



POLICY N: RETENTION OF FILES

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 guidelines for proper archiving, retention, and destruction of client files by the GAL Program and the appointed GAL Program attorney.
- 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 and all Guardians *Ad Litem* Program administrative staff. This policy applies to each child client involved in any juvenile court action assigned to the GAL Program. The GAL's responsibilities are the same to each client, even when there are multiple children or placements in a proceeding.
- C. The GAL Program, not the GAL, are the owners of all GAL Program client-files, and as such, has the authority to direct proper maintenance and retention of files.
- D. Violations of these provisions may be subject to disciplinary action up to, and including, termination.

SECTION TWO: OWNERSHIP & TRANSFER OF GAL PROGRAM CLIENT-FILES

- A. The GAL Program, not the GAL, is the owner of all GAL Program client-files, excepting GAL attorney case-notes which are the property of the GAL. The GAL Program has the authority to direct proper maintenance and retention of files.
 - I. The GAL is not required, but is strongly encouraged, to keep their case-notes within the client-file.
 - II. Should the GAL transfer the client-file to the GAL Program with their case-notes, they will then become part of the client-file and could be given to any individual that properly checks-out or requests copies of the client-file.
- A. A GAL assigned to any GAL Program Panel shall appropriately and professionally maintain each client file while the juvenile court proceeding remains open in the court.
 - I. Upon closure of the proceeding in the court, the GAL must submit a GAL Program Closure Memo to the GAL Program Administrative Offices in accordance with *GAL Program Policy K: Case Maintenance*.

- II. After the juvenile court proceeding has been closed in the court, the GAL must maintain the client-file until transfer to the GAL Program administrative staff can be arranged.
 - a. In instances where the GAL assigned to the case resign or are removed from a GAL Program Panel, the GAL must transfer the GAL Program client-file to their current GAL Program District Supervisor; who will maintain the client-file until transfer to the GAL Program administrative staff can be arranged.

SECTION TWO: ARCHIVING CLIENT FILES

- A. Upon receiving a client-file from a GAL or a GAL Program District Supervisor, the GAL Program administrative staff shall archive the client-file and the GAL Program administrative case-file with Wyoming State Archives.
- B. Archived client-files will be placed in Wyoming State Archive boxes provided by the Department of Wyoming State Parks and Cultural Resources. Boxes will be marked numerically to protect the confidentiality of clients. At no time shall an archive box be marked with any client identifying information such as name, docket number, or initials.
- C. All GAL Program Files are confidential and shall be maintained with Wyoming State Archives in a manner pursuant to Wyoming state rules and regulations regarding records identified as confidential by state statute.
- D. The archive period of each client-file shall be nineteen (19) years and one (1) day.
- E. Upon expiration of the archive period, each client-file shall be destroyed in a manner or method that renders the records illegible and beyond reconstruction; unless the client requests the client-file and case-file before the end of the archive period.

SECTION TWO: PROGRAM DOCUMENTATION OF CLIENT-FILES

- A. The GAL Program shall maintain an electronic master-list of all GAL Program juvenile court proceedings currently or previously assigned to GALs, indefinitely.
- B. The GAL Program shall maintain case-files of all GAL Program juvenile court proceedings. These case files are per docket—not client, and can include items or documents that may or may not be included in the GAL client-files such as billing invoices, GAL Program Closure Memo, or correspondence from the GAL Program to the GAL. These may be maintained in hard copy or electronically.
- C. The GAL Program shall maintain an electronic index of all GAL Program client-files archived with the Wyoming State Archives. This index shall include the client's name,

docket number of the juvenile court proceeding, the GAL assigned to the case, and the numeric archive box number assigned by the program.

- D. The GAL Program shall maintain an electronic record of all requests for access to files, all copies made of files, and all instances where a file was checked out to an individual, and all related information to these actions. A statement summary of each action will be included in the client-file.
 - I. The GAL Program Administrative Assistant will keep an electronic log of files checked out to attorneys of the GAL Program, and shall ensure client-files are returned upon completion of representation.

SECTION TWO: REQUESTING ACCESS TO CLIENT-FILES

- A. All GAL client files are ultimately the property of the client and may be viewed by the client, at the GAL Program Administrative Office at any time.
- B. Clients may request copies in writing of their GAL Program client-file and administrative case-file throughout the duration of the archive period.
 - I. Requests for client-files by the client must be submitted in writing to the GAL Program Administrator by completing the *GAL Program File Access Request* form found on the Program website.
 - a. Should the client be unable to request the file in writing, the request can be submitted verbally to the GAL Program Administrator who will complete a *GAL Program File Access Request* form and attach a statement summary of the verbal request. These documents will be filed in the administrative case-file.
 - II. One copy of the client-file will be provided to the client by request at no charge for the first request of a client-file.
 - III. Additional requests of the client-file by the client will be provided at a cost determined by the GAL Program Policy & Fiscal Analyst. Costs will include an hourly charge for time to copy the file, copy charges for the file, and fees for creating copies of any tangible evidence or miscellaneous items in the file.
 - IV. Some items in the client-file may not be able to be copied. Examples of these items include audio or visual tapes, pictures, exhibits, etc. Should a copy not be able to be made of the item, the client may view the item at the GAL Program Administrative Office.

- V. The original client-file and administrative case-file will remain on file with the GAL Program and a copy of the *GAL Program File Access Request* form and a statement summary of the action will be filed in the administrative case-file.
- C. Should a client-file and administrative case-file become archived and a GAL is retained by the GAL Program to represent the client in the underlying juvenile court action, an additional juvenile court action, a termination of parental rights proceeding, or an appellate proceeding, then the attorney may check out the client-file from the GAL Program by completing the *GAL Program File Access Request* form.
 - I. The administrative case-file will remain on file with the GAL Program and a copy of the *GAL Program File Access Request* form and a statement summary of the action will be filed in the administrative case-file.
 - II. The GAL Program Administrative Assistant will keep an electronic log of files checked out to attorneys of the GAL Program, and shall ensure client-files are returned upon completion of representation. Any correspondence regarding these actions shall be filed in the administrative case-file.
 - III. No written release from the client is required to complete this step.
- D. Should a client-file and administrative case-file become archived, and an attorney wish to see a client-file for a GAL Program case that they were appointed to, they may request to view the client-file from the GAL Program by completing the *GAL Program File Access Request* form.
 - I. A GAL currently contracted or employed on a GAL Program Panel may check out the file for the GAL Program. The administrative case-file will remain on file with the GAL Program and a copy of the *GAL Program File Access Request* form and a statement summary of the action will be filed in the administrative case-file.
 - a. The GAL Program Administrative Assistant will keep an electronic log of files checked out to attorneys of the GAL Program, and shall ensure client-files are returned upon completion of representation. Any correspondence regarding these actions shall be filed in the administrative case-file.
 - II. A GAL previously contracted or employed on a GAL Program Panel may view the file at the GAL Program Administrative Offices.
 - III. No written release from the client is required to complete these steps.
- E. Should a client-file and an administrative case-file become archived and an attorney not currently or previously employed or contracted with a GAL Program Panel or any other individual, party or not party to the case, wish to see a client-file they must complete a *GAL Program File Access Request* form and submit a written, notarized

release from the client. If the client is of minority age, the release must also contain a written, notarized release from the client's parent, guardian, or custodian.

- I. Upon receipt of required documents, the GAL Program will provide copies of the client-file and the administrative case-file to the requesting party.
- II. One copy of the client-file and administrative case-file will be provided to the requesting party at no charge for the first request of a client-file.
- III. Additional requests of the client-file by the requesting party will be provided at a cost determined by the GAL Program Policy & Fiscal Analyst. Costs will include an hourly charge for time to copy the file, copy charges for the file, and fees for creating copies of any tangible evidence or miscellaneous items in the file.
- IV. Some items in the client-file may not be able to be copied. Examples of these items include audio or visual tapes, pictures, exhibits, etc. Should a copy not be able to be made of the item, the requesting party may view the item at the GAL Program Administrative Office.
- V. The original client-file and administrative case-file will remain on file with the GAL Program and a copy of the *GAL Program File Access Request* form and a statement summary of the action will be filed in the administrative case-file.