



## POLICY F: GALs IN TPR & APPELLATE 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). The purpose of this policy is to set forth the guidelines for a GAL's representation and participation in a termination of parental rights case or an appeal.
- 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 ONE: PROGRAM REPRESENTATION IN CASES

- A. The GAL Program, by and through the GAL Program Permanency Unit, will participate in and represent GAL Program clients in any termination of parental rights (TPR) proceeding or appeal proceeding for all underlying GAL Program juvenile actions.
- B. If an appeal is filed in a GAL Program Case, the GAL assigned to the underlying juvenile action will immediately forward a copy of the Notice of Appeal and Docketing Letter to the GAL Program Permanency Unit.
- C. The GAL assigned to the underlying juvenile action shall review their case and counsel their client(s) regarding any appeals, writs, or stays that should be filed on behalf of the client(s). If an appeal is filed, the assigned GAL will remain on the underlying juvenile action and the GAL Program Permanency Unit will be assigned to the appellate proceeding.
  - I. The GAL Program Administrator and the GAL Program Permanency Unit shall be available to consult on underlying cases that have appeals, writs, or stays that should be filed on behalf of the client(s).

#### SECTION TWO: PARTICIPATION IN TERMINATION OF PARENTAL RIGHTS PROCEEDINGS

- A. The GAL assigned to the underlying juvenile action shall remain the attorney of record and shall be solely responsible for the underlying juvenile action.
  - I. The GAL assigned to the underlying juvenile action shall assist the GAL Program Permanency Unit with TPR proceedings by answering any questions and providing all requested information.

- B. The GAL Program Permanency Unit is solely responsible for the TPR action.
- C. The GAL Program Permanency Unit and the GAL assigned to the underlying juvenile action shall collaborate and inform each other, to the largest extent possible, of information on both actions.
- D. The GAL assigned to the underlying juvenile action shall not enter into conversations or settlement negotiations regarding the TPR action without first contacting the GAL Program Permanency Unit.
- E. The GAL Program Permanency Unit shall not enter into conversations or settlement negotiations regarding the underlying juvenile action without first contacting the GAL assigned to the underlying juvenile action.
- F. The GAL assigned to the underlying juvenile action shall ensure their conversations with potential witnesses in the TPR action do not have an adverse effect on their testimony at the TPR trial and shall contact the GAL Program Permanency Unit immediately with any questions or concerns.

### **SECTION THREE: PARTICIPATION IN APPELLATE PROCEEDINGS**

- A. The GAL assigned to the underlying juvenile action shall remain the attorney of record and shall be solely responsible for the underlying juvenile action.
  - I. The GAL assigned to the underlying juvenile action shall assist the GAL Program Permanency Unit with appellate proceedings by answering any questions and providing all requested information.
  - II. In a CHINS or Delinquency Proceeding, where a client may have a Public Defender or other child's attorney, and an appeal is filed, the GAL Program will still need to participate in the appeal. The Notice of Appeal and other documents must be sent to the GAL Program Permanency Unit immediately.
- B. The GAL Program Permanency Unit is solely responsible for the appellate action.
- C. The GAL Program Permanency Unit and the GAL assigned to the underlying juvenile action shall collaborate and inform each other, to the largest extent possible, of information on both actions.
- D. The GAL Program Administrator must review all Notices of Appeal and Appellate Briefs before they can be filed.
  - I. The attorney shall submit the Notice of Appeal electronically to the GAL Program Administrator by e-mail at least seven (7) working days prior to the filing deadline. The GAL Program Administrator and/or the Permanency Unit

will review the document and submit all comments and changes to the attorney at least two (2) business days prior to the filing deadline.

- II. Motions for Continuance are allowed in extreme circumstances only. The attorney must notify the GAL Program Administrator before asking for a continuance from the Court by sending a copy of the Motion for Continuance by e-mail before filing.
- III. The Permanency Unit attorney shall submit the Appellate Brief electronically to the GAL Program Administrator by e-mail at least ten (10) working days prior to the filing deadline. The GAL Program Administrator will review the document and submit all comments and changes to the attorney at least two (2) working days prior to the filing deadline.
- IV. All notice of appeals, briefs, and pleadings submitted shall include the information below in addition to the attorney's contact information on the cover page:

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