

HOUSE BILL NO. HB0013

Office of guardian ad litem-program references.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to children; clarifying the duties, powers,
2 and authority of the office of guardian ad litem by
3 amending references from the guardian ad litem program to
4 the office of guardian ad litem; specifying applicability;
5 and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 14-2-318(b)(i) and (d)(iii),
10 14-3-434(b)(vi), 14-6-235(b)(vi) and (c), 14-6-434(b)(vi)
11 and (c) and 14-12-103(f) are amended to read:

12

13 **14-2-318. Costs of proceedings; appointment of**
14 **counsel.**

15

1 (b) Where petitioner is an authorized agency as
2 defined by W.S. 14-2-308(a)(ii)(B), it shall pay for the
3 costs of the action. Costs shall include:

4
5 (i) Fee for the guardian ad litem. If the
6 agency had entered into an agreement with the office of
7 guardian ad litem ~~program~~ pursuant to W.S. 14-12-101
8 through 14-12-104 and the ~~program~~office was appointed to
9 provide the guardian ad litem, the ~~program~~office shall pay
10 the fee for the guardian ad litem in accordance with that
11 agreement;

12
13 (d) Where petitioner is an authorized agency as
14 defined by W.S. 14-2-308(a)(ii)(A):

15
16 (iii) The authorized agency shall pay the
17 guardian ad litem reasonable fees and expenses approved by
18 the court unless the agency had entered into an agreement
19 with the office of guardian ad litem ~~program~~ pursuant to
20 W.S. 14-12-101 through 14-12-104 and the ~~program~~office was
21 appointed to provide the guardian ad litem. If so, the
22 ~~program~~office shall pay the fee for the guardian ad litem
23 in accordance with that agreement.

1

2 **14-3-434. Fees, costs and expenses.**

3

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

9

10 (vi) Reasonable compensation for services and
11 costs of a guardian ad litem appointed by the court, unless
12 the county participates in the guardian ad litem program
13 administered by the office of guardian ad litem pursuant to
14 W.S. 14-12-101 through 14-12-104 and the program-office was
15 appointed to provide the guardian ad litem; and

16

17 **14-6-235. Fees, costs and expenses.**

18

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

1

2 (vi) Reasonable compensation for services and
3 costs of a guardian ad litem appointed by the court, unless
4 the county participates in the guardian ad litem program
5 administered by the office of guardian ad litem pursuant to
6 W.S. 14-12-101 through 14-12-104 and the ~~program~~-office was
7 appointed to provide the guardian ad litem; and

8

9 (c) Legal services rendered to a child for his
10 benefit and protection are necessities which the child's
11 parents or any person obligated by law for the child's
12 support may be held responsible. In every case in which a
13 guardian ad litem has been appointed to represent the child
14 under W.S. 14-6-216 or in which counsel has been appointed
15 under W.S. 14-6-222 to represent the child, the child's
16 parents, guardian or other person responsible for the
17 child's support, the court shall determine whether the
18 child, the child's parents, guardian or other person
19 responsible for the child's support is able to pay part or
20 all of the costs of representation and shall enter specific
21 findings on the record. If the court determines that any
22 of the parties is able to pay any amount as reimbursement
23 for costs of representation, the court shall order

1 reimbursement or shall state on the record the reasons why
2 reimbursement was not ordered. The court may also in any
3 case order that all or any part of the costs and expenses
4 enumerated in paragraphs (b)(i), (iii), (iv) and (vii) of
5 this section, be reimbursed to the county by the child, his
6 parents or any person legally obligated for his support, or
7 any of them jointly and severally, upon terms the court may
8 direct. An order for reimbursement of costs made pursuant
9 to this subsection may be enforced as provided in W.S.
10 14-6-236. Any reimbursement ordered for guardian ad litem
11 services provided pursuant to W.S. 14-12-101 through
12 14-12-104 shall be apportioned between the county and the
13 office of guardian ad litem ~~program~~ in accordance with
14 payments made for those services.

15

16 **14-6-434. Fees, costs and expenses.**

17

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

23

1 (vi) Reasonable compensation for services and
2 costs of a guardian ad litem appointed by the court, unless
3 the county participates in the guardian ad litem program
4 administered by the office of guardian ad litem pursuant to
5 W.S. 14-12-101 through 14-12-104 and the ~~program~~office was
6 appointed to provide the guardian ad litem; and

7
8 (c) In every case in which a guardian ad litem has
9 been appointed to represent the child under this act or in
10 which counsel has been appointed under this act to
11 represent a child or the child's parents, guardian or
12 custodian, the court shall determine whether the child, the
13 child's parents, guardian, custodian or other person
14 responsible for the child's support is able to pay part or
15 all of the costs of representation and shall enter specific
16 findings on the record. If the court determines that any
17 of the parties is able to pay any amount as reimbursement
18 for costs of representation, the court shall order
19 reimbursement or shall state on the record the reasons why
20 reimbursement was not ordered. The court may also in any
21 case order that all or any part of the costs and expenses
22 enumerated in paragraphs (b)(i), (iii), (iv) and (vii) of
23 this section, be reimbursed to the county by the child, the

1 child's parents or any person legally obligated for his
2 support, or any of them jointly and severally, upon terms
3 the court may direct. An order for reimbursement of costs
4 made pursuant to this subsection may be enforced as
5 provided in W.S. 14-6-435. Any reimbursement ordered for
6 guardian ad litem services provided pursuant to W.S.
7 14-12-101 through 14-12-104 shall be apportioned between
8 the county and the office of guardian ad litem ~~program~~—in
9 accordance with payments made for those services.

10

11 CHAPTER 12

12 OFFICE OF GUARDIAN AD LITEM

13

14 ARTICLE 1

15 OFFICE OF GUARDIAN AD LITEM

16

17 **14-12-103. County participation; reimbursement;**
18 **offices and equipment.**

19

20 (f) The office shall enter into a memorandum of
21 understanding with the department of family services under
22 which a guardian ad litem will be provided for cases in
23 which the department is required by law or court order to

1 provide guardian ad litem services in any of the cases or
2 actions specified in W.S. 14-12-101(a). The department
3 shall reimburse the ~~program~~office an amount equal to not
4 less than twenty-five percent (25%) of the agreed ~~program~~
5 fees paid to guardians ad litem in actions under this
6 subsection.

7

8 **Section 2.** Nothing in this act shall be construed as
9 modifying or impairing any contract that the office of
10 guardian ad litem or the guardian ad litem program entered
11 into before the effective date of this act.

12

13 **Section 3.** This act is effective July 1, 2023.

14

15

(END)