412.50	47
Sheridan	\$19,085.00	\$4,771.25	54
Sublette	\$1,880.00	\$470.00	1
Sweetwater	\$12,220.00	\$3,055.00	90
Teton	\$600.00	\$150.00	1
Uinta	\$3,053.00	\$763.35	13
Washakie	\$3,175.00	\$793.75	17
Weston	\$460.00	\$115.00	5
Totals:	\$299,570.25	\$74,892.56	1189

Thank you for the opportunity to direct the GAL Program. I am available at your convenience to answer your questions.

Sincerely,

Diane M. Lozano  
State Public Defender