



POLICY E: GALs IN CHINS & DELINQUENCY PROCEEDINGS

Wyoming Guardians *Ad Litem* Program

Empowering youth & families through legal advocacy

SECTION ONE: PURPOSE, AUTHORITY, & SCOPE

- A. This policy was created pursuant to the Wyoming Guardians *Ad Litem* (GAL) Program Rules and Regulations, Chapter 1, § 2(b), Wyoming Statutes §§ 14-6-222(a), 14-6-422(a), 14-6-216, 14-6-416, and 7-6-107, the Public Defender Act, and Wyoming Rules of Procedure for Juvenile Courts. The purpose of this policy is to set forth the guidelines for the appointment of a GAL Program attorney in child in need of supervision (CHINS) and delinquency proceedings.
- B. This policy encompasses all guardians *ad litem* attorneys contracted or employed with the State of Wyoming, Office of the State Public Defender, Guardians *Ad Litem* Program to provide GAL services in Wyoming.

SECTION TWO: THE ATTORNEY FOR THE CHILD IN A CHINS OR DELINQUENCY PROCEEDING

- A. Wyoming statutes set forth the right to counsel for all children in CHINS and delinquency proceedings. This right is interpreted by the GAL Program to mean a direct attorney role with a traditional attorney-client relationship, subject to *The Rules of Professional Conduct for Attorneys at Law*.
- B. The Public Defender Act allows for the Office of the State Public Defender (OSPD) to represent children in delinquency proceedings through an appointment of a public defender from the OSPD.
- C. Pursuant to Wyoming statutes, the court shall appoint an Attorney for the Child (AFC) for all CHINS proceedings who shall represent the child in a traditional attorney-client role and the county is responsible for these costs.
 - I. The AFC shall not be a GAL, as GALs do not represent children in a traditional attorney-client role. A GAL representation does not satisfy the right to counsel as stated in the statute.
 - II. The AFC shall not be a public defender, pursuant to the Public Defender Act.

SECTION THREE: GAL PROGRAM APPOINTMENT IN CHINS & DELINQUENCY PROCEEDINGS

- D. The GAL Program shall not accept or be responsible for the costs of an appointment of a GAL to CHINS or delinquency proceedings unless the child has no parent, guardian, or custodian appearing on their behalf or if the interests of the parent,

guardian, or custodian is adverse to the best interests of the child. There are no exceptions to this rule.

- E.** The GAL Program shall not accept or be responsible for the costs of an appointment of a GAL to CHINS or delinquency proceedings unless the child is also appointed a public defender to defend and represent the child in a traditional attorney-client role or the child has knowingly waived such rights in accordance with Rule 5D of the Wyoming Rules of Procedure for Juvenile Courts and Wyoming statutes.
- F.** The GAL Program shall not accept or be responsible for the costs of an appointment of a GAL to CHINS or delinquency proceedings unless a party to the proceeding or the court itself has made a motion for the appointment of a GAL and the court has ordered that a GAL Program attorney shall be appointed. This Order must contain the following findings:
 - I.** That the child has no parent, guardian, or custodian appearing on their behalf; or
 - II.** the interests of the parent, guardian, or custodian is adverse to the best interests of the child; and
 - III.** the court finds it necessary to appoint the Wyoming GAL Program.
 - a.** This Order must be forwarded to the GAL Program, who will assign a GAL from a GAL Program Panel to represent the child in the proceeding.
 - b.** After the GAL has been assigned to the proceeding, they shall file a Wyoming GAL Program Entry of Appearance so that the record will reflect their appointment, a copy of which shall be forwarded to the GAL Program by the GAL assigned to the case.