



## POLICY G: CHILDREN IN COURT

### 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 § 14-3-402(xiv) and § 14-3-424(b), and Wyoming Rules of Procedure for Juvenile Courts, Rule 2(A). The purpose of this policy is to define the Program's expectations of GAL Program clients attending court hearings in which they are subject.
- B. This policy encompasses all clients of the GAL Program and 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: DETERMINING THE CLIENT'S PRESENCE IN COURT

- A. All GAL Program clients, regardless of age or type of juvenile court case, as parties to the juvenile court proceeding, should attend all significant court hearings in which they are the subject.
  - I. Even those clients that are not of suitable age to understand and/or meaningfully participate in the proceedings can attend and such attendance may benefit the parties and team members. These clients are not required to attend abuse/neglect hearings unless the court orders their attendance.
    - a. A client alleged or adjudicated to be delinquent, or in the need of supervision, shall be present at all hearings unless otherwise ordered by the court, regardless of age or understanding. If a client is of suitable age but their attendance would be detrimental to the client, a party may motion the court to excuse the presence of a child alleged or adjudicated to be delinquent, or in need of supervision.
  - II. The GAL should consult the client, therapist, caretaker, or any other knowledgeable person in determining the effect of being present at the hearing on the client.
  - III. If the GAL is concerned about the client being exposed to some parts of the evidence or conversation, and the GAL finds it is in the best interest of the client, the client may be temporarily excluded from the hearing.
- B. If the client is precluded from attending the hearing because of distance, weather, or other extenuating circumstance, the GAL should coordinate a client's attendance through telephone, video, or other appropriate means if the technology is available.

- C. Any decision to exclude the client from a hearing should be based on a particularized determination that the child does not want to attend (after being timely informed of the hearing and its importance), would be severely traumatized by such attendance, or for other good reason would be better served by not attending.
  - I. When determining if the client wasn't to attend a hearing, the GAL should:
    - a. Explain the importance of the client's input into decisions that will affect the client's life;
    - b. address the client's concerns or fears about attending court;
    - c. ensure that the school knows the client will not be in school to attend the hearing, and that this is an excused absence; and
    - d. consult with the client's therapist to determine if there are any concerns with the client attending the hearing.
  - II. The GAL should document any decisions to exclude the client from the hearing in their case file.

### SECTION THREE: PREPARING THE CLIENT FOR COURT

- A. The GAL should ensure that the state or the custodian of the client meets their obligation to transport the client to and from any hearings.
- B. The GAL should ensure that there is someone available to accompany the client should they be temporarily excluded from the hearing.
- C. If a GAL report was approved and filed before the hearing, it must note if the client will be attending the hearing, if any accommodations will need to be made on behalf of the client, or if the client is excluded from the hearing and why.
- D. The GAL should prepare the client, in a manner developmentally appropriate, for the court hearing. The GAL should:
  - I. Provide the client with at least two weeks' notice of the hearing, when possible;
  - II. inform the client that they may have to wait for a long period of time, suggest that they bring school work, or other quiet activities to occupy their time;

- III. discuss who will be present at the hearing and what their role is with the client, when possible and appropriate, take the client to the courtroom to show them where everyone will sit;
- IV. explain to the client that as their GAL you have to advocate for their wishes and their best interests, and tell them that you will tell the judge what the client wants, even if your recommendation is not the same;
- V. let your client know what your recommendation is and what is in your GAL report to the court if one was filed;
- VI. talk with your client about what you expect to happen and what will be discussed at the hearing;
- VII. let the client know what is in the DFS worker's report to the court and answer any of their questions;
- VIII. ask the client what they want the judge to know, and if they would like to speak to the judge directly, if so, talk with your client about what they should say to the judge and arrange the meeting; and
- IX. respond to any questions or concerns the child may have about the hearing.

#### **SECTION FOUR: DEBRIEFING THE CLIENT AFTER COURT**

- A. Following any hearing in which the client was present, the GAL should debrief their client about the hearing. The GAL should:
  - I. Spend time with the client immediately following the hearing to discuss what happened during the hearing;
  - II. ensure the child understands what happened during the hearing, that they know when the next hearing is to occur, and what will happen before the next hearing;
  - III. review the court order with the client. If the court order is not immediately available after the hearing, make arrangements to review the order at a later time;
  - IV. contact the client's caregiver to inform them of anything that happened during the hearing that may have impacted the client;
  - V. contact the client's therapist to inform them of anything that happened during the hearing that may be relevant to the client's treatment; and

VI. allow the client to ask questions.