

## HOUSE BILL NO. HB0186

Court appointed attorneys-fee prohibition for minors.

Sponsored by: Representative(s) Provenza and Senator(s)  
Barlow

A BILL

for

1 AN ACT relating to children; eliminating fees and costs  
2 related to the appointment of an attorney in a proceeding  
3 involving a minor; repealing a provision; specifying  
4 applicability; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 7-6-106(b), (c) and by creating a new  
9 subsection (j) and 14-6-222(b) are amended to read:

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11 **7-6-106. Determination of need; reimbursement for**  
12 **services.**

13

14 (b) In determining whether a person is a needy person  
15 and in determining the extent of his inability to pay, ~~and,~~

1 ~~in the case of an unemancipated minor, the inability to pay~~  
2 ~~of his custodial parent or another person who has a legal~~  
3 ~~obligation of support,~~ the court shall consider the  
4 standards set forth in subsections (f) through (h) of this  
5 section and Rule 44(d), Wyoming Rules of Criminal  
6 Procedure. Release on bail does not necessarily prevent a  
7 person from being determined to be needy. In each case the  
8 person, subject to the penalties for perjury, shall certify  
9 in writing, or by other record, the material factors  
10 relating to his ability to pay as the court prescribes.

11

12 (c) In every case in which a person has received  
13 services under W.S. 7-6-104, the presiding judge shall  
14 determine whether the person ~~or, in the case of an~~  
15 ~~unemancipated minor, his custodial parent or any other~~  
16 ~~person who has a legal obligation of support,~~ is able to  
17 provide any funds towards payment of part or all of the  
18 cost associated with such services. If the person ~~or, in~~  
19 ~~the case of an unemancipated minor, his custodial parent or~~  
20 ~~any other person who has a legal obligation of support,~~ is  
21 not able to provide any funds towards payment of costs, the  
22 court shall enter a specific finding on the record. If the  
23 court determines the person ~~or, in the case of an~~

1 ~~unemancipated minor, his custodial parent or any other~~  
2 ~~person who has a legal obligation of support,~~ is able to  
3 provide any amount as reimbursement, the court shall order  
4 the person ~~or, in the case of an unemancipated minor, his~~  
5 ~~custodial parent or any other person who has a legal~~  
6 ~~obligation of support,~~ to reimburse the state for all or  
7 part of the costs of the services provided or shall state  
8 on the record the reasons why an order for reimbursement  
9 was not entered, subject to subsection (j) of this section.  
10 Where a person is initially provided with counsel pursuant  
11 to W.S. 7-6-105(a), but subsequently retains private  
12 counsel, the court may order the person to reimburse the  
13 state for the services already provided. All reimbursements  
14 under this act shall be made through the clerk of court.

15  
16 (j) No court may assess fees or costs against a minor  
17 or the minor's custodial parent or any other person  
18 obligated by law for the minor's support for  
19 court-appointed legal services provided on behalf of the  
20 minor.

21  
22 **14-6-222. Advising of right to counsel required;**  
23 **appointment of counsel.**

1

2 (b) The court shall upon request appoint counsel who  
3 may be the guardian ad litem to represent the child. ~~if the~~  
4 ~~child, his parents, guardian, custodian or other person~~  
5 ~~responsible for the child's support are unable to obtain~~  
6 ~~counsel. If appointment of counsel is requested, the court~~  
7 ~~shall require the child and his parents, guardian,~~  
8 ~~custodian or other person legally responsible for the~~  
9 ~~child's support to verify their financial condition under~~  
10 ~~oath, either by written affidavit signed and sworn to by~~  
11 ~~the parties or by sworn testimony made a part of the record~~  
12 ~~of the proceedings. The affidavit or sworn testimony shall~~  
13 ~~state they are without sufficient money, property, assets~~  
14 ~~or credit to employ counsel in their own behalf. The court~~  
15 ~~may require further verification of financial condition if~~  
16 ~~it deems necessary. If the child requests counsel and his~~  
17 ~~parents, guardian, custodian or other person responsible~~  
18 ~~for the child's support is able but unwilling to obtain~~  
19 ~~counsel for the child, the court shall appoint counsel to~~  
20 ~~represent the child and may direct reimbursement of counsel~~  
21 ~~fees under W.S. 14-6-235(c).~~

22

23 **Section 2.** W.S. 14-6-235(c) is repealed.

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2           **Section 3.** This act shall apply to proceedings  
3 beginning on or after the effective date of this act.

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

9

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(END)