HOUSE BILL NO. HB0314

Guardians ad litem.

Sponsored by: Representative(s) Simpson, Buchanan, Landon,
                Martin, Olsen and Reese and Senator(s)
                Burns, Decaria and Hanes

A BILL

for

1 AN ACT relating to the Wyoming supreme court; authorizing a

2 program to reimburse guardians ad litem as specified;

3 providing procedures for implementation of the program;

4 requiring rulemaking; specifying standards for the program

5 and participants; providing an appropriation; authorizing a

6 position; and providing for an effective date.

7

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

9

10   **Section 1.**

11

12   (a) For the fiscal year beginning July 1, 2005, there

13 is appropriated from the general fund to the Wyoming

14 supreme court two million one hundred thousand dollars

15 ($2,100,000.00), or as much thereof as necessary, to

16 establish and administer a program to reimburse attorneys

1 providing legal representation as guardians ad litem in

2 child protection cases under W.S. 14-3-101 through

3 14-3-440, children in need of supervision cases under W.S.

4 14-6-401 through 14-6-440, or termination of parental

5 rights actions brought as a result of a child protection or

6 children in need of supervision action. The appropriation

7 under this section shall be subject to the following:

8

9   (i) The district judges' judicial conference

10 shall:

11

12   (A) Recommend to the board of judicial

13 policy and administration rules and regulations governing

14 standards for the legal representation by attorneys as

15 guardians ad litem in child protection or children in need

16 of supervision cases and for the training of those

17 attorneys;

18

19   (B) Require any attorney who seeks

20 reimbursement from the appropriation authorized by this

21 section for legal representation of children as a guardian

22 ad litem to meet the standards for guardians ad litem

23 established by the board of judicial policy and

24 administration;

1

2   (C) Notwithstanding any other provision of

3   this section, an attorney appointed to serve only as a

4   guardian ad litem in a case in which a child has been

5   charged with the commission of a delinquent act may,

6   subject to rules recommended by the judicial conference and

7   adopted by the supreme court, be eligible for reimbursement

8   under this section.

9

10   (ii) The   board   of   judicial   policy   and

11 administration shall adopt rules and regulations governing

12 standards for the legal representation by attorneys as

13 guardians ad litem in child protection or children in need

14 of supervision cases and for the training of those

15 attorneys;

16

17   (iii) The supreme court shall:

18

19   (A) Enter   into   agreements   with   the

20 individual counties of the state participating in the

21 program to provide reimbursement for the legal

22 representation of children by attorneys as guardians ad

23 litem in child protection or children in need of

24 supervision cases;

1

2   (B) Provide necessary administrative

3 support for the reimbursement program.

4

5   (iv) No state money appropriated under this

6 section shall be expended in any county unless the county

7 agrees to match, at a minimum, twenty-five percent (25%) of

8 the state money for the reimbursement of legal

9 representation of children by attorneys in child protection

10 or children in need of supervision cases. In consultation

11 with the board of judicial policy and administration, the

12 supreme court and the individual county shall establish the

13 reimbursement rate within the county for attorneys

14 providing legal representation as guardians ad litem in

15 child protection and children in need of supervision cases.

16

17   (b) The supreme court is authorized one (1) full-time

18 equivalent position to assist in the administration of the

19 reimbursement program authorized by this section. The

20 salary and benefits of the position and all equipment

21 necessary to implement the program shall be provided from

22 the appropriation in subsection (a) of this section.

23

1   **Section 2.** This act is effective July 1, 2005.

2

3   (END)