

**WORKING DRAFT**

SENATE FILE NO. \_\_\_\_\_

Representation of children.

Sponsored by: SDraft

A BILL

for

1 AN ACT relating to children; creating the office of the  
2 children's representative; providing and specifying duties  
3 and functions; providing for appointment of a director;  
4 authorizing additional personnel; authorizing appointments  
5 of volunteer lay advocates; specifying funding; providing  
6 for reimbursement and recovery of monies; providing  
7 definitions; requiring a report; making conforming  
8 amendments; providing an appropriation; and providing for  
9 an effective date.

10

11 *Be It Enacted by the Legislature of the State of Wyoming:*

12

13 **Section 1.** W.S. 9-2-2901 through 9-2-2905 are created

14 to read:

15

1           **9-2-2901. Definitions.**

2

3           (a) As used in this act:

4

5                   (i) "Attorney" or "legal counsel" means a person  
6 who is a member of the Wyoming state bar in good standing  
7 who is appointed by the court to represent a child's legal  
8 interests in a legal proceeding;

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10                   (ii) "Child" means any individual under the age  
11 of majority;

12

13                   (iii) "Director" means the director of the  
14 office of the children's representative;

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16                   (iv) "Guardian ad litem" means an attorney  
17 appointed by a court to represent the best interests of a  
18 child in a legal proceeding;

19

20                   (v) "Office" means the office of the children's  
21 representative;

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23                   (vi) "Volunteer lay advocate" means an  
24 individual other than a court-appointed legal counsel or

1 guardian ad litem who is specially trained to represent the  
2 best interests of a child, including court-appointed  
3 special advocates, and who represents those interests  
4 without expectation or receipt of remuneration;

5

6 (vii) "This act" means W.S. 9-2-2901 through 9-  
7 2-2905.

8

9 **9-2-2902. Office of the children's representative;**  
10 **created; appointment and duties of director; vacancies;**  
11 **personnel.**

12

13 (a) The office of the children's representative is  
14 established within the department of family services to  
15 ensure the continuous, adequate and effective  
16 representation of children involved with the legal  
17 processes detailed in W.S. 9-2-2903(a) by court-appointed  
18 legal and volunteer lay advocates.

19

20 (b) The governor shall appoint a director of the  
21 office who shall serve as the executive and administrative  
22 head of the office. The director shall:

23

1           (i)    Serve at the pleasure of the governor and  
2 may be removed by him as provided by W.S. 9-1-202;

3

4           (ii)   Be a member in good standing of the Wyoming  
5 state bar;

6

7           (iii)   Have professional work experience in the  
8 representation of children;

9

10           (iv)   Be compensated as determined by the Wyoming  
11 personnel division; and

12

13           (v)    Devote his full time to the performance of  
14 his duties as director. The director shall not engage in  
15 the private practice of law except to complete business  
16 pending at the time of appointment.

17

18           (c)    Subject to legislative appropriation, the office  
19 may employ or contract with additional personnel as  
20 necessary to carry out the provisions of this act.

21

22           **9-2-2903.       Duties and functions of the office;**  
23 **reports.**

24

1           (a) The office of the children's representative shall  
2 provide representation as follows:

3

4           (i) To a child who is the subject of a  
5 termination of parental rights action pursuant to W.S. 14-2-  
6 312 when the action is brought by an authorized agency and  
7 is directly related to a child protection, child in need of  
8 supervision or delinquency action;

9

10           (ii) To a child who is the subject of an abuse or  
11 neglect proceeding pursuant to W.S. 14-3-211(a);

12

13           (iii) To a child who is the subject of a neglect  
14 proceeding filed pursuant to the Wyoming Child Protection  
15 Act, as required by W.S. 14-3-416;

16

17           (iv) To represent the best interests of a child  
18 who is the subject of a delinquency proceeding filed  
19 pursuant to the Wyoming Juvenile Justice Act, if appointed  
20 as guardian ad litem pursuant to W.S. 14-6-216, provided  
21 that legal representation of the child shall be provided by  
22 the office of the state public defender;

23

1           (v) To a child who is the subject of a child in  
2 need of supervision petition filed pursuant to the Children  
3 in Need of Supervision Act, as required by W.S. 14-6-416 and  
4 14-6-422(b).

5

6           (b) In addition to other responsibilities assigned to  
7 the office by this act, the office of the children's  
8 representative shall:

9

10           (i) Enhance the provision of guardian ad litem  
11 and other court-appointed legal counsel of children services  
12 in Wyoming by:

13

14           (A) Ensuring the provision and availability  
15 of high-quality, accessible training throughout the state  
16 for persons seeking to serve as guardians ad litem or court-  
17 appointed legal counsel of children;

18

19           (B) Making recommendations to the Wyoming  
20 supreme court, board of judicial policy and administration  
21 and state bar association concerning the establishment of  
22 the minimum training requirements for attorneys seeking to  
23 serve as guardians ad litem or court-appointed legal counsel  
24 of children;

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**\*\*\*Staff Comment\*\*\***

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Questions arise whether this office is required to monitor the performance of GALs and other court-appointed attorneys who are not under contract with the office, and what authority the office will have to review case files of juveniles in whose case the office is not otherwise involved, if such monitoring by the office is to occur.

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(E) Establishing fair and realistic compensation rates for guardians ad litem and court-appointed legal counsel of children. Rates set by the office shall take into consideration the caseload limitations placed on guardians ad litem and other court-appointed legal counsel of children and shall be sufficient

1 to attract and retain high-quality, experienced attorneys to  
2 serve as guardians ad litem and court-appointed legal  
3 counsel of children;

4

5 (F) Applying for and accepting grants,  
6 gifts, donations and other contributions to be used to fund  
7 the work of the office of the children's representative  
8 relating to guardians ad litem and court-appointed  
9 children's legal counsel of children services. Any grants,  
10 gifts, donations or other contributions shall be credited to  
11 the account created in W.S. 9-2-2905.

12

13 (ii) Enhance provision of services by court-  
14 appointed volunteer lay advocates by:

15

16 (A) Establishing minimum education and  
17 training requirements for persons seeking to serve as court-  
18 appointed volunteer lay advocates of children;

19

20 (B) Adopting standards for persons seeking  
21 to serve as court-appointed volunteer lay advocates of  
22 children, including but not limited to minimum practice  
23 standards;

24



1                   (C)       Monitoring the practice of court-  
2 appointed volunteer lay advocates of children to ensure  
3 compliance with all relevant statutes, orders, rules,  
4 policies and procedures;

5

6                   (D)       Working cooperatively with other public  
7 and private entities to encourage the development of local  
8 volunteer lay advocate programs in the various judicial  
9 districts;

10

11                   (E)       Seeking to enhance existing funding  
12 sources and to develop new funding sources for the provision  
13 of high quality, local volunteer lay advocate programs in  
14 the various judicial districts;

15

16                   (F)       Applying for and accepting grants,  
17 gifts, donations and other contributions to be used to fund  
18 the work of the office of the child's representative  
19 relating to volunteer lay advocate programs. Any grants,  
20 gifts, donations or other contributions shall be credited to  
21 the account created in W.S 9-2-2905.

22

23                   (iii)     Develop measurement methods and standards  
24 designed to assess and document the effectiveness of various

1 models of representation and the outcomes achieved by legal  
2 counsel and volunteer lay advocates for children, including  
3 collaborative models with local volunteer lay advocate  
4 programs.

5

6 (c) The office may exercise powers and duties  
7 reasonably necessary to carry out this act, including  
8 adopting rules in accordance with the Wyoming Administrative  
9 Procedure Act.

10

11 (d) The office shall report its activities to the  
12 joint judiciary interim committee on or before September 1,  
13 2004 and on or before September 1 of each year thereafter.  
14 Each report shall contain:

15

16 (i) The number of cases by court in which a  
17 guardian ad litem or legal counsel was appointed to  
18 represent a child at public expense under this act during  
19 the preceding fiscal year;

20

21 (ii) For each case in which a guardian ad litem  
22 or legal counsel was appointed, whether the court ordered  
23 reimbursement from a party and, if reimbursement was

1 ordered, whether the reimbursement has been paid or the  
2 actions the office has taken to receive reimbursement; and

3

4 (iii) Information regarding any grants, gifts,  
5 donations and other contributions to the office as well as  
6 information concerning fundraising efforts by the office.

7

8 **9-2-2904. Funding; reimbursement; recovery of monies.**

9

10 (a) The total state funding of the office of the  
11 children's representative shall be equal to seventy-five  
12 percent (75%) of the office's budget as appropriated by the  
13 legislature.

14

15 (b) Each county shall appropriate funds to supplement  
16 the office of the children's representative in accordance  
17 with an equitable formula determined by the office of the  
18 children's representative and the budget division of the  
19 department of administration and information, taking into  
20 account the following factors:

21

22 (i) The population of each county based on the  
23 latest federal census as periodically updated by the bureau  
24 of the census;

1

2 (ii) The assessed valuation of each county; and

3

4 (iii) The caseload in each county.

5

6 (c) The total amount of money collected from the  
7 counties shall be equal to twenty-five percent (25%) of the  
8 office of the children's representative budget as  
9 appropriated by the legislature. The director shall notify  
10 each county of its proportional share and by June 30 of  
11 each fiscal year shall invoice the county for its  
12 proportionate share. The county shall pay the amount due  
13 to the office of the children's representative within  
14 ninety (90) days of the notification by the director. In  
15 the event a county does not make payments within ninety  
16 (90) days of the notification by the director of the  
17 county's proportionate share, the state treasurer may  
18 deduct the amount from sales and use tax revenues due to  
19 the county from the state under W.S. 39-15-111 and 39-16-  
20 111 and shall credit the amount to the fund created in W.S.  
21 9-2-2905.

22

23 (d) Any monies ordered by the court to be repaid to  
24 the office for the provision of services under this act

1 shall be made through the clerk of court and shall be paid  
2 into the state general fund.

3  
4 (e) In any case in which the court has ordered  
5 repayment for services rendered by the office, the attorney  
6 general may sue on behalf of the state to recover payment  
7 or reimbursement from each person who has received legal  
8 assistance or other benefits under this act or, in the case  
9 of an unemancipated minor, from his custodial parent or any  
10 other person who has a legal obligation of support.

11  
12 \*\*\* STAFF COMMENTS \*\*\*

13  
14 One topic that may need additional discussion  
15 remains the subject of reimbursement. The  
16 highlighted language above was taken from the  
17 state public defender's statutes and is used  
18 solely for illustrative purposes.  
19

20 9-2-2905. Office of the children's representative  
21 account; creation.

22  
23 Non-state monies received by the office shall be deposited  
24 with the state treasurer who shall credit the money to an  
25 account within the special revenue fund. All monies  
26 credited to the account shall be expended only for expenses  
27 incurred in the execution and administration of this act.

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2           **Section 2.**       W.S. 14-3-202(a) by creating new  
3 paragraphs (xv) through (xvii), 14-3-211(a), 14-3-402(a) by  
4 creating new paragraphs (xix) through (xxi), 14-3-416,  
5 14-3-434(b) (v), by creating a new subsection (c) and by  
6 renumbering (c) as (d), 14-6-201(a) by creating new  
7 paragraphs (xxvii) and (xxviii), 14-6-216, 14-6-222(a) and  
8 (b), 14-6-235(b) (v), (c) and by creating a new subsection  
9 (e), 14-6-402(a) by creating new paragraphs (xxiii) through  
10 (xxv), 14-6-416, 14-6-422(a) and (b) and 14-6-434(b) (v), by  
11 creating a new subsection (c) and by renumbering (c) as (d)  
12 are amended to read:

13

14           **14-3-202. Definitions.**

15

16           (a) As used in W.S. 14-3-201 through 14-3-215:

17

18                   (xv) "Attorney" or "counsel" means a person who  
19 is a member of the Wyoming state bar in good standing and  
20 who represents another person's legal interests in a legal  
21 proceeding;

22

1           (xvi) "Guardian ad litem" means an attorney  
2 appointed by a court to represent the best interests of a  
3 child in a legal proceeding;

4  
5           (xvii) "Volunteer lay advocate" means a person  
6 other than a court-appointed counsel or a guardian ad litem  
7 who is specially trained to represent the best interests of  
8 a child, including court-appointed special advocates, and  
9 who represents those interests without expectation or  
10 receipt of remuneration.

11  
12           **14-3-211. Appointment of counsel for child and other**  
13 **parties.**

14  
15           (a) The court shall appoint counsel from the office  
16 of the children's representative to represent any child in  
17 a court proceeding in which the child is alleged to be  
18 abused or neglected. ~~Any~~An attorney from the office of  
19 the children's representative representing a child under  
20 this section shall also serve as the child's guardian ad  
21 litem unless ~~a guardian ad litem~~ another person has been  
22 appointed by the court pursuant to W.S. 14-3-416 to  
23 represent the best interests of the child. ~~The attorney or~~

1 ~~guardian ad litem shall be charged with representation of~~  
2 ~~the child's best interest.~~

3  
4 **14-3-402. Definitions.**

5  
6 (a) As used in this act:

7  
8 (xix) "Attorney" or "counsel" means a person who  
9 is a member of the Wyoming state bar in good standing and  
10 who represents another person's legal interests in a legal  
11 proceeding;

12  
13 (xx) "Guardian ad litem" means an attorney  
14 appointed by a court to represent the best interests of a  
15 child in a legal proceeding;

16  
17 (xxi) "Volunteer lay advocate" means a person  
18 other than a court-appointed counsel or a guardian ad litem  
19 who is specially trained to represent the best interests of  
20 a child, including court-appointed special advocates, and  
21 who represents those interests without expectation or  
22 receipt of remuneration.

23



1           **14-3-416. Appointment of guardian ad litem; volunteer**  
2 **lay advocates.**

3  
4           (a) Except as provided in subsection (b) of this  
5 section, the court shall appoint a guardian ad litem from  
6 the office of the children's representative for a child who  
7 is a party to proceedings under this act. ~~if the child has~~  
8 ~~no parent, guardian or custodian appearing in his behalf or~~  
9 ~~if the interests of the parents, guardian or custodian are~~  
10 ~~adverse to the best interest of the child.~~ A party to the  
11 proceeding or employee or representative thereof shall not  
12 be appointed guardian ad litem for the child.

13  
14           (b) The court may appoint a volunteer lay advocate:

15  
16           (i) If a separate guardian ad litem has not been  
17 appointed and the attorney appointed by the court pursuant  
18 to W.S. 14-3-211(a) does not also serve as the child's  
19 guardian ad litem, to represent the best interests of the  
20 child; or

21  
22           (ii) If a separate guardian ad litem has been  
23 appointed, to assist the separate guardian ad litem with  
24 representation of the best interests of the child.

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**14-3-434. Fees, costs and expenses.**

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(b) The following costs and expenses, when approved and certified by the court to the county treasurer, shall be a charge upon the funds of the county where the proceedings are held and shall be paid by the board of county commissioners of that county:

(v) Reasonable compensation for services and costs of counsel appointed by the court, other than counsel appointed to represent the child from the office of the children's representative; and

(c) The costs and expenses of providing for representation of a child by the office of the children's representative shall be paid by the office of the children's representative. Nothing in this subsection shall be construed to authorize or require the office of the children's representative to pay for any guardian ad litem not from the office of the children's representative.

~~(e)~~ (d) In every case in which a guardian ad litem has been appointed to represent the child under this act or

1 in which counsel has been appointed under this act to  
2 represent the child's parents, guardian or custodian, the  
3 court shall determine whether the child's parents,  
4 guardian, custodian or other person responsible for the  
5 child's support is able to pay part or all of the costs of  
6 representation and shall enter specific findings on the  
7 record. If the court determines that any of the parties is  
8 able to pay any amount as reimbursement for costs of  
9 representation, the court shall order reimbursement to the  
10 appropriate governmental units or shall state on the record  
11 the reasons why reimbursement was not ordered. The court  
12 may also in any case order that all or any part of the  
13 costs and expenses enumerated in paragraphs (b)(i), (iii),  
14 (iv) and (vii) of this section, be reimbursed to the county  
15 by the child's parents or any person legally obligated for  
16 his support, or any of them jointly and severally, upon  
17 terms the court may direct. An order for reimbursement of  
18 costs made pursuant to this subsection may be enforced as  
19 provided in W.S. 14-3-435.

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21 **14-6-201. Definitions; short title; statement of**  
22 **purpose and interpretation.**

23

24 (a) As used in this act:

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(xxvii) "Attorney" or "counsel" means a person who is a member of the Wyoming state bar in good standing and who represents another person's legal interests in a legal proceeding;

(xxviii) "Guardian ad litem" means an attorney appointed by a court to represent the best interests of a child in a legal proceeding.

**14-6-216. Appointment of guardian ad litem.**

The court shall appoint a guardian ad litem from the office of the children's representative for a child who is a party to proceedings under this act if the child has no parent, guardian or custodian appearing in his behalf or if the interests of the parents, guardian or custodian are adverse to the best interest of the child. A party to the proceeding or employee or representative thereof shall not be appointed guardian ad litem for the child.

**14-6-222. Advising of right to counsel required; appointment of counsel; verification of financial condition.**

1

2 (a) At their first appearance before the court the  
3 child and his parents, guardian or custodian shall be  
4 advised by the court of their right to be represented by  
5 counsel at every stage of the proceedings including appeal,  
6 and to employ counsel of their own choice. The court shall  
7 determine at the first appearance whether the child is  
8 currently being represented by counsel.

9

10 (b) If the court determines that the child is not  
11 being represented by counsel, the court shall ~~upon request~~  
12 appoint counsel ~~who may be the guardian ad litem~~ from the  
13 office of the state public defender to represent the child  
14 ~~if the child, his parents, guardian, custodian or other~~  
15 ~~person responsible for the child's support are unable to~~  
16 ~~obtain counsel~~ until private counsel has been retained. If  
17 ~~appointment of~~ counsel is ~~requested~~ appointed, the court  
18 shall require the child and his parents, guardian,  
19 custodian or other person legally responsible for the  
20 child's support to verify their financial condition under  
21 oath, either by written affidavit signed and sworn to by  
22 the parties or by sworn testimony made a part of the record  
23 of the proceedings. The affidavit or sworn testimony shall  
24 state whether they are without sufficient money, property,

1 assets or credit to employ counsel in their own behalf.  
2 The court may require further verification of financial  
3 condition if it deems necessary. If the child ~~requests~~  
4 ~~counsel and~~ or his parents, guardian, custodian or other  
5 person responsible for the child's support is able but  
6 unwilling to obtain counsel for the child, the court ~~shall~~  
7 ~~appoint counsel to represent the child and~~ may direct  
8 reimbursement of counsel fees under W.S. 14-6-235(c).

9

10 **14-6-235. Fees, costs and expenses.**

11

12 (b) The following costs and expenses, when approved  
13 and certified by the court to the county treasurer, shall  
14 be a charge upon the funds of the county where the  
15 proceedings are held and shall be paid by the board of  
16 county commissioners of that county:

17

18 (v) Reasonable compensation for services and  
19 costs of counsel appointed by the court, other than  
20 counsel specifically appointed by the court to represent a  
21 child who is a party to proceedings under this act; and

22

23 (c) Legal services rendered to a child for his  
24 benefit and protection are necessities which the child's

1 parents or any person obligated by law for the child's  
2 support may be held responsible. In every case in which a  
3 guardian ad litem has been appointed to represent the child  
4 under W.S. 14-6-216 or in which counsel has been appointed  
5 under W.S. 14-6-222 to represent the child, the child's  
6 parents, guardian or other person responsible for the  
7 child's support, the court shall determine whether the  
8 child, the child's parents, guardian or other person  
9 responsible for the child's support is able to pay part or  
10 all of the costs of representation and shall enter specific  
11 findings on the record. If the court determines that any  
12 of the parties is able to pay any amount as reimbursement  
13 for costs of representation, the court shall order  
14 reimbursement to the appropriate governmental units or  
15 shall state on the record the reasons why reimbursement was  
16 not ordered. The court may also in any case order that all  
17 or any part of the costs and expenses enumerated in  
18 paragraphs (b)(i), (iii), (iv) and (vii) of this section,  
19 be reimbursed to the county by the child, his parents or  
20 any person legally obligated for his support, or any of  
21 them jointly and severally, upon terms the court may  
22 direct. An order for reimbursement of costs made pursuant  
23 to this subsection may be enforced as provided in W.S.  
24 14-6-236.

1

2       (e) The costs and expenses of providing for a  
3 guardian ad litem from the office of the children's  
4 representative for a child shall be paid by the office of  
5 the children's representative. Nothing in this subsection  
6 shall be construed to authorize or require the office of  
7 the children's representative to pay for any guardian ad  
8 litem not from the office of the children's representative.

9

10       **14-6-402. Definitions.**

11

12       (a) As used in this act:

13

14       (xxiii) "Attorney" or "counsel" means a person  
15 who is a member of the Wyoming state bar in good standing  
16 and who represents another person's legal interests in a  
17 legal proceeding;

18

19       (xxiv) "Guardian ad litem" means an attorney  
20 appointed by a court to represent the best interests of a  
21 child in a legal proceeding;

22

23       (xxv) "Volunteer lay advocate" means a person  
24 other than a court-appointed counsel or a guardian ad litem



1 who is specially trained to represent the best interests of  
2 a child, including court-appointed special advocates, and  
3 who represents those interests without expectation or  
4 receipt of remuneration.

5  
6 **14-6-416. Appointment of guardian ad litem; volunteer**  
7 **lay advocate.**

8  
9 (a) Except as otherwise provided in this section, the  
10 court shall appoint a guardian ad litem from the office of  
11 the children's representative for a child who is a party to  
12 proceedings under this act if the child has no parent,  
13 guardian or custodian appearing in his behalf or if the  
14 interests of the parents, guardian or custodian are adverse  
15 to the best interest of the child. An attorney from the  
16 office of the children's representative appointed by the  
17 court pursuant to W.S. 14-6-422(b) to represent a child  
18 shall also be appointed to serve as the child's guardian ad  
19 litem unless another person has been appointed to represent  
20 the child's best interests. A party to the proceeding or  
21 employee or representative thereof shall not be appointed  
22 guardian ad litem for or otherwise represent the best  
23 interests of the child.

24

1       (b) The court may appoint a volunteer lay advocate:

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3               (i) If a guardian ad litem has not been  
4 appointed pursuant to subsection (a) of this section, to  
5 represent the best interests of the child; or

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7               (ii) If a guardian ad litem has been appointed  
8 pursuant to subsection (a) of this section, to assist the  
9 guardian ad litem with representation of the best interests  
10 of the child.

11

12           **14-6-422. Advising of right to counsel required;**  
13 **appointment of counsel; verification of financial**  
14 **condition.**

15

16           (a) At their first appearance before the court the  
17 child and his parents, guardian or custodian shall be  
18 advised by the court of the child's right to be represented  
19 by counsel at every stage of the proceedings including  
20 appeal, and to employ counsel of their own choice. The  
21 court shall determine at the first appearance whether the  
22 child is currently being represented by counsel.

23

1           (b) If the court determines that the child is not  
2 being represented by counsel, the court shall ~~upon request~~  
3 appoint counsel to represent the child ~~if the child, his~~  
4 ~~parents, guardian or custodian are unable to obtain counsel~~  
5 from the office of the children's representative until  
6 private counsel has been retained. If ~~appointment of~~  
7 counsel is ~~requested~~ appointed from the office of the  
8 children's representative, the court shall require the  
9 child and his parents, guardian or custodian to verify  
10 their financial condition under oath, either by written  
11 affidavit signed and sworn to by the parties or by sworn  
12 testimony made a part of the record of the proceedings.  
13 The affidavit or sworn testimony shall state whether they  
14 are without sufficient money, property, assets or credit to  
15 employ counsel. The court may require further verification  
16 of financial condition if it deems necessary. If the child  
17 ~~requests counsel and or~~ his parents, guardian, custodian or  
18 other person responsible for the child's support is able  
19 but unwilling to obtain counsel for the child, the court  
20 ~~shall appoint counsel to represent the child and~~ may direct  
21 reimbursement of counsel fees under W.S. 14-6-434.

22

23           **14-6-434. Fees, costs and expenses.**

24

1           (b) The following costs and expenses, when approved  
2 and certified by the court to the county treasurer, shall  
3 be a charge upon the funds of the county where the  
4 proceedings are held and shall be paid by the board of  
5 county commissioners of that county:

6  
7           (v) Reasonable compensation for services and  
8 costs of counsel appointed by the court~~+~~, other than  
9 counsel from the office of the children's representative  
10 specifically appointed by the court to represent the child;  
11 and

12  
13           (c) The costs and expenses of providing for a  
14 guardian ad litem or other court-appointed legal counsel  
15 from the office of the children's representative for a  
16 child shall be paid by the office of the children's  
17 representative. Nothing in this subsection shall be  
18 construed to authorize or require the office of the  
19 children's representative to pay for any guardian ad litem  
20 not from the office of the children's representative.

21  
22           ~~(e)~~ (d) In every case in which a guardian ad litem  
23 has been appointed to represent the child under this act or  
24 in which counsel has been appointed under this act to

1 represent a child or the child's parents, guardian or  
2 custodian, the court shall determine whether the child, the  
3 child's parents, guardian, custodian or other person  
4 responsible for the child's support is able to pay part or  
5 all of the costs of representation and shall enter specific  
6 findings on the record. If the court determines that any  
7 of the parties is able to pay any amount as reimbursement  
8 for costs of representation, the court shall order  
9 reimbursement to the appropriate governmental units or  
10 shall state on the record the reasons why reimbursement was  
11 not ordered. The court may also in any case order that all  
12 or any part of the costs and expenses enumerated in  
13 paragraphs (b)(i), (iii), (iv) and (vii) of this section,  
14 be reimbursed to the county by the child, the child's  
15 parents or any person legally obligated for his support, or  
16 any of them jointly and severally, upon terms the court may  
17 direct. An order for reimbursement of costs made pursuant  
18 to this subsection may be enforced as provided in W.S.  
19 14-6-435.

20

21 **Section 3.** W.S. 14-3-434(b)(vi), 14-6-235(b)(vi) and  
22 14-6-434(b)(vi) are repealed.

23

24 **Section 4.**

1           (a) There is appropriated xxxx dollars from the  
2 general fund to the department of family services for the  
3 biennium beginning July 1, 2004 to fund the operation of  
4 the office of the children's representative created by this  
5 act.

6  
7           (b) For the biennium beginning July 1, 2004, the  
8 department of family services is authorized xx full-time  
9 positions and xx part-time positions for the office of the  
10 children's representative created by this act.

11  
12           **Section 5.** This act is effective immediately upon  
13 completion of all acts necessary for a bill to become law  
14 as provided by Article 4, Section 8 of the Wyoming  
15 Constitution.

16

17

(END)