

**CORNER****LAW OFFICE**

## The Road from Attorney Panel to State-Run Program — Wyoming's GAL Program History

by Stacey Obrecht, JD, CWLS and Joe Belcher, JD

### The History

Before 2005, each county in Wyoming was responsible for interviewing, hiring, reimbursing, and supervising any attorney *Guardian Ad Litem* (GAL) representing children in their county's juvenile court. This duty was left to many different individuals and varied from county to county. In some counties, the judge was responsible, while in others, the responsibility belonged to the county clerk.

What is historically apparent was the lack of standardization across the state.

- The quality of representation a child received in juvenile court depended mainly upon the child's county.
- Similarly, as an attorney GAL, the rate of pay and worthiness of the GAL work depended largely on the county in which the attorney practiced. In some counties, an attorney was paid over \$100.00 per hour, but they weren't paid at all in others. In some instances, a GAL was given a flat rate of \$250.00 for the life of a case even when it would last many, many years.
- Some GALs were trained in the specialty of children's law and juvenile court; others were not.
- Some GALs met with their clients; others did not.
- Some GALs had relatively few clients; others had over 200 clients.

The list goes on. And on.

To address the disparities in representation and pay throughout Wyoming, the Legislature created the GAL Program in 2005, which was tasked with representing child clients in juvenile court and in termination of parental rights (TPR) or appellate proceedings arising from these juvenile court actions. The Legislature first placed the GAL Program at the Wyoming Supreme Court.

Upon creating the GAL Program on July 1, 2005, the Wyoming Supreme Court set up a reimbursement program for the Wyoming counties. The program maintained a list of qualified GALs each county could choose from when appointing a GAL for a juvenile court action in that county. If the county used a GAL from the approved list, the county could bill the Supreme Court for 75% of the costs of those GAL legal services. The supreme court adopted Rule 106 to the District Court Rules, which defined basic standards of practice, qualifications for being placed on the qualified list of GALs, and caseload maximums. At that time, the caseload maximum was 65 cases per part-time attorney.

The GAL Program had many improvements while residing at the Supreme Court and was successful in standards, caseload maximums, qualifications, pay standardization (\$100.00 per hour), and increased training.

## CORNER

### LAW OFFICE

However, there were still concerns that needed to be addressed. Counties and judges chose not to bill the program for the state match so that they could continue to appoint GALs who did not meet the qualifications outlined in Rule 106. Furthermore, GALs were not supervised, so there was no way to ensure that GALs were fulfilling the job requirements or consistently meeting client expectations. There was no complaint process for children or other stakeholders to report concerns with the GAL's representation. Additionally, there were still GALs above the caseload maximum and others who were overcharging for their services.

As a result, and at the request of the Supreme Court, the Wyoming legislature moved the GAL Program to the Office of the Public Defender (OPD), effective July 1, 2008.

Among the many changes made when the OPD took over the administration of the GAL Program was hiring an attorney to run and oversee the program. The program was able to supervise the GALs and provide robust case resources and assistance. The OPD adopted rules, through the Administrative Procedure Act's (APA) rules process, to govern the program and the GALs, and overhauled policies and the reimbursement method.

Beginning July 1, 2008, all GALs who represented children in juvenile court had to contract with the OPD instead of the counties in which they practiced. The GAL was paid directly via the GAL Program, and the program billed the counties for the 25% match. This allowed a greater connection between the state dollars and the legal representation, and it also gave the GAL Program a different role with attorney GALs. Other significant changes made at this time included changing the caseload standards, increasing the specificity of the representation standards in the rules, and taking over the case appointment process to ensure that qualified and appropriate attorneys were assigned, caseloads were suitable, and those attorneys were appointed promptly.

These changes were not without their challenges. Being a rural and frontier state, finding attorneys to represent children in all cities and counties was challenging. The GAL Program also started with over 100 attorneys to manage, train, and supervise, which was a lot for a small state agency. From 2008 through 2013, the program's primary focus areas included:

1. Training and support for all attorney GALs to improve the quality of representation.
2. Implementing policies and rules to increase the foundational standards of practice (i.e., bringing children to court and meeting with clients outside of the courtroom).
3. Reducing the number of attorneys to a manageable load, including increasing the number of full-time practicing attorney GALs.
4. Moving more positions from panel attorneys to state employees to increase longevity and focus and professionalize the practice.
5. Setting up and hiring supervisors in each district to provide more timely support and better local representation.

Getting attorneys in all the counties was not easy, so the program got creative and found ways to fill the need. It found attorneys willing to drive from their home county to the neighboring county when they couldn't find enough attorneys in that area. The program also had supervisors who would cover when

## CORNER

### LAW OFFICE

cases increased in a place they supervised. Finally, it bought a handful of old cars from state surplus that the attorneys were given to drive the long distances between courthouses.

There was a four-year period that the program was not able to operate in one of the counties due to the inability to find attorneys who would comply with the base foundation of rules and policies. While challenging, this was a strong message about the changes in practice and professionalizing the field. They ultimately came back within the program, and since 2014, all counties in our rural, frontier state have been covered, even with the shortage of attorneys to do this work.

### Current Day

The Wyoming GAL Program continues to adapt and change to discharge its duties to zealously advocate for its clients across Wyoming. One change the GAL Program has been fighting for it to become an independent state agency. After moving to the OPD, it was apparent that conflicts arose when our GALs were representing children involved in abuse and neglect cases while OPD attorneys were sitting at the defense table representing the alleged abusive or neglectful parent(s).

Senate File 0120 proposed to eliminate that conflict by moving the GAL Program out from under the OPD and creating The Office of Guardian *ad Litem* — an independent, stand-alone state agency to be led by a director appointed by the governor. Through a lot of hard work, testimony, and passion, on March 9, 2020, the Wyoming State Legislature passed Senate File 0120 which was then signed by the Governor on March 17, 2020. On July 1, 2020, the GAL Program became the Wyoming Office of Guardian *ad Litem*.<sup>1</sup>

In addition to the name change, the structure of the Office of GAL adjusted. We still have attorneys driving many miles to other counties to represent clients, more contract GAL attorneys than full-time GALs, and supervising attorneys providing support and timely oversight. Now the Office of GAL has increased caseload maximums to 80 for full-time GALs, a permanency attorney to represent clients in TPRs and appeals, and a director to oversee it all. However, one thing that does not change is that it is a labor of love for the attorneys currently (and historically) working with the Office of GAL.

The Office of GAL's goal is to provide high quality legal representation for its clients, which is accomplished in many ways. One, by having experienced and dedicated GALs, some of whom have been practicing child welfare for over 15 years. In fact, it is common that in the life of a juvenile abuse and neglect case, the GAL is often the most stable, longest tenured person in the case.

Second, the Office of GAL followed NACC's best practices guidelines for installing a Child Welfare Law Office (CWLO).<sup>2</sup> The Office of GAL employs 7 full-time staff attorneys,<sup>4</sup> full-time contract attorneys, and 19 part-time contract attorneys. In addition to their expertise in child welfare law, our GALs possess expertise in state and federal substantive law, trial advocacy and dispute resolution, collateral proceedings, community

<sup>1</sup> Wyo. Stat. Ann. 14-12-101 – 104

<sup>2</sup> Child Welfare Law Office Guidebook, *Best Practice Guidelines for Organizational Legal Representation of Children in Abuse, Neglect, and Dependency Cases*, National Association of Counsel for Children (2006).

# CORNER

## LAW OFFICE

resources and services, family dynamics, education law, and child maltreatment and development. The Office of GAL understands the importance of trainings and partners with a number of child welfare stakeholders to host, attend, or present on numerous topics.

Third, in utilizing now available IV-E funds, the Office of GAL expanded its interdisciplinary representation by employing a person with lived experience and hopes to hire a social worker soon. Lastly, the Office of GAL continues to work with our local law school to solicit interns and externs with an eye to increase service, improve practice, and encourage good lawyers to engage in child advocacy.

### Closing

With a lot of hard work and perseverance, the Wyoming Office of Guardian *ad Litem* is in its best position to zealously advocate for our juvenile clients. However, we cannot rest on our laurels and must strive to make the child welfare system better and more efficient and work to be the best GALs that we can be. The children of Wyoming deserve that. ■

### ABOUT THE AUTHORS:



Since 2020, **Stacey Obrecht, JD, CWLS, PMP**, has been the CEO and President of [Public Knowledge](#).<sup>®</sup> Stacey is responsible for providing overall direction and leadership for Public Knowledge, with 20 years of experience working within governmental agencies, educational institutions, and non-profit organizations. She also has extensive experience in training development and implementation; leadership assessments and coaching; organizational change management; and organizational development. Stacey received her juris doctorate from the University of Wyoming and is a certified child welfare law specialist (CWLS) and Project Management Institute (PMI) project management professional (PMP).



**Joe Belcher** was appointed the first director of the Wyoming Office of Guardian Ad Litem in August 2020. Prior to being named director, in over 10 years of experience within the Office of GAL, he served as Chief Trial and Appellate Counsel and Supervising Attorney for the First, Second and Eighth Judicial Districts and as Supervisory Attorney in the Sixth Judicial District. Joe holds Bachelor of Arts, Bachelor of Science and Juris Doctor degrees from the University of Wyoming. Prior to his time as a GAL he worked in the Office of General Counsel at Colorado State University and the University of Wyoming.