

SENATE FILE NO. SF0015

Children in need of supervision-2.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to juveniles; amending provisions relating
 2 to children in need of supervision; providing for diverting
 3 children from judicial proceedings; providing for limited
 4 representation by guardian ad litem; and providing for an
 5 effective date.

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

8

9 **Section 1.** W.S. 14-6-411(a) and by creating a new
 10 subsection (c) and 14-12-101(a)(intro) and by creating a
 11 new subsection (e) are amended to read:

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13 **14-6-411. Complaints alleging child in need of**
 14 **supervision; investigation and determination by district**
 15 **attorney.**

16

1 (a) Complaints alleging a child is in need of
2 supervision shall be referred to the office of the district
3 attorney. The district attorney shall determine whether the
4 best interest of the child requires that judicial action be
5 taken. The department of family services and the county
6 sheriff shall provide the district attorney with any
7 assistance he may require in making an investigation. The
8 district attorney shall prepare and file a petition with
9 the court if he believes action is necessary to protect the
10 interest of the child. If the district attorney determines
11 that the best interest of the child is served through
12 nonjudicial intervention, the district attorney may enter
13 into a voluntary written diversion agreement with the child
14 and the parents, guardian or custodian of the child. The
15 district attorney shall advise the child and the child's
16 parents, guardian or custodian that the child may consult
17 with an attorney designated by the guardian ad litem
18 program as provided under subsection (c) of this section
19 before entering into the agreement. The diversion agreement
20 may require the child or the child's parents, siblings,
21 guardian or custodian to participate in available programs
22 and services offered by the department of family services,
23 the department of health or other state or local agencies.

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2 (c) Before the child enters into a diversion
3 agreement under subsection (a) of this section, the child
4 may consult with an attorney designated by the guardian ad
5 litem program. Upon consent of the child, the designated
6 attorney shall act as a guardian ad litem for the child for
7 the limited purpose of advising the child whether it is in
8 the best interest of the child to enter into the diversion
9 agreement.

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11 **14-12-101. Guardian ad litem program; administration**
12 **by the public defender's office; standards; rulemaking;**
13 **reporting.**

14

15 (a) The office of the state public defender shall
16 administer a guardian ad litem program. The program shall
17 employ or contract with, supervise and manage attorneys
18 providing limited legal representation under subsection (e)
19 of this section and legal representation as guardians ad
20 litem in the following cases and actions:

21

22 (e) An attorney employed by or under contract with
23 the program may act as a guardian ad litem to a child

1 considering a diversion agreement offered by the district
2 attorney under W.S. 14-6-411. The scope of the
3 representation under this subsection shall be limited to
4 advising the child whether it is in the best interest of
5 the child to enter into the diversion agreement.

6

7 **Section 2.** This act is effective July 1, 2015.

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9 (END)