

MINUTES: December 2014 District Judge's Conference
December 11-12, 2014

The regular meeting of the District Judge's Conference was called to order on December 11, 2014. The meeting was held at the Townsend Justice Center, Casper, WY. Those in attendance included: Judges Bluemel, Brooks, Campell, Cranfill, Day (via telephone), Deegan (via telephone), Donnell, Fenn, Forgey, Kautz, Lavery, Park (retired), Perry, Price (retired), Rogers, Sanderson, Skar, Sullins, Tyler, Wilking, Young.

A presentation was made by the Wyoming Girls School, Wyoming Boys School, and Cowboy Youth Challenge programs Chris Jones, Gary Gilmore, Ed Mayer, and Colonel Porter.

A presentation was provided by Kristie Langley DFS Child Support Administrator and Steve Corsi DFS Director regarding the Affordable Healthcare Act and its impact on child support and custody orders. Potential language that may be used in new court orders was provided. (Exhibit A)

Judge Fenn and Edyie Trautwein on behalf of the Children's Justice Project made a presentation regarding parent representation in abuse/neglect cases, timeliness data statewide and district, and the Judicial Learning Center. (Exhibits B,C,D,E,F,G,H)

Steve Lindly with the Department of Corrections (DOC) provided a presentation regarding an increase in incarceration rates over the past thirty years. He also discussed the use of the COMPASS report as part of the presentence investigation and determining probationary terms. He noted that these assessments are not directed toward sex offenses or felony DUI cases. (Exhibits I)

The meeting reconvened on December 12, 2014.

Bar Counsel Mark Gifford reported on the recent efforts of the Wyoming State Bar including updating several rules, ethics hotline calls, disciplinary proceedings. (Exhibit J)

Speaker of the House Kermit Brown, Representative Tim Stubson, Senator Drew Perkins and bar commissioner Ken Barbe provided a legislative update and general observations from members of the bar.

September 2014 minutes and treasurer reports were approved as presented. (Exhibit K)

Judge Norm Young was unanimously elected to replace Judge Tom Sullins as the District Court Judge representative on the Judicial Conduct and Ethics Commission.

Resolution was unanimously passed that the District Court Conference supports the proposal that local county Courthouse Security Committees be chaired by a District Court Judge.

Carol Lindly and Rose Fry gave a presentation regarding the Confidential Adoption Intermediary program in Wyoming. (Exhibit L)

Heather Ross, Stephanie Hambrick and Anne Kugler gave a presentation regarding the Children's Advocacy Project forensic interview program. (Exhibit M)

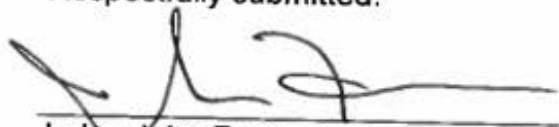
Judge Kautz reported regarding the recent Board of Judicial Policy and Administration meeting including continued vigilance in conservatorships, guardianships and probates in which the typical adversarial process may not exist.

Judge Cranfill reported that Justice Fox provided information regarding waiver of court fees in civil matters and proposed. (Exhibit N)

Judge Kautz presented proposed amendments to the rules governing the organization of the District Judge's Conference. After discussion, the amendments were unanimously adopted. (Exhibits O)

The spring meeting will be held in Cody, Wyoming on April 30 and May 1, 2015.

Respectfully submitted.



Judge John Fenn
Vice-Chair

District Court Judge's Conference Schedule of Events

A block of rooms has been reserved at the Hilton Garden Inn in Casper. You have received an email from Rusty with the reservation information. Please book your rooms as soon as possible.

Thursday, December 11, 2014

- | | |
|---------|--|
| 1:00 PM | Natrona County Justice Center
DFS Director Steve Corsi and Kristie Langley
Supt. Wyoming Girl's School, Chris Jones
Supt. Wyoming Boy's School, Gary Gilmore |
| 2:15 | Break |
| 2:30 | Childrens' Justice Program, Edyie Trautwein and Judge Fenn |
| 3:40 | Department of Corrections, Steve Lindly |

Friday, December 12, 2014

- | | |
|-------|--|
| 8:00 | Hilton Garden Inn Conference Room
Mark Gifford |
| 9:00 | Phil Nicholas, President, Wyoming Senate
Kermit Brown, Speaker, Wyoming House
Senator Leland Christensen, Chair, Senate Judiciary
Senator Perkins
Representative Stubson
Commissioner Ken Barbe |
| 10:30 | Break |
| 10:45 | Confidential Adoption Intermediary |
| 11:00 | Good of the Order
Judge Deegan |

**District Court Judges Meeting
December 11, 2014**

Child Support Orders and the ACA

Language in current child support orders:

If insurance is available to either Respondent at 5% of their gross income or less, then that respondent is required to provide medical insurance for the minor child. Medical costs not covered by insurance shall be shared equally by the Respondents. In the event neither Respondent provides health insurance, the medical expenses shall be shared equally by the Respondents.

New Court Order language:

The parent claiming the child as the dependent for income tax purposes shall ensure health care coverage is provided. Health care coverage can include both private and public insurance.



Children's Justice Project

- Parent's Counsel in Abuse/Neglect Cases
- Timeliness Data
- Judicial Learning Center

Parent's Counsel Abuse/Neglect Cases

- Statutory Right
 - Termination Cases W.S. § 14-2-318
 - Abuse/Neglect Case W.S. § 14-3-422
 - Rules of Procedure for Juvenile Courts Rule 5
 - Waiver made in accordance to W.S. § 7-6-107
Knowingly and Voluntarily



CJP's Efforts

- Developed Guidelines to aid parent's counsel
- Developed Literature to educate parents and other participants
- Endeavored to quantify how Wyoming is doing and measure the effect.

Survey of Wyoming Judicial Districts

- All 23 Counties Contacted
- How many attorneys?
- Qualifications?
- Process for Selection/Appointment?
- Use of contracts for appointment?
- Means of evaluating/removal Attorney?
- Billing/Payment Processes?

- Number of Attorneys
 - Ranged for 2 to 15 and a total of 109 attorneys statewide
- Qualifications
 - Admitted to practice in good standing
 - Natrona and Laramie prefer family law experience
- Selection
 - No uniform method
 - Availability 14 counties
 - Rotation 9 counties
 - Judge, JA, Court Clerk, County Attorney's Office

- Use of Contracts
 - Laramie and Natrona Counties have attorneys under contract
 - Payment provisions vary
- Evaluation
 - No formal evaluation
 - Some informal processes have developed

- Payment
 - Typically paid hourly except contract attorneys in Natrona and Laramie Counties
 - Rate ranges from \$60/hour in court \$40/hour out of court; \$100/hour (9 counties); Private rates \$60 to \$200/hour (2 counties); Sliding Scale base on years of practice ranging from \$60/hour to \$125/hour (5 Counties)
- All bills are itemized except Natrona and Laramie Counties
- Typically bill monthly, some quarterly, end of hearing/case, end of year; most counties prefer monthly

- Typically no pay cap
- Travel Time
 - Mileage, hourly rate, reduced hourly rate
- Bill Review – No uniformity
 - District Court Judge
 - County Attorney
 - District Court Clerk
 - County Administrator
- Total Annual Costs
 - Range from \$0 to \$430k
 - Total Statewide Cost Approx. \$1.5 Million

Other States

- Each State is doing it differently. Most have some uniformity within their State.
- Compensation Varies Widely
- Wyoming appears to compensate at the upper end of the scale

- Input from:
 - District Court Judges
 - County Attorneys
 - District Court Clerks
 - Judicial Assistants
 - DFS

Thoughts?

- Cost hardship on Counties
- Effort toward uniformity
- Parallel GAL program
- Qualification Standards
- Legislation
- Funding mechanisms

STATE SURVEY ON PARENT REPRESENTATION IN CHILD ABUSE AND NEGLECT CASES

Prepared by Anne Reiniger, Project Consultant, CJP

I contacted all 23 Wyoming counties.

The questions focused on two areas: Appointment of Counsel and Counsel Billing.

Appointment of Counsel

How many attorneys?

It ranges from two to 15 in the counties, with a total of 109 attorneys statewide appointed in these types of cases. Some of the appointed attorneys are public defenders and some are appointed in more than one county.

What are the Qualifications?

The only requirement is that the attorney be admitted to practice law in Wyoming and be in good standing. Natrona and Laramie Counties prefer attorneys who have experience in family law. Some counties seek out attorneys who have an interest in family law.

How are Attorneys selected for appointment?

There is no uniform process for selection. Fourteen counties select attorneys based on their availability. Nine counties have a rotation, so long as the attorney does not have a conflict. Depending on the County, various people suggest names of attorneys to the Judge: the Judicial Assistant, the District Court Clerk, and the District or County Attorney's office. In one county everyone who works in the courthouse calls around. Laramie County has a primary attorney. If he is a conflict the District Attorney's office uses a list of attorneys who are appointed by rotation. In four counties the Judge will appoint the attorney who represented the parent on a prior case.

Are there attorneys on contract?

Laramie and Natrona Counties have attorneys on contract. The attorneys contract with the County Attorney. All the attorneys in Laramie County are on contract. The primary attorney's contract is \$40k/year. The other attorneys have a contract for \$90/hour. The five attorneys in Natrona County have contracts for \$5k/month. They each agree to take 1/5 of the parent assignment that are filed in the year. Sheridan County said "it would be nice" if the attorneys had a contract.

Are attorneys evaluated?

None of the counties have a formal evaluation process. In Laramie County the judge or other attorneys will contact the county attorney with a complaint. In Natrona County people approach Tim Cotton, the de facto supervisor, of the attorneys who represent parents. He will talk to the attorneys and will not renew their contract if there is a problem. Some of the respondents did not know if they were evaluated and suggested we speak with the judge.



Are there criteria for removing an attorney from being appointed?

No formal criteria. One county will not appoint an attorney who has been reprimanded by the bar. In one county if a parent complains about their appointed attorney, the judge will relieve the attorney and tell the parent they can retain their own attorney. In one county the judge asks the parent "Are you satisfied with your attorney?"

Counsel Billing

What is the rate?

The counties bill hourly except for Natrona and the primary attorney in Laramie.

The rates vary. They range from \$60/hour in court \$40/hour out of court to \$100/hour (Nine counties have a rate of \$100/hour). Two counties permit the attorneys to bill their private rate, which ranges from \$60/hour to \$200/hour.

Six counties pay according to the number of years admitted to practice. It ranges from \$60/hour to \$125/hour.

One county will pay \$150/hour if it is an exceptional case.

Do the attorneys itemize with time and activity?

Attorneys in all of the counties itemize time and activity except for the primary attorney in Laramie and the attorneys on contract in Natrona.

How often do attorneys bill?

In most counties the attorneys bill monthly. However, some attorneys bill quarterly, after a hearing, at the end of the case, at the end of the year or "when they send them." In one county the Commissioners will not pay bills for work done more than three months prior. The District Court Clerks like monthly bills. It helps with their budget.

Is there a pay cap?

No county has a pay cap. In one county the judge will speak with the attorney if their bill is excessive.

Do attorneys bill for secretarial, clerical or paralegal time?

No attorneys bill for secretarial, clerical or paralegal time. In one county attorneys tried it and the County Commissioners would not pay.

Are there limits to which activities will be paid?

Some counties do not have any limits. Some but not all will pay for expenses such as copies. Two counties pay for the cost of litigation (evaluations, depositions, and transcripts) but in Laramie County the attorney must first consult with the County Attorney. In a few counties they suggest we ask the judge.

How is travel time paid?

There is no standardized practice. It ranges from just mileage to regular hourly rate plus mileage. In two counties they pay a reduced hourly rate: \$25/hour in one and \$50/hour in another. In one county they pay mileage or hourly rate but not both. In three counties they pay hourly rate and mileage. In one county they pay \$.50/mile and a reduced rate of \$35/hour. In two counties they pay mileage only. In five counties no one has submitted a bill for mileage: In one of those counties the clerk said they would pay but in another county the clerk said she would "balk." Some counties distinguish between attorneys who are from the county and out of county attorneys.

Who reviews the bills?

There are four different review processes. In eleven counties the judge reviews the bill. In three counties the county attorney and the judge review the bill. In five counties the judge and the District Court Clerk review the bill. In three counties the District Court Clerk reviews the bills. In one county an administrative assistant employed by the county reviews the bill.

What is the cost to the County?

The total cost for appointed parent attorney representation this year in Wyoming is around \$1.5 Million. It ranges from 0 (Teton County) to \$430k (Natrona County). The median is \$50k. It was difficult in some counties to separate the cost for attorneys who represent parents because it is often lumped into the budget line for all appointed counsel (Title 19, Title 25, juvenile and sometimes GAL).

Comments from Respondents

- Cost is a hardship for the county and they need state supplemental money.
- Parent counsel procedures should be more like the GAL program.
- There is a need for consistency across the state, including a set rate.
- Some attorneys don't take appointments because of the money.
- County Attorney in Laramie County would like to be out of the parent attorney business.
- There should be CLE requirements including a working knowledge of social services and family dynamics.
- There should be a minimum qualification beyond being member of the bar.
- Sometimes it is hard to find an attorney to accept an appointment.
- They have a core of attorneys who are well qualified and have a background in family law.
- If we consider changes make sure to keep the small and rural counties in mind.
- I like the GAL system. We call the contact and it is done.
- "Blessed to have a good bunch of attorneys."
- In our county, attorneys are willing to take appointments. Maybe it is because the judge appoints them.
- Judge requires most parents to pay \$20-\$25/month toward their bill.
- Judicial Assistant feels like she is asking attorneys to do her a favor when she calls to ask if they will take an appointment.
- There is no verification of the parent's financial affidavit.
- Attorneys are glad for the work.
- Contracting works well in Natrona County.
- Would like to see parent attorney procedures more like the GAL program.
- There is a need for consistency across the state.
- There should be a standard rate.
- Attorneys sometimes "run away" when she calls about an appointment because of the low pay, the length of the cases and the sometimes difficult clients.

REVIEW OF OTHER STATES RESPONDENT PARENT ATTORNEYS ADMINISTRATIVE STRUCTURE

The following information was prepared in response to a request by the CJP Advisory Council to review the parent attorney structure in child abuse and neglect cases in other states.

The Council is particularly interested finding out

- whether other states' infrastructure is independent or part of the court or other organization,
- whether a statute or rule controls their structure and if not, how the structure was created,
- what are the qualifications to be appointed to represent indigent parents,
- how they determine the rate of pay for attorneys appointed to represent indigent parents in these cases and whether it is the same across the state;
- whether travel and other expenses are paid,
- what is the appointment process,
- who reviews the bills

After contacting the ABA Center for Children and the Law and reaching out to the Court Improvement Programs around the country the following states were identified as having small but very useful state overlay, and where the state does not substantially administer the representation of parents in these cases.

The eight states listed below: Arkansas, Colorado, Louisiana, Massachusetts, New York, North Carolina, Pennsylvania, and Washington have different administrative structures. Most have statewide uniformity in the various aspects of their structures. The table below outlines essential elements of the structure in each state, followed by a brief description of their structure and requirements, and general analysis.

Administrative Structure Information

State	Statutes & Rules	Agency
Arkansas	Administrative Order 15, Supreme Court Rules 6-9 & 6-10	Administrative Office of the Courts, Division of Dependency-Neglect Representation
Colorado	SB 14-203 enacted on 5/29/2014	Office of Respondent Parents' Counsel within the State Judicial Department

Louisiana	Children's Code Act 95 of 2007, HCR No. 66 of 2013, General Administrative Rules, Part G, Section 9	Indigent Parent Representation Program (IPRP) within the Public Defenders Board
Massachusetts	ch. 211D sec. 11, GL c. 119 §§24 &29	Children and Family Law Division within the Committee for Public Counsel Services
New York	County Law§722-b Executive Law Article 30 §832(1) Finance Law §98-b Judiciary Law §495(5)	Office of Indigent Legal Services (ILS),
North Carolina	Indigent Defense Services Act Article 39B	Parent Representation Program within the Indigent Defense Services (IDS)
Pennsylvania	CIP created a Work Group	No statewide agency State Roundtable-everything handled at the local level
Washington		Parents' Representation Program within the State Office of Public Defense

Specific State Information

Arkansas

The structure is under the auspices of the Administrative Office of the Courts. It is part of the Division of Dependency-Neglect Representation headed by a Juvenile Division Court Director. Staff includes a Parent Counsel Director, Financial Officer and Administrative Assistant.

Qualifications

Attorneys must be admitted to practice law in the state and be in good standing. They are required to carry their own legal malpractice insurance. Prior to appointment Attorney required to have not less than ten hours in the two years prior to the appointment on topics listed in the order. Attorney must have four ongoing hours/year. If they do not comply their name will be stricken from the list. The Supreme Court tracks the hours and notifies the Program if someone falls below required level. There is also a requirement for mentoring in the various hearings.

Training

The program provides free training during the year where attorneys can meet required CLEs (similar to Wyoming). Standards of practice are similar to the Wyoming Practice Guidelines.

Compensation

The program contracts with the attorneys. To determine compensation they have a formula based on the number of cases in the county and the per case amount. They have a finite budget for the program and most of it goes to compensation. Attorneys are then paid a flat rate for cases they are appointed on--similar to the way Natrona County does it.

Travel and Expenses

In 2015 they have a budget item for every parent attorney for expenses including subpoenae, etc. They will pay travel for mileage at the state rate for going to court, etc.

Appointment

Judges appoint attorneys who are contracted to do this work in their area. There is a mechanism for conflicts and attorneys who are not available.

Review Bills

The bills are the same every month. Attorneys send them to the Arkansas Office of Counsel Administrative Asst who tracks them and send to the AOC financial office for payment. Director of the program monitors expenses and travel.

Colorado

Colorado just enacted a law establishing the Office of Respondent Parents' Counsel (ORPC) scheduled to start up in January 2016. They are charged with overseeing the respondent parents' counsel to improve the quality of legal representation for indigent parents involved in child abuse, neglect and termination of parental rights proceedings. The operational structure will be based on the recommendations of the Respondent Parents' Counsel Workgroup. Currently, there is no statewide infrastructure and each judicial district is responsible for overseeing the attorneys and there is no enforcement of rules.

There was a needs assessment in 2007. They recommended a state program. They drafted guidelines, organized training—then the economy tanked. Two Court of Appeals justices kept the issue alive. It was decided early on not to be part of the Public Defender's Office and not to be part of the Office of Child Representation because it would be too much of a conflict.

Responsibilities of the ORPC

Duties of the ORPC are to

- Make recommendations for minimum practice standards,

- Establish state rates for compensation taking into consideration caseload limitations and sufficient to attract and retain high quality, experienced attorneys,
- Enforcing provisions of the law,
- Work with judicial district to establish pilot programs to enhance representation at the local level,
- Review and evaluate the office's performance,

Compensation

Most of the attorneys have a one year contract with the state, either flat fee (\$1262 urban and \$1125 rural) or hourly (\$75/hour). There is a cap of \$3,000 but it can be raised if counsel makes a motion showing special circumstances. They struggle to get attorneys. Attorneys' fees are paid by the state.

Qualifications

Attorneys must be licensed to practice law in good standing and have legal malpractice.

Training

They require ten hours of training prior to accepting an appointment but there is no enforcement. The local county decided who will get a contract.

Louisiana

In 2003 the Legislature established a Task Force on Legal Representation which among other things was charged with analyzing the structure and funding of parent representation including funding, management and quality assurance. It considers changes to existing law, policy procedure, data collection and reporting prompted by the analysis. and make recommendations to ensure the permanency of a uniform statewide system of legal representation.

The Indigent Parent Representation Program was created in 2010 pursuant to statute enacted in 2007. It is a statewide entity and works closely with the state CIP program. Program duties include:

- assuring standards are followed,
- monitoring performance,
- collecting data,
- distributing money throughout the state. Funding is a line item in the Public Defenders budget and is allocated by the legislature. When the money is not sufficient to cover expenses, parishes (counties) make up the difference with local funds (which has recently been the majority of the funding).

Training

The Public Defenders provides specialized training, supervision, support and evaluation of attorneys.

Compensation

There are staff attorneys as well as part/time conflict attorneys. There is no set hourly rate (prior to establishment of the program attorneys were paid \$50 o/c and \$75 i/c. Approved fees are set by the Supreme Court

Massachusetts

Qualifications and Training

Counsel applies to the Children and Family Law Division (CAFL) to be eligible to accept appointments. Counsel must complete a five-day trial training.

Thereafter, they must work with a mentor assigned by the program. They must complete 8 CLE hours every year. Preference is given to attorneys with an established practice, experience working with families and litigation skills.

Attorneys must comply with CAFL standards and are subject to performance evaluations. Regional coordinators provide technical assistance to the attorneys.

Compensation

The rate of \$50/hour is set by state statute. Bills are submitted by e-bills monthly. They are not reviewed but the attorneys are subject to audits.

Travel

Compensation is not paid for time for the first 30 miles of trips to and from court. Thereafter attorneys receive compensation for their time. Client visits are compensated for all time.

Expenses

Attorneys may not bill for routine law office administrative/managerial tasks.

Attorneys may bill up to \$18/hour for paralegal work. Attorneys are not reimbursed for faxing, internet, secretarial services, monthly online legal research only time spent doing research. They will reimburse for copying at a rate not to exceed 10 cents per page and postage.

Appointments

The CAFL office provides the judges with the list of certified attorneys. The judge appoints from the list. Attorneys must accept appointments to represent both parents and children.

New York

The Office of Indigent Legal Services was created by statute in 2010. It is responsible for monitoring, studying and improving the quality of services provided to indigent parents. It operates under the direction and pursuant to policies established by the Board. The Chief Judge of the state chairs the Board.

The office was created to address systemic deficiencies which included excess caseloads, insufficient salaries for attorneys, lack of sufficient funding for training, investigation, and social work. They have addressed law-specific qualification for appointments, training, and supervision. They are currently developing standards for attorneys.

Compensation

The compensation is set by statute: \$75/ hour. Compensation shall not exceed \$4,000/case. The court may permit compensation in excess of \$4,000 for extraordinary circumstances.

Appointment

Plans for appointment are developed by bar association in a county or by the city in which the county is contained. Private attorneys are appointed by rotation and coordinated by an administrator. There are also not-for-profit corporations and who provide attorneys for appointment. Attorneys are appointed to both children and parents.

Training

ILS provides training to attorneys but there are no training requirements beyond the attorney CLE requirements.

Bill Review

Parent representation is a county charge and the presiding judge reviews and approves the invoice.

North Carolina

Parent representation is administered under a program of their Indigent Defense Services (IDS). It is run by a Board of Commissioners. Their representation models include private attorneys. Each county keeps a list of them. Some staff attorneys in the Public Defender Offices represent parents. A new statute requires contracts between IDS and the attorneys.

Appointment

Attorneys are appointed on a provisional basis when the petition is filed. If the parent is indigent they will keep the provisional attorney.

Compensation

Some attorneys are paid a monthly flat fee similar to the arrangement in Natrona County and some are paid at an hourly rate is set by the IDS (currently \$55/hour). It is state funded and allocation of budget is determined by the Commissioners who then make a recommendation to the legislature. Times must be tracked in hours and tenths of an hour. It must identify the activity

Bill Review

Attorneys submit a fee application to the judge after a substantive hearing. Judges review the bills and if approved it goes to IDS for payment.

Travel and other expenses

Travel outside the county is billed at current state rate. Travel within the county of the attorney's office is not reimbursable. Meals are reimbursable only for overnight stays. Expenses of photocopying, printing digital discovery, faxes DVDs, computerized legal research, paralegals (\$15/hour), are reimbursable.

Pennsylvania

They have 60 judicial districts and each county structures itself differently. There are vast differences in practice, compensation, caseload size and accountability/oversight. There is no state involvement. It is handled on the local court level.

They have a Roundtable which is the equivalent of our CJP Advisory Panel. It created a Workgroup which developed training, published a children's handbook and most recently issued standards of practice for attorneys who represent parents and are appointed guardians ad litem for children.

They just completed a statewide monkey survey of structure, compensation and caseload for GALs and parent attorneys. Their workgroup is reviewing data on compensation and will be analyzing it to determine its ability to guide a recommendation around compensation in 2015.

They do not anticipate creating a statewide or regional entity to administer a program. They believe that it is best handled by the local court; however the Workgroup hopes to provide some "best thinking" and "consideration" for future practice.

Washington

After a study which found severe disparities between state funding for the Attorney General's Office which initiates and processes dependency cases and funding provided by counties for parent legal representation and a wide variation between counties in the compensation, the Legislature created a Parent Representation Program (PRP) in the Office of the Public Defender in 2000 to be piloted in three counties.

The goals were to

- Reduce the number of continuances,
- Set maximum caseload requirements,
- Enhance attorneys' practice standards,
- Support the use of investigative and expert services,
- Ensure implementation of indigency screenings.

To achieve these goals the PRP developed five program components. They are:

- Qualifications required that attorney contract to adhere to clear professional expectations and practice guidelines,
- Training required prior to first appointment and ongoing,
- Development of client complaint procedure and creation of expectation of reviews prior to contract renewal,
- Social Workers available as a resource for attorneys—one social worker assigned to four attorneys,
- Evaluation by periodic surveys of county judicial officers regarding quality and practice standards, esp. as it relates to continuances.

Summary

Four of the states have a program within their Public Defenders office (Louisiana, Massachusetts, North Carolina, Washington). Two states have programs within their judicial system (Arkansas, Colorado). One state is independent but seems to be part of the judicial system (New York) and one state has no statewide program (Pennsylvania).

The states that have statewide programs indicate that they were created to provide uniformity around the state on compensation, expenses, training and qualifications. Washington's study found great disparity between funding for the state petitioner's office and funding for the local parent attorneys.

Training in this area of the law is required in many states both initially and ongoing as a qualification for appointment in these cases (Arkansas, Colorado, Massachusetts, Washington).

Qualifications for eligibility to accept appointments include admitted to practice and in good standing, having legal malpractice insurance, prior training. Many states require a contract for services, often one year which is renewable.

Compensation varies from state to state. It is set by statute in some states and Boards set it in other states. Most compensation is hourly but some have a flat fee. There are caps in some states which can be exceeded for extraordinary circumstances.

Travel and expenses tend to be paid in most states with limitations.

Although there are minor differences from state to state, most states found that parent representation improved when there was uniformity and some oversight and more resources provided to the attorney.

Prepared by:
Anne Reiniger, J.D., M.S.W.
November 2014

2014 STATEWIDE DATA REPORT

Summary

Wyoming Juvenile Courts are doing a good job expediting permanency for abused and/or neglected children involved in the court system.

Data collected in 2014 on the required **timeliness** measures indicates:

The median time from the filing of the original abuse and neglect petition to the 1st permanency hearing in Wyoming is **434 days**.

The median time between each subsequent permanency hearing is **384.5 days**.

The median time from the filing of the original abuse and neglect petition to the filing of the petition to terminate parent rights is **635 days**.

The median time from the filing of the original abuse and neglect petition to the actual termination of parental rights (TPR) (Order Terminating) is **678 days or 22-23 months**.

The median time from the *filing of the original abuse and neglect petition to legal permanency* (adoption, guardianship or reunification) is **305 days or 10 months**.

Adoption is achieved within **910 days**.
Guardianship is achieved within **484 days**.
Reunification is achieved within **244 days**.

Data collected in 2014 on quality measures indicates:

Wyoming averages **1.85 judges** per combined abuse and neglect and TPR case.

Wyoming averages **1.23 continuance** per combined abuse and neglect and TPR case.

CJP continues to develop and monitor interventions promoting timely and quality court hearings.

Data Collection Processes...

Wyoming Juvenile Court cases are confidential and the information contained in these files is protected. The data collected as part of this 2014 data report was safeguarded and gathered from (1) review of juvenile court dockets (not actual files) and (2) review of data contained in the Wyoming Department of Family Services case management system (only aggregate data was reviewed). The documents reviewed were made available for statistical purposes authorized under Wyoming Statute §14-3-439 and via Court Order. Only reviewers who had access to Juvenile Court documents via their current agency employment or Court Order were allowed to participate in data collection activities.



**CHILDREN'S
JUSTICE PROJECT**
A Project of the Wyoming Supreme Court

Visit the CJP Website at:
<http://www.courts.state.wy.us/>

Children's Justice Project

2014 DATA REPORT

What is the Children's Justice Project (CJP)?

The mission of the Wyoming Children's Justice Project is to improve outcomes for abused and/or neglected children involved in the court system. CJP was established in 1999 as a project of the Wyoming Supreme Court. The Chief Justice appoints an advisory council to set policy and oversee CJP work. The project is funded by federal court improvement grants administered by the Children's Bureau of the U.S. Department of Health and Human Services. The federal grant program was established in 1994 as a response to the dramatic increase in child abuse and neglect cases and the expanded role of courts in achieving stable and permanent homes for children in foster care. All 50 states receive court improvement grant funding.

What are the Goals of CJP?

To ensure that proceedings related to child abuse and neglect promote: (1) due process of law; (2) timely, thorough and complete court hearings; (3) high quality legal representation to parents and children, both in and out of court, in an ongoing fashion; and (4) engagement of the entire family in court processes relating to child welfare, family preservation, family reunification and adoption.

What are CJP's Data Requirements?

CJP is required to gather juvenile court data and report information on timeliness and quality measures to track and assess compliance with federally required timelines. CJP is required to implement Continuous Quality Improvement (CQI) processes that use data to identify, inform and systematically monitor the implementation and results of programs and interventions in an ongoing fashion.

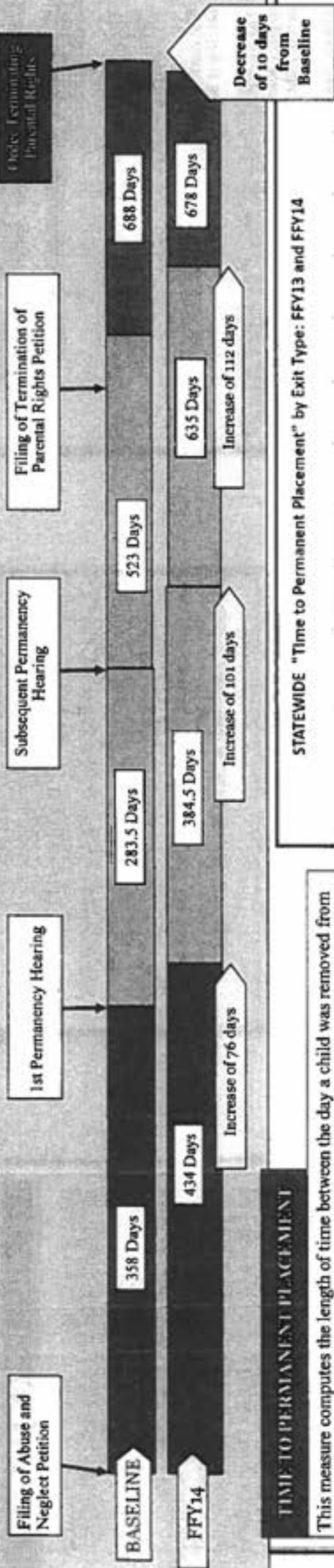
For additional information, please contact:
Eydie Trautwein, J.D.
Wyoming Supreme Court
Children's Justice Project Coordinator
2301 Capitol Avenue, Room 229
Cheyenne, WY 82002
Phone: (307) 777-7629 | Fax: (307) 777-3447

EXHIBIT

WHAT IS THE GOAL? TIMELINESS

The desired outcome in Juvenile Court cases is to achieve permanency for children as quickly as possible, by minimizing delays in court proceedings. Children can be damaged by remaining too long in temporary foster care homes.¹

The information below computes the number of days between Abuse/Neglect and Termination of Parental Rights (TPR) case filing dates and key hearings. The FFY14 statewide information was generated from a review of 39 Wyoming TPR cases (and the underlying Abuse/Neglect case) filed between October 1, 2013 through September 30, 2014.



TIME TO PERMANENT PLACEMENT

This measure computes the length of time between the day a child was removed from the home and placed into DFS custody to the day the child was discharged from DFS custody. The data used to create the bar graph below was generated from aggregate data contained in the DFS Case Management System (WYCAMS) for children that discharged from DFS custody in FFY13 and FFY14.

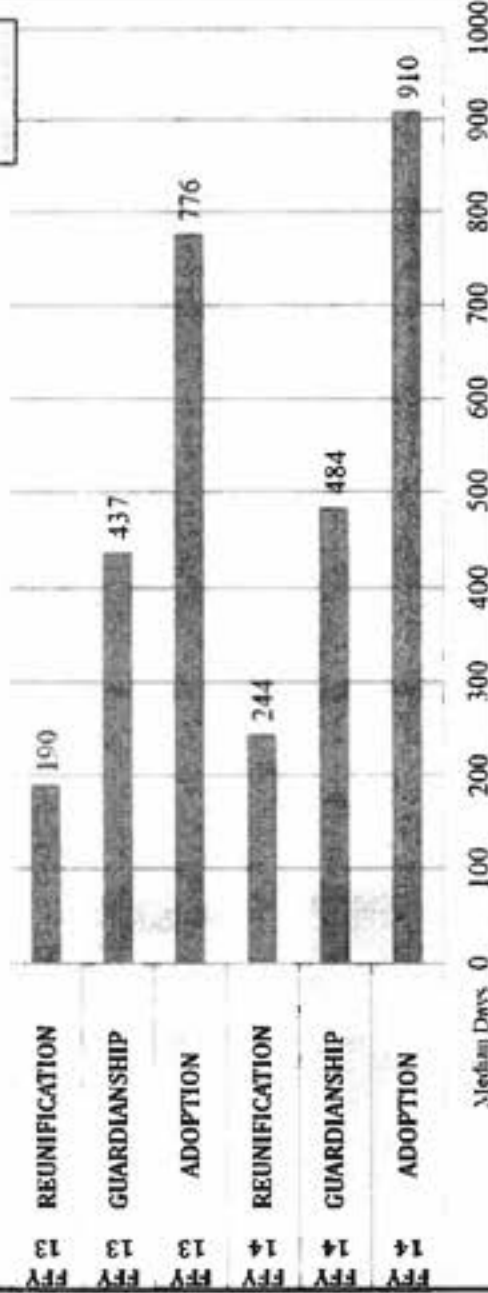
The statewide **BASELINE** for "time to permanent placement" is 288 days.

STATEWIDE "Time to Permanent Placement" by Federal Fiscal Year
FFY13 and FFY14



In FFY13, the statewide length of "time to permanent placement" decreased by 37 days (288 days to 257 days). In FFY14, the statewide length of "time to permanent placement" increased by 17 days (288 days to 305 days).

STATEWIDE "Time to Permanent Placement" by Exit Type: FFY13 and FFY14



In FFY14, the length of "time to permanent placement" for each exit type increased from FFY13. However, the statewide reunification rate increased by 5.4% from FFY13 to FFY14 (78.9%). And the judicial district with the longest time to reunification in FFY13 dropped 167 days (from 388 days to 221 days). The judicial district with the longest time to reunification in FFY14 is 280 days or 108 days less than the judicial district with the longest time to reunification in FFY13.

¹ Please refer to the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Court Performance Measures in Child Abuse and Neglect Cases: Key Measures (2008).

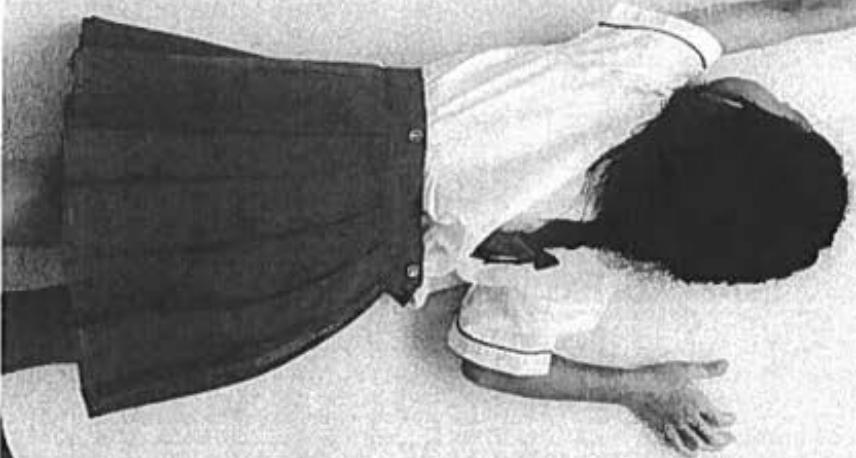
SAVE THE DATE!

2015

2015 ANNUAL CHILDREN'S JUSTICE CONFERENCE

JOIN US ON
JUNE 24TH-26TH, 2015
BEST WESTERN RAMKOTA
Casper, Wyoming

*The Conference will provide general sessions and
multi-disciplinary substantive tracks and
workshops. Conference brochure and registration
materials will be sent out April 2015.*



EXHIBIT

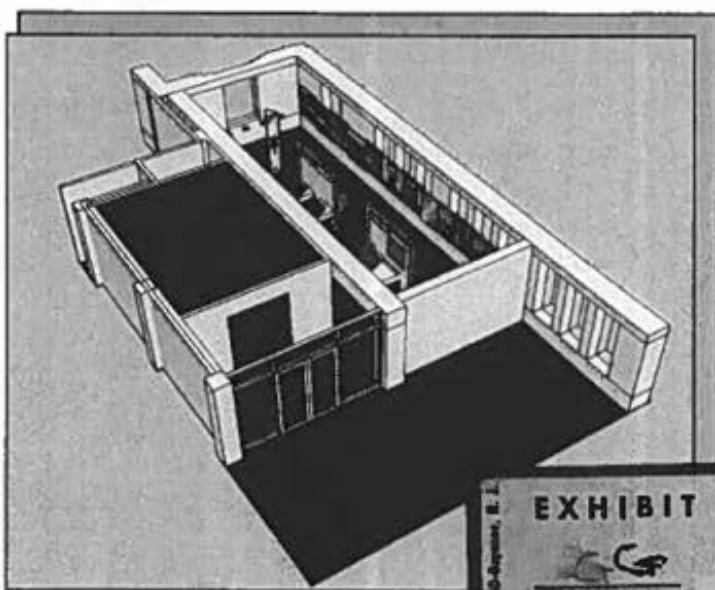
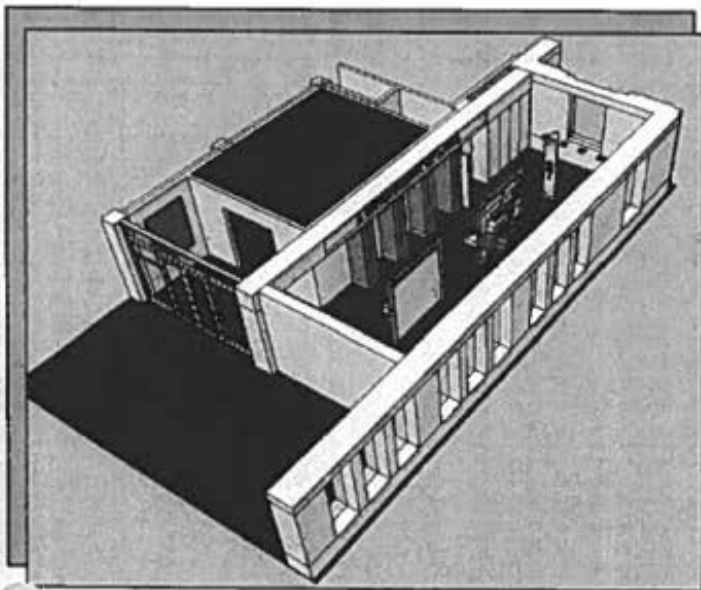
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FOR MORE INFORMATION

For questions, contact Eydie Trautwein at etrautwein@courts.state.wy.us
or visit <http://www.courts.state.wy.us/initiatives/CJP>.

THE WYOMING JUDICIAL LEARNING CENTER

"Providing fun and interactive education about the meaning of the Rule of Law"



Visit the Wyoming Judicial Learning Center website at:
<http://www.courts.state.wy.us/Initiatives/WJLC>



"Everything we can do to improve public trust and confidence in our system of justice should be done. There is no question that the more people understand about our system of justice, the more confidence they have in it. The educational dividends generated by this project will benefit our citizens and our state for years to come."

Chief Justice E. James Burke

The Wyoming Supreme Court and Wyoming State Bar Foundation are working together to create the Judicial Learning Center.

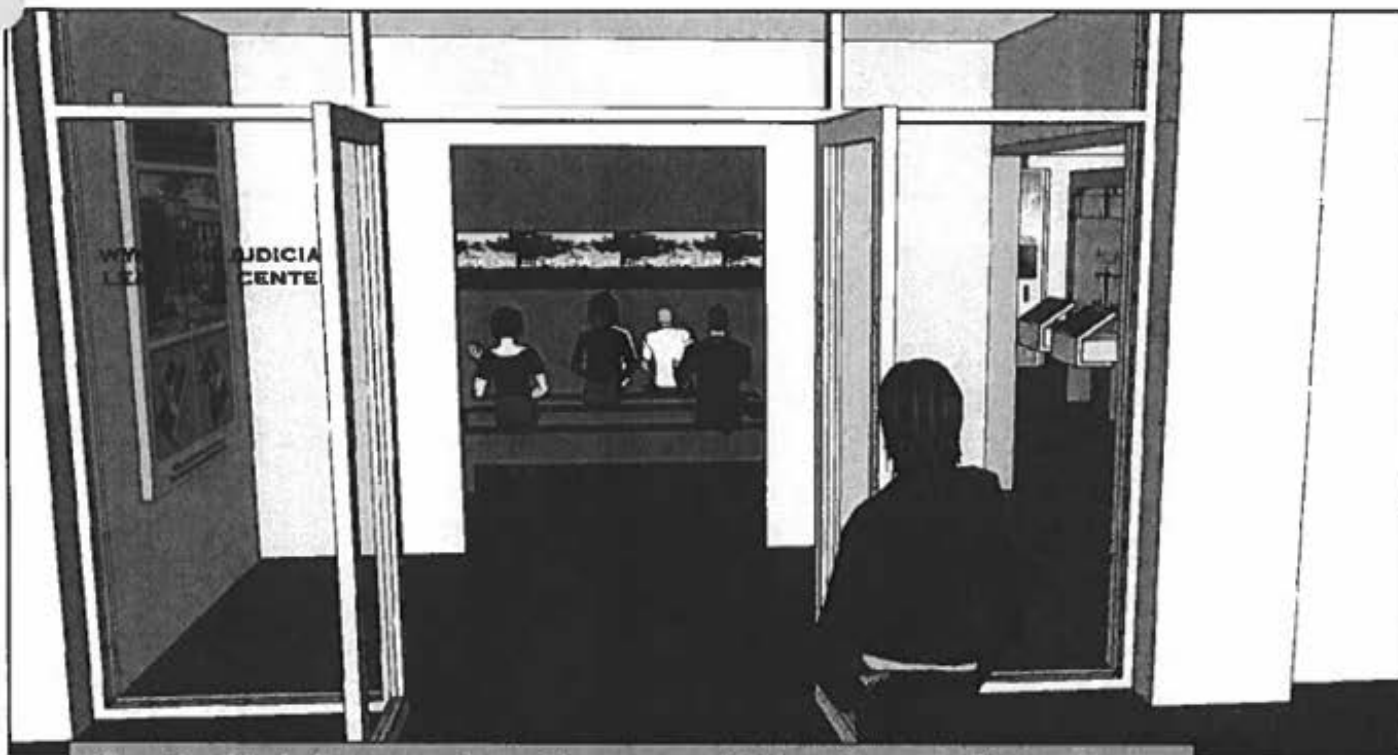


"The Judicial Learning Center is a project all Wyoming attorneys can and should support. This project provides an opportunity for the legal community to share our passion of the law with others."

Patrick Korell
Past Wyoming State Bar President

"This project is a great opportunity for the Wyoming State Bar Foundation and the Supreme Court to work together to promote a knowledge and awareness of the law."

Tenille Castle
President, Wyoming State Bar Foundation



The Judicial Learning Center will be located on the 1st Floor of the Wyoming Supreme Court Building in Cheyenne, Wyoming (within the State Law Library).

Why a Judicial Learning Center?



"Because democracy requires educated and involved citizens who understand the fundamental structure of our government. Without that, public trust and confidence are at risk...."

*Marilyn S. Kite, Supreme Court Justice
State of the Wyoming Judiciary (2012)*



"The public's understanding of the importance of the rule of law in our society is essential to the operation of our democracy. It is our obligation to support efforts to educate students and adults about the function of our courts and their role in the protection of the rights we are all guaranteed by our constitution. This proposed Judicial Learning Center will utilize technology and Wyoming history to fulfill that obligation."

*Mike Sullivan
Former Governor for the State Wyoming*



"When you live in a democracy, there are no good excuses for not having a basic working knowledge about your government, its separate branches, and how each branch functions and impacts your daily life. And yet, national surveys show that two-thirds of our citizens cannot identify the three branches of government, let alone describe their responsibilities. Fewer than one-third of eighth graders could identify the historical purpose of the Declaration of Independence. Only 15% of adults correctly named John Roberts as the United States Chief Justice..."

*Michael Golden
Supreme Court Justice (Ret.)*

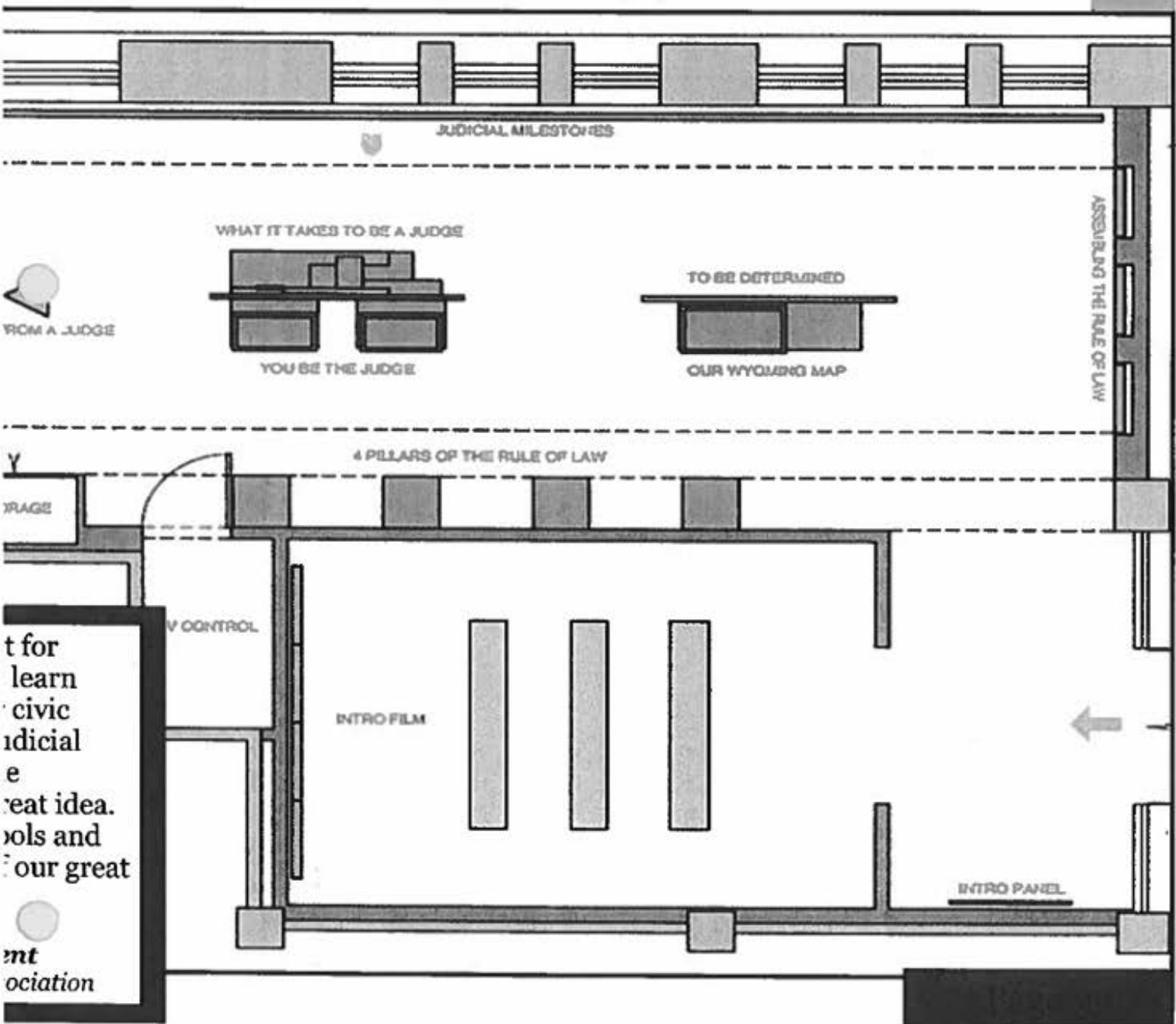
"It is vitally important that Wyoming students learn about civics and their duties. Placing the Judicial Learning Center in the Supreme Court building will encourage citizens to visit our public buildings."

*Kathy Vetter, President
Wyoming Education*

Why a Judicial Learning Center?

"I have witnessed first hand the absence of understanding and interaction between our legal system and the public at large. It is crucial that more young people understand the fundamental structure of our government and the role civics plays in everyday life. The Judicial Learning Center will be an important step toward fulfilling this educational void."

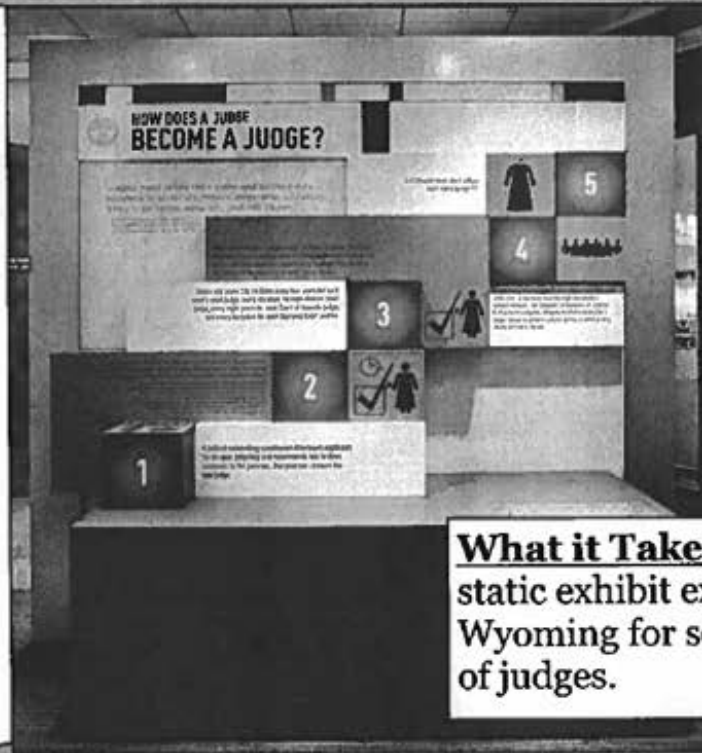
*Representative Bob Nicholas
Wyoming House of Representatives, House District 8*



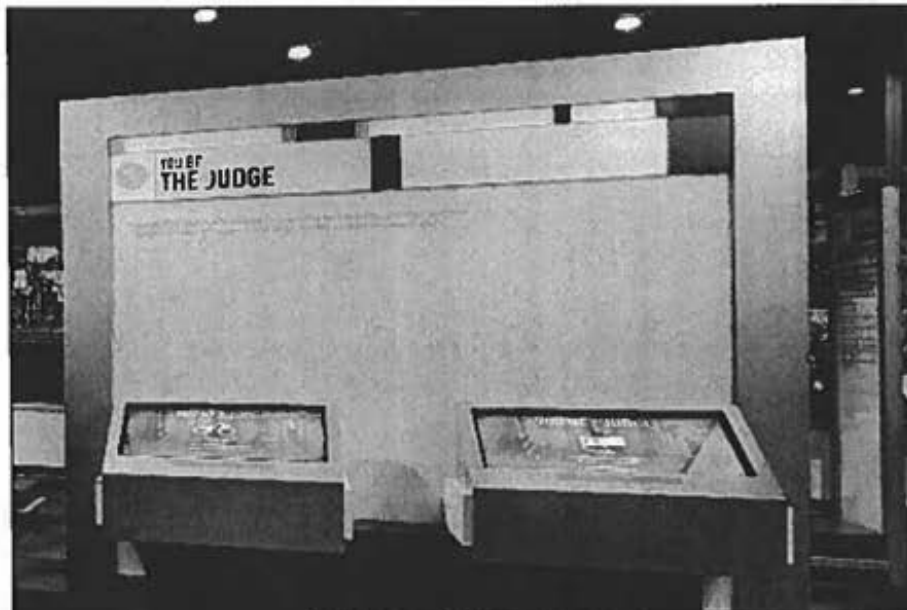
EXHIBITS

(Some exhibits not pictured)

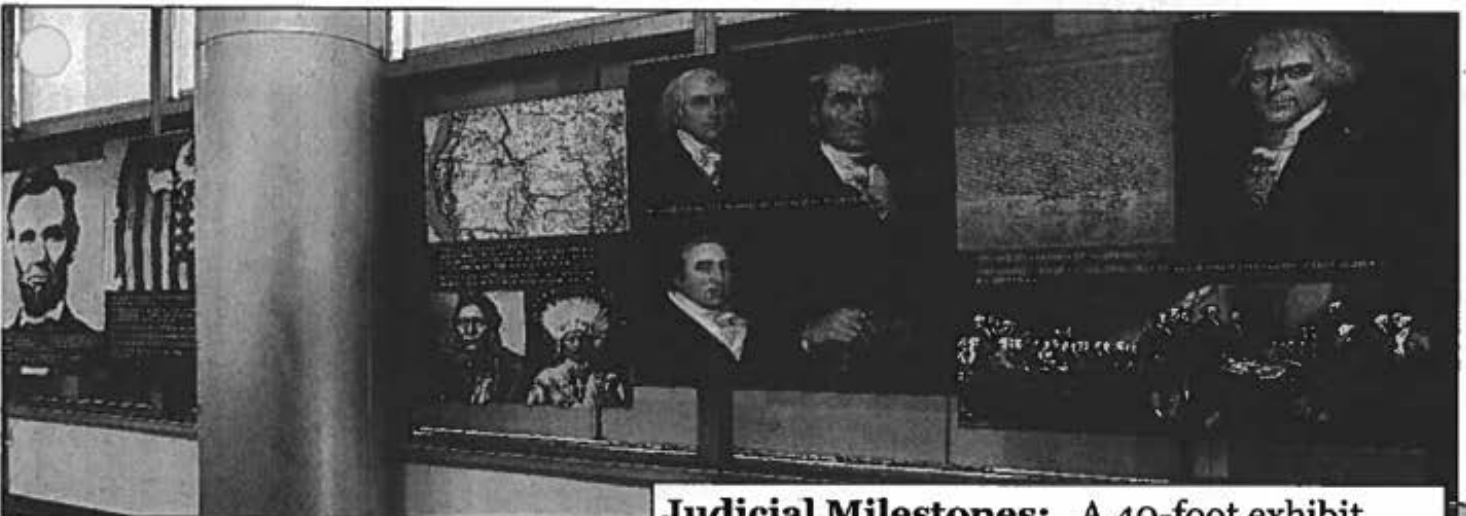
The photographs on this page depict **proposed** exhibits and have not yet been constructed.



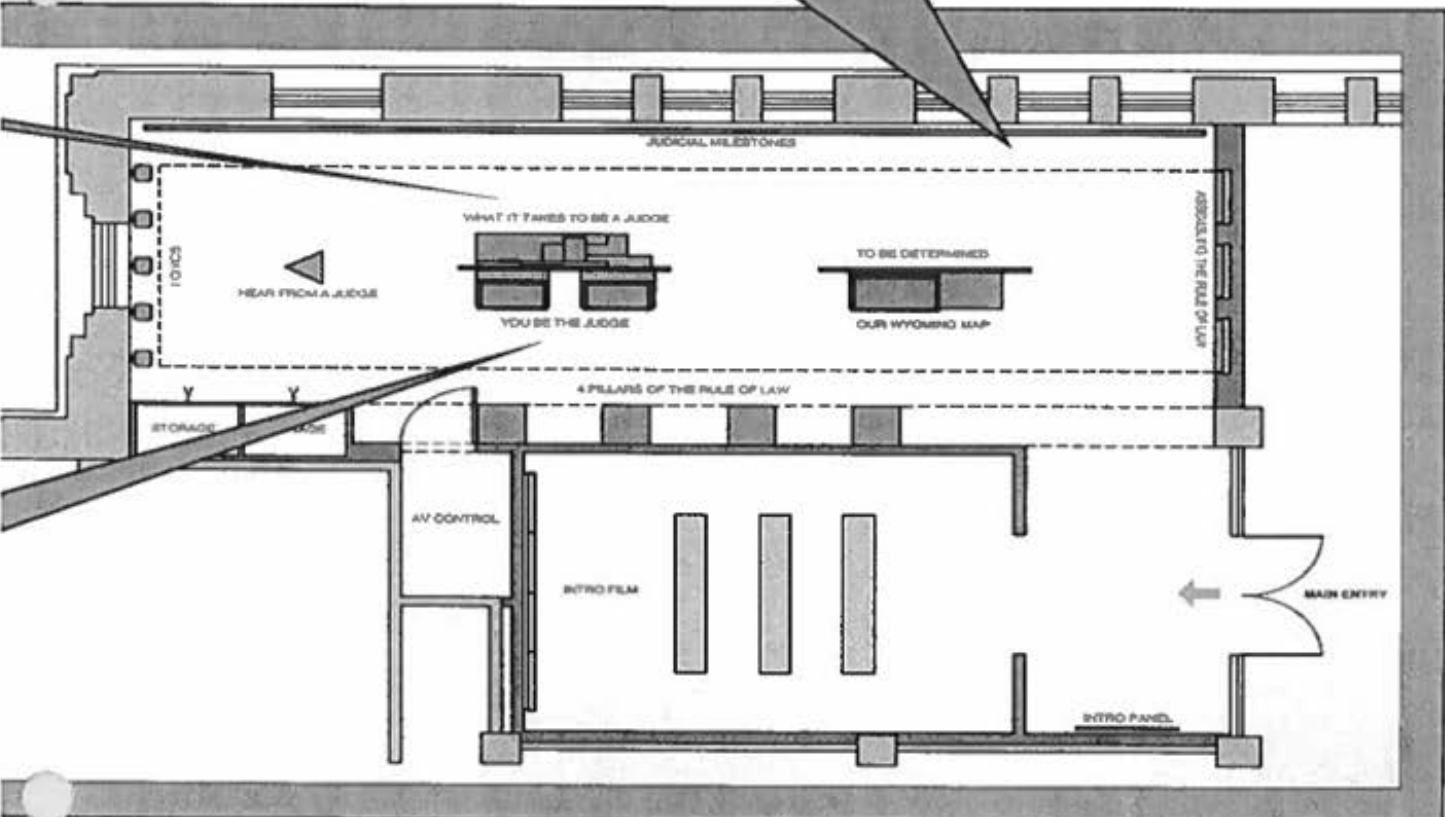
What it Takes to Be A Judge: This static exhibit explains the process in Wyoming for selection and appointment of judges.



You Be The Judge: Visitors will assume the role of a judge in a court case and learn about the intricacies of a judge's responsibilities and decisions. The interactive exhibit contains four different case scenarios. The exhibit prompts visitors to make a decision as the judge in the case.



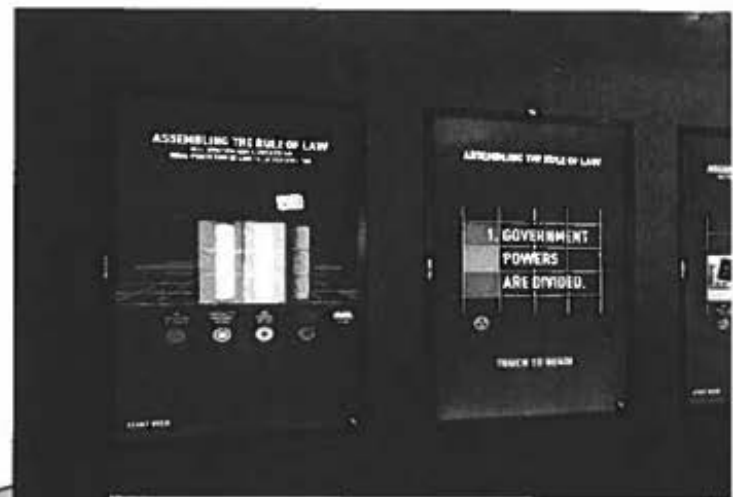
Judicial Milestones: A 40-foot exhibit composed of 3 foot panels highlighting important historical milestones in Wyoming's legal history. *Dr. Phil Roberts, University of Wyoming, Department of History will be assisting in content development for this exhibit.*



The photographs on this page depict **proposed** exhibits and have not yet been constructed.



Hear From a Judge: Wyoming judges will tell unique stories about 1 of 5 themes, including Landmark and Historic Wyoming Court cases. Visitors will hear and see videos of each judge's story through an interactive kiosk.



Assembling the Rule of Law:

This exhibit is a three-level interactive encourages visitors to visualize and in understanding of the Rule of Law by correct legal principles together.



Rule of Law Theatre: The Center will include a theatre room where a "fast-paced, fun-filled introductory film using pop culture movie clips, animation, and 3D graphics" is played to demonstrate the difference between the Rule of Man and the Rule of Law.

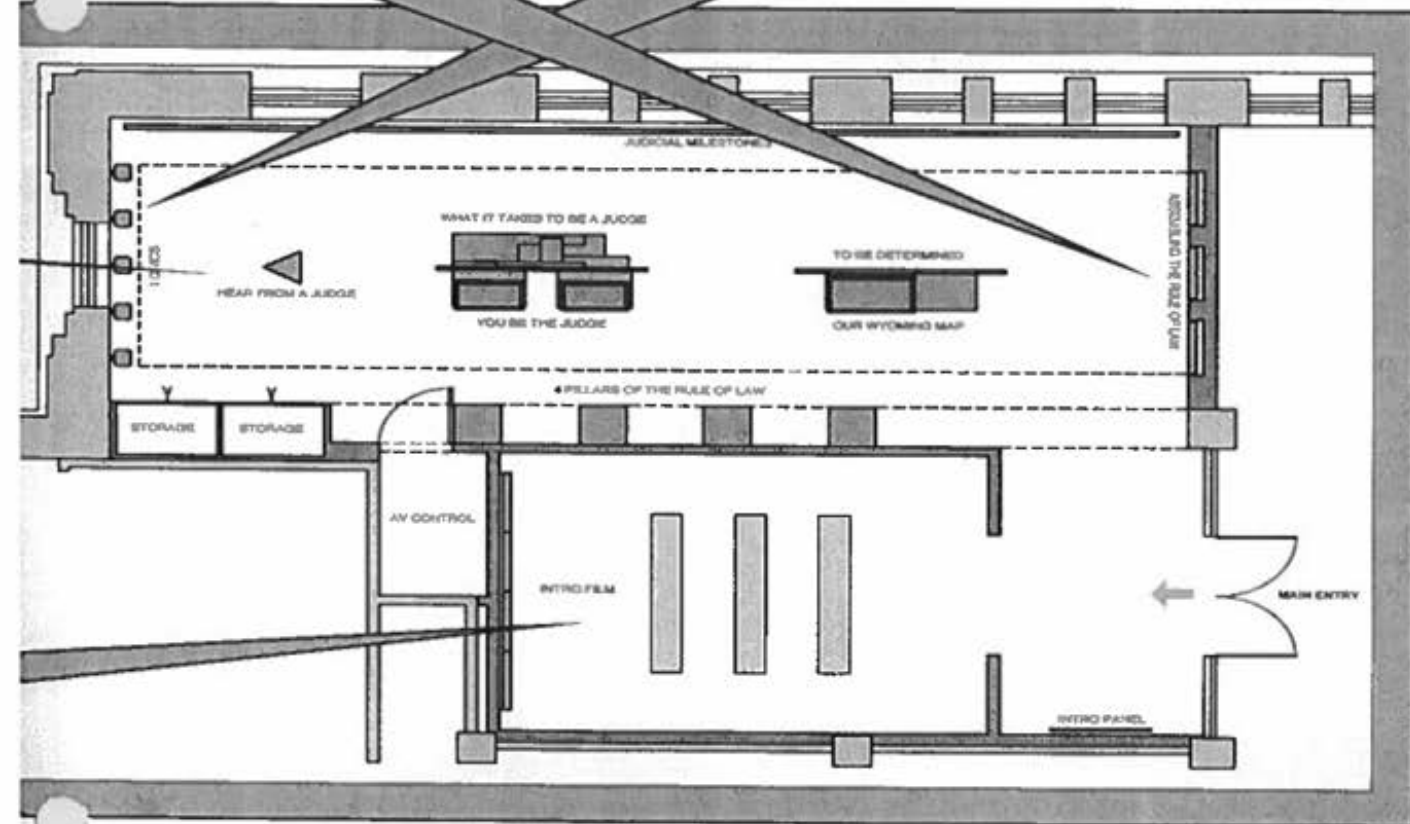
EXHIBITS

(Some exhibits not pictured)

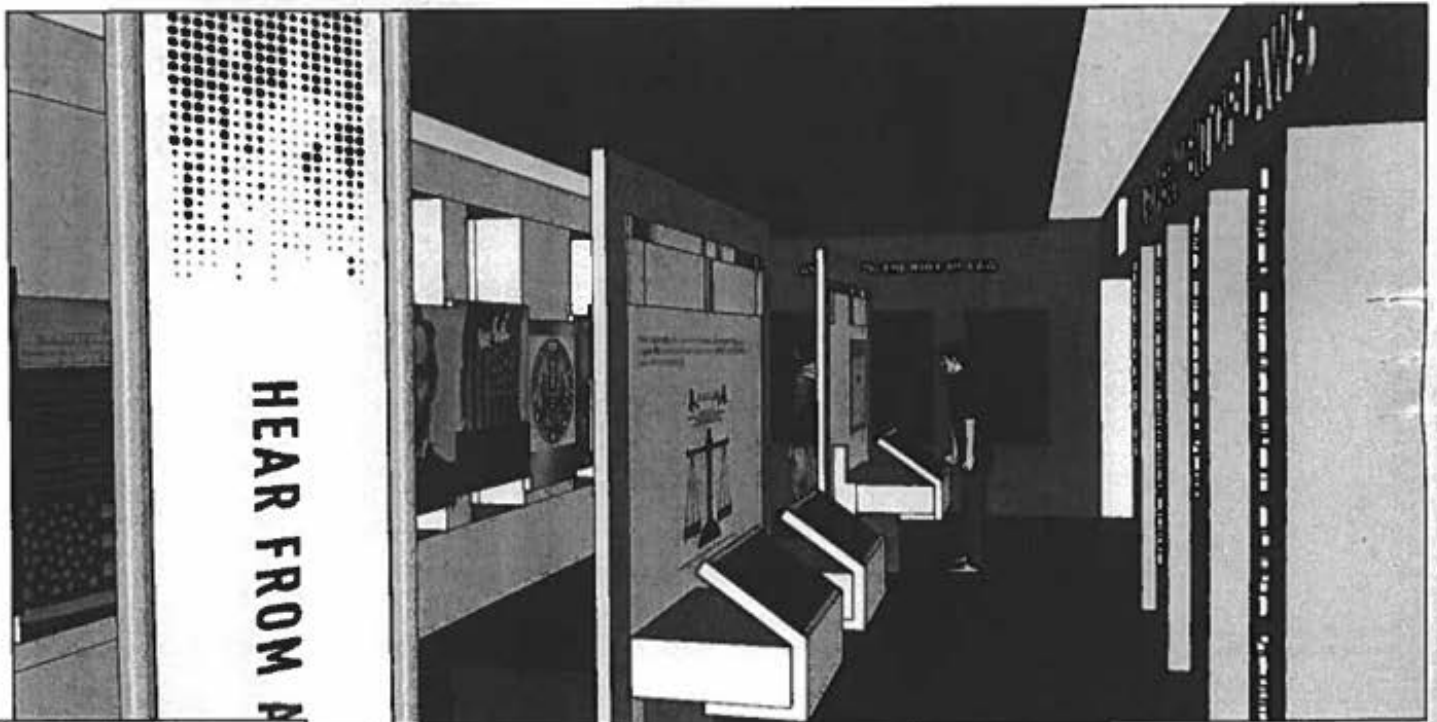
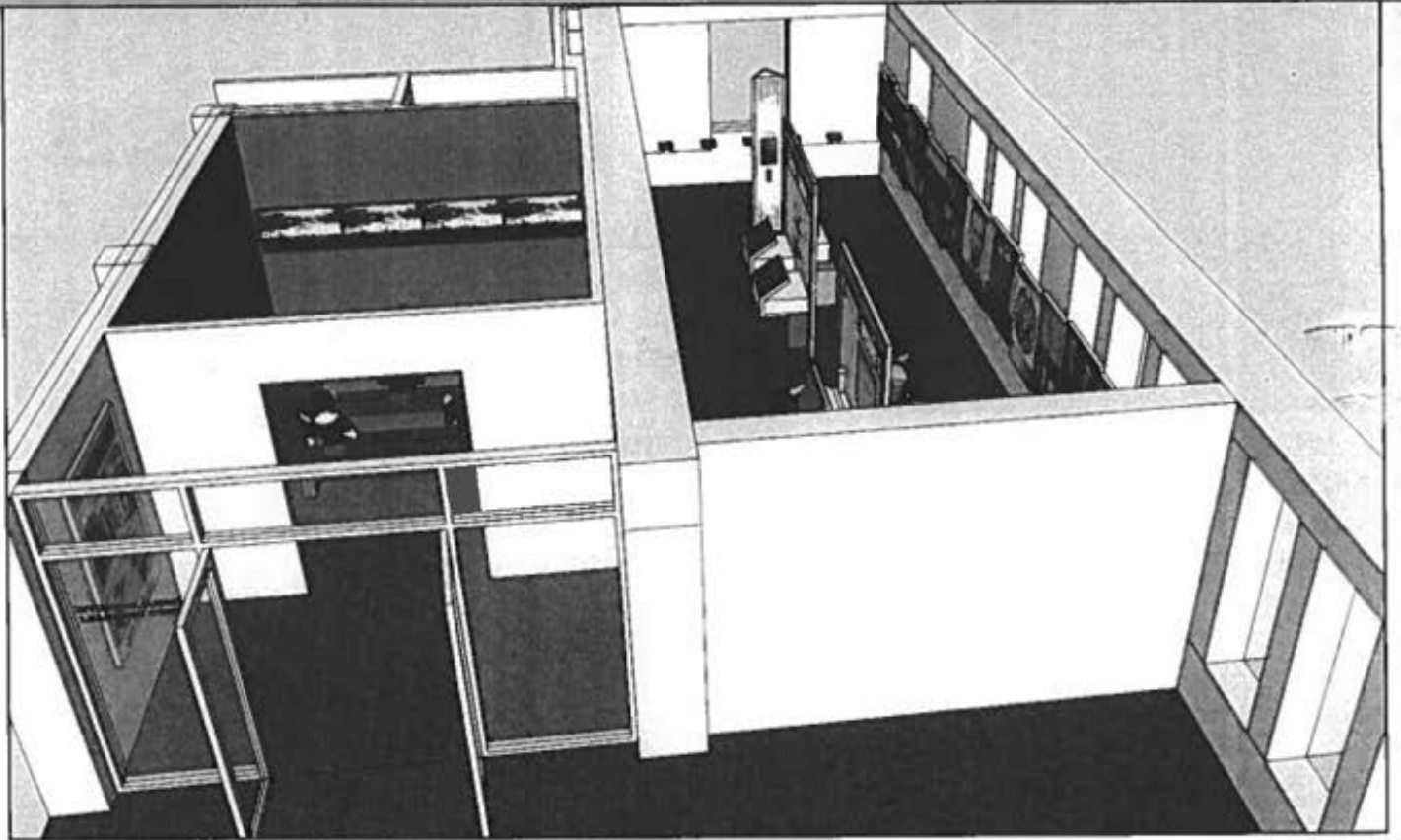
iCIVICS

iCivics Learning Stations: iCivics is a web-based project, promoted by U.S. Supreme Court Sandra Day O'Connor, designed to promote civic education and inspire students to be active participants in our democracy. iCivics stations will allow visitors to play interactive games to learn about the law.

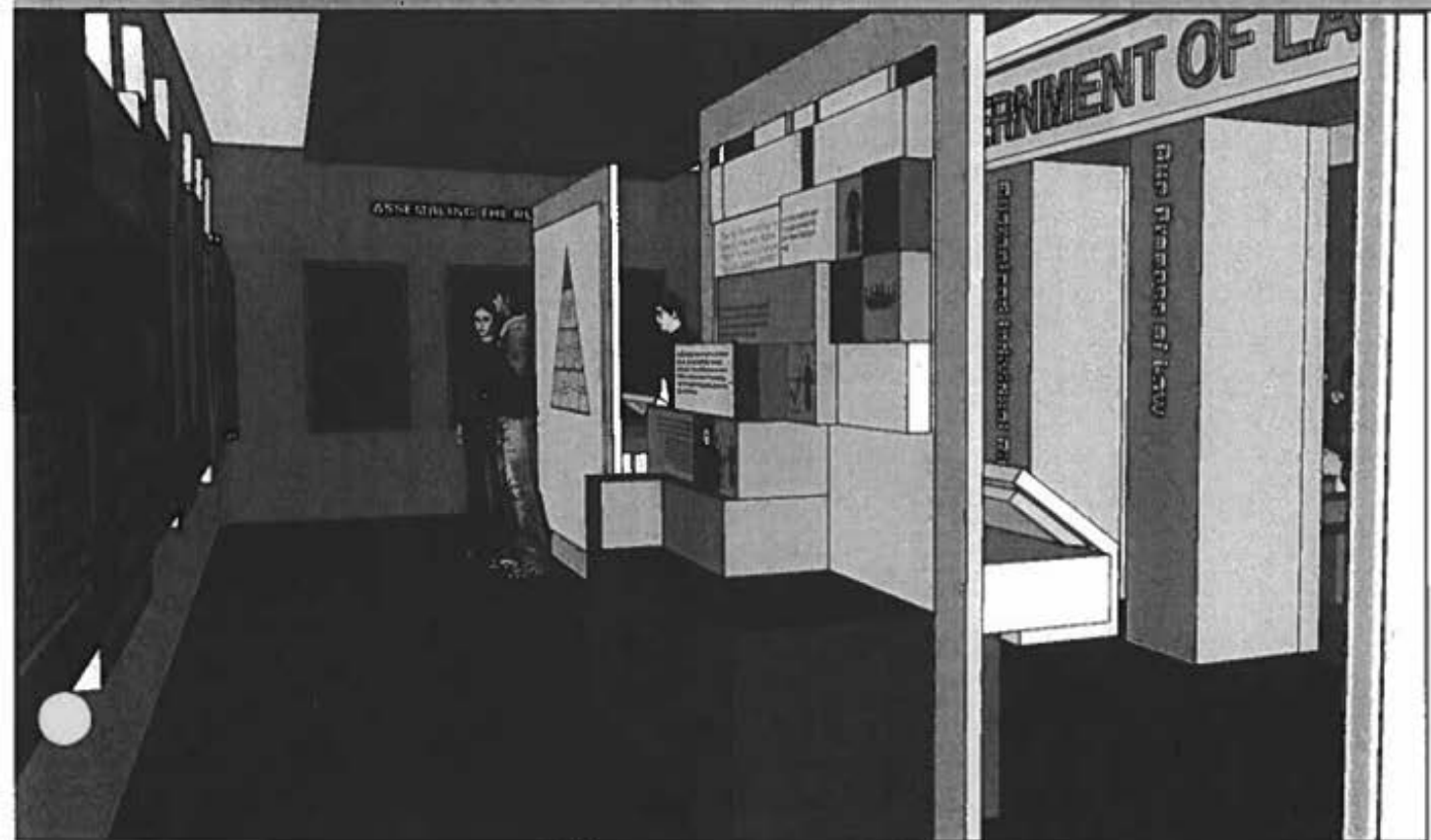
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The Wyoming Judicial Learning Center will house interactive exhibits to structure of our government and the meaning of citizenship. Exhibits will cover the legal system. Using interactive technologies, the Center will provide an environment for learning about important legal concepts. The Center seeks to preserve and educate children.



Each audience about the importance and meaning of the Rule of Law, the highlight Wyoming's unique and significant contributions to our country's cultural and entertaining environment for audiences to learn about and adults about the foundations upon which our democracy was built.



THE JUDICIAL LEARNING CENTER

HISTORY AND ADDITIONAL INFORMATION

- The Judicial Learning Center was inspired by the Colorado Judicial Learning Center.
- The Sixty-second Wyoming legislature appropriated \$280,000 in matching funds for the creation of the Wyoming Judicial Learning.
- Donations are being received by the Wyoming State Bar Foundation. All private donations are tax deductible.
- **All private donors must remain anonymous.**
Wyoming Supreme Court Judicial Ethics Advisory Committee Opinion 2014-03.

The Judicial Learning Center will be completed in three (3) phases:

January, 2015—April, 2015

Initial Phase: Demolition, construction of new walls, new entry doors, carpeting, electrical and furnishings to create the Judicial Learning Center space within the existing State Law Library. Project management and planning for exhibit design, production and fabrication.

Fund Raising Goal (Initial Phase) - \$85,000
(Private donations matched dollar for dollar)

April, 2015—October, 2015

Phase 1: Project Management. Exhibit design, production and fabrication: Judicial Milestones, iCivics Stations and Wyoming Map.

Fund Raising Goal (Phase 1) - \$75,000
(Private donations matched dollar for dollar)

October, 2015—June, 2016

Phase 2: Project Management. Exhibit design, production and fabrication: Rule of Law Theatre, You Be the Judge, What it Takes to Be a Judge, Hear from a Judge, Assembling the Rule of Law.

Fundraising Goal (Phase 2) - \$125,000

For additional information or
to make a donation, please contact:

The Wyoming State Bar Foundation
P.O. Box 109 | Cheyenne, WY 82003
E-mail: foundation@wyomingbar.org

**Wyoming Supreme Court Judicial Ethics Advisory Committee
Advisory Opinion 2014-03**

QUESTIONS PRESENTED:

The 2014 Wyoming Legislature appropriated approximately \$280,000.00 to establish a Judicial Learning Center at the Wyoming Supreme Court. That appropriation was contingent upon being matched by an equal amount of non-appropriated funds. Raising matching funds has given rise to three questions.

1. Does the Wyoming Code of Judicial Conduct prohibit the Administrative Office of the Wyoming Supreme Court from requesting and receiving private donations to help support the development of the Judicial Learning Center?
2. May third-party entities accept private donations on behalf of the Administrative Office to match funds to support the development of the Judicial Learning Center?
3. Does the Code of Judicial Conduct allow Justices to:
 - a. Participate in meetings with potential donors to explain plans for the Center (if not directly soliciting monies) and
 - b. Give presentations about the Center (if not directly soliciting monies).

APPLICABLE PROVISIONS OF THE WYOMING CODE OF JUDICIAL CONDUCT:

Preamble.

(1) An independent, fair and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law.

(2) Judges should maintain the dignity of judicial office at all times, and avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence.

(3) The Wyoming Code of Judicial Conduct establishes standards for the ethical conduct of judges and judicial candidates. It is not intended as an exhaustive guide for the conduct of judges and judicial candidates, who are governed in their judicial and personal conduct



by general ethical standards as well as by the Code. The Code is intended, however, to provide guidance and assist judges in maintaining the highest standards of judicial and personal conduct, and to provide a basis for regulating their conduct through disciplinary agencies.

Scope.

(1) The Wyoming Code of Judicial Conduct consists of four Canons, numbered Rules under each Canon, and Comments that generally follow and explain each Rule. Scope and Terminology sections provide additional guidance in interpreting and applying the Code. An Application section establishes when the various Rules apply to a judge or judicial candidate.

(2) The Canons state overarching principles of judicial ethics that all judges must observe. Although a judge may be disciplined only for violating a Rule, the Canons provide important guidance in interpreting the Rules. Where a Rule contains a permissive term, such as “may” or “should,” the conduct being addressed is committed to the personal and professional discretion of the judge or candidate in question, and no disciplinary action should be taken for action or inaction within the bounds of such discretion.

(3) The Comments that accompany the Rules serve two functions. First, they provide guidance regarding the purpose, meaning, and proper application of the Rules. They contain explanatory material and, in some instances, provide examples of permitted or prohibited conduct. Comments neither add to nor subtract from the binding obligations set forth in the Rules. Therefore, when a Comment contains the term “must,” it does not mean that the Comment itself is binding or enforceable; it signifies that the Rule in question, properly understood, is obligatory as to the conduct at issue.

(4) Second, the Comments identify aspirational goals for judges. To implement fully the principles of this Code as articulated in the Canons, judges should strive to exceed the standards of conduct established by the Rules, holding themselves to the highest ethical standards and seeking to achieve those aspirational goals, thereby enhancing the dignity of the judicial office.

* * *

Canon 1. A Judge Shall Uphold the Integrity and Independence of the Judiciary.
A judge shall uphold and promote independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

* * *

Rule 1.2. Promoting Confidence in the Judiciary.

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

Comment.—

[1] Public confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety. This principle applies to both the professional and personal conduct of a judge.

[2] A judge should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens, and must accept the restrictions imposed by the Code.

[3] Conduct that compromises or appears to compromise the independence, integrity, and impartiality of a judge undermines public confidence in the judiciary. Because it is not practicable to list all such conduct, the Rule is necessarily cast in general terms.

* * *

Canon 3. A judge shall conduct the judge's personal and extrajudicial activities.

A judge shall conduct the judge's personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office.

Rule 3.1. Extrajudicial Activities in General. A judge may engage in extrajudicial activities, except as prohibited by law or this Code. However, when engaging in extrajudicial activities, a judge shall not:

(A) participate in activities that will interfere with the proper performance of the judge's judicial duties;

(B) participate in activities that will lead to frequent disqualification of the judge;

(C) participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality;

(D) engage in conduct that would appear to a reasonable person to be coercive;
or

(E) make use of court premises, staff, stationery, equipment, or other resources, except for incidental use for activities that concern the law, the legal system, or the administration of justice, or unless such additional use is permitted by law.

Comment.—

* * *

[4] While engaged in permitted extrajudicial activities, judges must not coerce others or take action that would reasonably be perceived as coercive. For example, depending upon the circumstances, a judge's solicitation of contributions or memberships for an organization, even as permitted by Rule 3.7(A), might create the risk that the person solicited would feel obligated to respond favorably, or would do so to curry favor with the judge.

* * *

Rule 3.7. Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities.

(A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:

(1) assisting such an organization or entity in planning related to fund-raising, and participating in the management and investment of the organization's or entity's funds;

(2) soliciting contributions for such an organization or entity, but only from members of the judge's family, or from judges over whom the judge does not exercise supervisory or appellate authority;

(3) soliciting membership for such an organization or entity, even though the membership dues or fees generated may be used to support the objectives of the organization or entity, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice;

(4) appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting his or her title to be used in connection with an event of such an organization or entity, but if the event serves a fund-raising purpose, the judge may participate only if the event concerns the law, the legal system, or the administration of justice;

(5) making recommendations to such a public or private fund-granting organization or entity in connection with its programs and activities, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice; and

(6) serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity:

(a) will be engaged in proceedings that would ordinarily come before the judge; or

(b) will frequently be engaged in adversary proceedings in the court of which the judge is a member, or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

(B) A judge may encourage lawyers to provide pro bono public legal services.

* * *

Terminology.

“‘Impropriety’ includes conduct that violates the law, court rules, or provisions of this Code, and conduct that undermines a judge’s independence, integrity, or impartiality. See Canon 1 and Rule 1.2.”

Discussion:

The Wyoming Code of Judicial Conduct (“the Code”) begins with a Preamble, which sets forth general principles for judges. The first paragraph of the Preamble lays the foundation for what is to follow, and, in the Committee’s view, establishes the framework within which questions of judicial conduct should be evaluated:

An independent, fair and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law.

The second paragraph of the Preamble sets forth the standard against which judicial conduct should be measured: “Judges should . . . aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence.” The question, therefore, is whether a judge, acting indirectly through an arm of the court, should be involved in raising funds to match those appropriated by the Legislature. Given the foregoing language of the Preamble, the question becomes whether the proposed conduct “ensures the greatest possible public confidence in [the judiciary’s] independence, impartiality, integrity, and competence.”

After the Preamble, is the section on “Scope.” As noted above, that section, “provide[s] additional guidance in interpreting and applying the Code.”

After the Preamble and Scope sections, the Code begins with Canon 1: "A Judge shall uphold and promote the independence,¹ integrity,² impartiality³ of the judiciary, and shall avoid impropriety⁴ and the appearance of impropriety."⁵ Canon 3 then says: "A judge shall conduct the judge's personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office."⁶ As noted above, these Canons are not binding. Rather, Canons "state overarching principles of judicial ethics that all judges must observe. . . ."⁷

With this background, the Committee now turns to the questions presented.

1. Does the Wyoming Code of Judicial Conduct prohibit the Administrative Office of the Wyoming Supreme Court from requesting and receiving private donations to help support the development of the Judicial Learning Center? Yes, for the reasons described below.

The Rule which is most on this point is Rule 3.7, which is entitled: "Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities."⁸ Paragraph (A) of that Rule says:

Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:⁹

* * *

The question thus becomes what does Rule 3.1 require?

¹ "Independence" means "a judge's freedom from influence or controls other than those established by law." *Id.* At Terminology.

² "Integrity" means "probity, fairness, honesty, uprightness, and soundness of character." *Id.* At Terminology.

³ "Impartiality" means absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintenance of an open mind in considering issues that may come before a judge. *Id.* At Terminology.

⁴ "Impropriety" includes conduct that violates the law, court rules, or provisions of this Code, and conduct that undermines a judge's independence, integrity, or impartiality. See Canon 1 and Rule 1.2." *Id.* At Terminology.

⁵ *Id.* at Canon 1.

⁶ *Id.* at Canon 3.

⁷ *Id.* at Scope (2).

⁸ *Id.* at Rule 3.7.

⁹ *Id.* at Rule 3.7(A).

No provision of the Code can be read in isolation. Rather, all must be read in context. The context for the Code is the “overarching principles” of the Canons,¹⁰ and the general principles of the Preamble. In particular, Canon 1 and paragraph (1) of the Preamble stand out. Canon 1 says: “A judge shall uphold and promote independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.” The last clause, with its focus on avoiding even the “appearance of impropriety,” is significant, and signifies the Code’s intent to hold judges to a higher standard than lawyers.¹¹ Paragraph (1) of the Preamble reinforces the importance of appearances:

An independent, fair and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law.

The commentary that accompanies each Rule is also helpful in determining that Rule’s meaning. The Comments “provide guidance regarding the purpose, meaning, and proper application of the Rules. They contain explanatory material and, in some instances, provide examples of permitted or prohibited conduct.”¹² Comment [4] to Rule 3.1 provides both guidance and gives an apt example:

While engaged in permitted extrajudicial activities, judges must not coerce others or take action that would reasonably be perceived as coercive. For example, depending upon the circumstances, a judge’s solicitation of contributions or memberships for an organization, even as permitted by Rule 3.7(A), might create the risk that the person solicited would feel obligated to respond favorably, or would do so to curry favor with the judge.¹³

The Comment suggests that even permitted activities should be carefully evaluated for the “reasonable” possibility of the appearance of coercion. That is the Committee’s concern. We have no doubt that the judges have no interest in finding out who has given and who has not.

¹⁰ *Id.* at Scope [2].

¹¹ Under the ABA’s Model Code of Professional Responsibility, a version of which was in effect in Wyoming until 1986, lawyers were held to that standard. It was removed from the Model Rules in the early 1980s.

¹² WYOMING CODE OF JUDICIAL CONDUCT, Scope [3] (LexisNexis 2013).

¹³ *Id.* At Rule 3.1, cmt. [4].

Non-lawyers, in particular, all of whom are potential litigants, might reasonably perceive the court's indirect involvement as coercive.

Wyoming's judiciary is held in high public esteem. One way to ensure that continues is for an arm of the judiciary to not be involved in raising funds. Thus, neither Justices of the Supreme Court nor the Administrative Office of the Supreme Court should solicit or receive donations for a judicial learning center.

2. May third-party entities accept private donations on behalf of the Administrative Office to match funds to support the development of the Judicial Learning Center?

Yes. The Committee has no concern that a perception of coercion, as discussed above, could "reasonably" arise if a third party entity is directly involved.

3. Does the Code of Judicial Conduct allow Justices to:

- a. Participate in meetings with potential donors to explain plans for the Center (if not directly soliciting monies) and
- b. Give presentations about the Center (if not directly soliciting monies).

Canon 3 provides the starting point for this discussion: "A judge shall conduct the judge's personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office."

Rule 3.1 is entitled "Extrajudicial Activities in General." It provides:

A judge may engage in extrajudicial activities, except as prohibited by law or this Code. However, when engaging in extrajudicial activities, a judge shall not:

- (A) participate in activities that will interfere with the proper performance of the judge's judicial duties;
- (B) participate in activities that will lead to frequent disqualification of the judge;
- (C) participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality;
- (D) engage in conduct that would appear to a reasonable person to be coercive; or
- (E) make use of court premises, staff, stationery, equipment or other resources except for incidental use for activities that concern the law, the legal system, or the administration of justice, or unless such additional use is permitted by law.

Comment [1] to Rule 3.1 acknowledges that to the extent time permits, and judicial independence and impartiality are not compromised, judges are encouraged to engage in appropriate extrajudicial activities **"In addition, judges are permitted and encouraged to engage in educational, religious, charitable, fraternal or civic extrajudicial activities not conducted for profit, even when the activities do not involve the law."** [Emphasis added.]

The fact situation presented to the Committee describes personal or extrajudicial activities of an educational or civic nature. The proposed activities appear to be ones that will enhance public confidence in the judiciary.

It is the Committee's opinion that judges' participation in meetings with potential donors to the Judicial Learning Center or presentations about the Center does not violate the Wyoming Code of Judicial Conduct.

Conclusion.

Judges are in a unique position to alter public perceptions of the judiciary. Since high confidence in the judiciary is critical to public willingness to obey court orders, anything which threatens that willingness is ethically impermissible and will not improve the administration of justice.

FINALIZED AND EFFECTIVE this 25th day of August, 2014, by the Wyoming Supreme Court Judicial Ethics Advisory Committee.

Wyoming Supreme Court Judicial Ethics Advisory Committee
Advisory Opinion 2014-04

Question Presented

Can the Supreme Court apply for publically available competitive grants from private foundations whose stated purpose is concerned with the public education of matters related to the law?

Response

The Committee answers yes to the question presented.

Factual Background

The Wyoming Supreme Court is initiating efforts to construct a Judicial Learning Center in the Supreme Court Building modeled after a similar center at the Colorado Supreme Court. The Center is intended to enhance the public's understanding of the role of the courts in society as well as highlight important events in Wyoming's legal history. The Wyoming Legislature has appropriated \$280,000 for the Center, once an equal amount of funding has been received by the Supreme Court from private sources.

The question presented to this Committee is in response to the JEAC Advisory Opinion 2014-03 in which this Committee concluded that the Supreme Court should not be directly involved in the solicitation of private donations for the Judicial Learning Center.

However, the Committee did advise that a third party intermediary, such as the Wyoming State Bar Foundation, could be involved in the direct solicitation of funds for the Center.

The Committee is now asked whether the Supreme Court can apply for publically available grants to help fund the Learning Center.

As an initial observation, the Committee is aware that some courts in Wyoming have, in the past, benefited from grants for construction projects or courthouse security from entities such as the Department of Homeland Security.

Applications for grants appear to the committee to be a mix of judicial and extra-judicial activities. Providing the public with a better understanding of the Wyoming Court

system and history is a very worthwhile judicial function, while applying for grants seems more extra-judicial in nature.

Rule 1.2 of the Judicial Code of Ethics provides:

A judge shall uphold and promote the independence, integrity and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety.

Rule 2.4(B) provides that:

A judge shall not permit family, social, political, financial or other interests or relationships to influence the judge's judicial conduct or judgment.

Rule 3.1 states:

A judge may engage in extra-judicial activities, except as prohibited by law or this Code...

Discussion

This Committee has the following understanding regarding the proposed grants:

1. The potential grants are from reputable grantors which are governmental, charitable, or non-profit;
2. The grantors are very unlikely to become involved in the Wyoming Court system;
3. The grants are available, on a competitive basis, to the public;
4. The grant money would be used for educational purposes that would benefit the citizens of Wyoming and not be used for the legal decision making process of the Wyoming Supreme Court.

At the heart of the inquiry, is whether the application for such grants would undermine the Court's impartiality, integrity, independence, and public confidence. The Learning Center itself would likely enhance the public's understanding and confidence in the judicial system.

The Committee believes that the grants, in the context outlined above, would safeguard the Court's integrity. The available grants are not being solicited from persons or entities who might well be litigants before the Wyoming Court.

Rather, the grants are publically available by way of a competitive application process through governmental agencies, and reputable non-profit or charitable foundations that are highly unlikely to be involved in litigation.

Finally, the purpose of the grants would be for the benefit of the public and not for the Court's decision making responsibilities.

In summary, a review of the Code and its commentary does not reveal any prohibition against the application for monetary grants in the factual situation presented here.

Conclusion

The Committee recognizes that the Supreme Court would, on a case-by-case basis, need to make an assessment about whether any particular grantor might have some real potential to be a litigant in the Wyoming Court system, or otherwise, call into question the Court's integrity, independence, impartiality, or undermine the public's confidence.

The Committee concludes that applications by the Wyoming Supreme Court for grants, as set forth herein, would not violate the Code of Judicial Conduct.

FINALIZED AND EFFECTIVE this 16th day of September, 2014, by the Wyoming Supreme Court Judicial Ethics Advisory Committee.

Risk Assessment

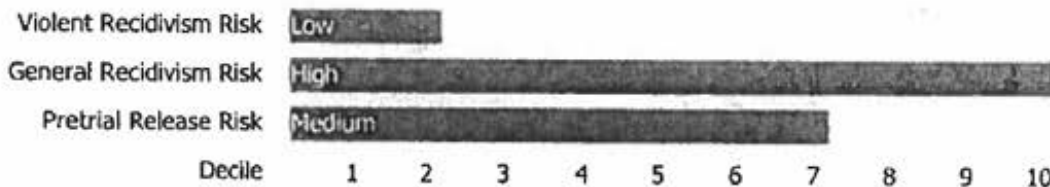
PERSON			
Name: [REDACTED]		COMPAS ID: [REDACTED]	Alternate ID: [REDACTED]
DOB: 11/15/1985			
Race/Ethnicity: Native American	Gender: Female	Agency: [REDACTED]	

ASSESSMENT INFORMATION			
Case Identifier: [REDACTED]	Scale Set: Field Services Core COMPAS	Screeners: [REDACTED]	Screening Date: 4/4/2014

SCREENING INFORMATION	
Marital Status:	Single
Custody Status:	Probation
Legal Status:	Conditional Release
Reason for Assessment:	Intake/Sign up

Overall Risk Potential

Risk

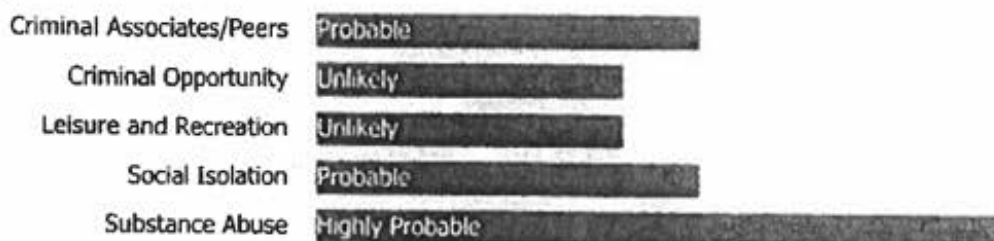


Criminogenic Need Scales

Criminal Involvement



Relationships/Lifestyle



Personality/Attitudes



Family

Criminal Thinking Self Report

Highly Probable

Anger

Highly Probable

Cognitive Behavioral

Highly Probable

Social Exclusion

Family Criminality

Highly Probable

Socialization Failure

Probable

Financial

Highly Probable

Vocational/Education

Unlikely

Residential Instability

Highly Probable

Social Adjustment Problems

Highly Probable

Social Environment

Unlikely

Assessment Narrative

PERSON			
Name:	COMPAS ID:	Alternate ID:	DOB:
[REDACTED]	[REDACTED]	[REDACTED]	11/15/1985
Race/Ethnicity:	Gender:	Agency:	
Native American	Female	[REDACTED]	

ASSESSMENT INFORMATION			
Case Identifier:	Scale Set:	Screener:	Screening Date:
[REDACTED]	Field Services Core COMPAS	[REDACTED]	4/4/2014

SCREENING INFORMATION	
Marital Status:	Single
Custody Status:	Probation
Legal Status:	Conditional Release
Reason for Assessment:	Intake/Sign up

ASSESSMENT RISK PROBABILITY & SUMMARY

Assessment Risk Probability & Summary

Violence: Low	COMPAS Recommended Supervision: Medium with Override Consideration
Recidivism: High	Screener: [REDACTED]
Pretrial Release Risk: Medium	Marital Status: Single
Defensiveness Scale: No Potential Faking Concern	Random Response: No Inconsistent Response Concern

Supervision Recommendation

Screener's Recommended Supervision: Maximum	Override Reason: Lacks positive social support
Actual Recommended Supervision: Maximum	Override Reason: N/A

Client Strengths

Social Environment
High School Graduate or GED
Currently Employed

Client Interests

CURRENT CHARGE AND CRIMINAL HISTORY SUMMARY

Current Offense Summary

Offense category(s): Drug Possession/Use
Do any current offenses involve family violence? No

Which offense category represents the most serious current offense? Non-violent Felony

Was this person on probation or parole at the time of the current offense? Neither

Based on the screener's observations, is this person a suspected or admitted gang member? Yes

Current History Summary

How many times has this person been returned to custody while on parole? 0

How many times has this person had a new charge/arrest while on probation? 0

How many times has this person been arrested before as an adult or juvenile (criminal arrests only)? 25

How many prior juvenile violent felony offense arrests? 0

How many times has this person been arrested for a felony property offense that included an element of violence? 0

How many prior murder/voluntary manslaughter offense arrests as an adult? 0

How many prior felony assault offense arrests (not murder, sex, or domestic violence) as an adult? 0

How many prior misdemeanor assault offense arrests (not sex or domestic violence) as an adult? 0

How many prior weapons offense arrests as an adult? 0

How many prior family violence offense arrests as an adult? 0

How many prior sex offense arrests (with force) as an adult? 0

How many prior drug trafficking/sales offense arrests as an adult? 0

How many prior drug possession/use offense arrests as an adult? 1

What was the age of this person when he or she was first arrested as an adult or juvenile (criminal arrests only)? 17

Institutional History

How many times has this person been sentenced to probation as an adult? 2

How many times has this person violated his or her parole? 0

How many times has this person's probation been violated or revoked? 0

CRIMINOGENIC NEEDS NARRATIVE SUMMARY

Criminal Associates/Peers

Criminal Associates/Peers Scale Score: Probable

The Criminal Associates and Peers Scale score indicates [REDACTED] likely has a modest involvement with antisocial friends. Restricting her contact with any current antisocial associates may help to reduce criminal opportunity. Encourage [REDACTED] to build more affiliations with pro-social peers in various pro-social activities.

Criminal Associates/Peers Statement:

[REDACTED] reported that a few of her friends and associates have ever been arrested. She reported that none of her friends and associates take drugs regularly. She reported that none of her friends and associates are gang members. Ms. [REDACTED] reported that none of her friends and associates have ever spent time in jail or prison. Ms. [REDACTED] had an appearance that was similar to known gang members.

Criminal Associates/Peers Treatment Implications:

[REDACTED]
Northpointe Suite version 8.14.5.5798 ©2014 Northpointe, Inc. All rights reserved.

A high score for this scale often indicates a need to restrict the person's contact with current friends and associates. This often helps by reducing the chances of criminal opportunity.

Comments:

There are currently no comments on this narrative.

Criminal Opportunity

Criminal Opportunity Scale Score: Unlikely

Ms. [REDACTED] criminal opportunity scale score suggests a fairly low-risk lifestyle. She appears to have some participation in pro-social or constructive activities (e.g., working, spending time with family) and does not seem to be excessively bored or restless.

Criminal Opportunity Treatment Implications:

Scores of 7 and above suggest a person who has a fairly high risk lifestyle and for whom it may be important to have increased involvement in more positive and socially constructive activities. Idleness, boredom, unemployment, high-risk friends, drug use, and so on, may often be appropriate candidates for interventions. Helping persons with such higher scores to seek more positive role models, more socially productive activities, and the development of almost any positive social bonds may gradually have a positive impact. Case plans may call for more structuring of the person's idle time and an avoidance of antisocial peers.

Comments:

There are currently no comments on this narrative.

Substance Abuse

Substance Abuse Scale Score: Highly Probable

A highly probable score suggests that the Ms. [REDACTED] is likely to have drug or alcohol problems and needs substance abuse treatment intervention. An in-depth substance abuse assessment to determine the appropriate level of treatment intervention may be warranted.

Substance Abuse Statement:

Ms. [REDACTED] reported that her current and past legal problems were perhaps partly due to drug or alcohol use. She reported that she was using drugs at the time of the current offense. Ms. [REDACTED] reported that she is currently in substance abuse treatment. She reported no prior substance abuse treatment. Ms. [REDACTED] indicated that she would benefit from substance abuse treatment at this time.

Substance Abuse Treatment Implications:

Given the high incidence of alcohol and drug problems in offender samples, it is likely that offenders with scores of 6 and above may have serious alcohol or drug problems. In such cases it is advisable to assess the extent of previous treatments, current attitudes to treatment, and the responsivity of the offender. Relapse prevention plans may be advisable for such offenders. Given the overall high frequency of substance abuse problems among offenders, a score of 4 and above is likely to indicate a need for a more specialized substance abuse assessment inventory (i.e. ASI, SASSI, etc.).

Comments:

There are currently no comments on this narrative.

Criminal Personality

Criminal Personality Scale Score: Highly Probable

Ms. [REDACTED] scale score indicates a tendency toward an antisocial personality. This may include factors such as: impulsivity, risk-taking, boredom, no guilt, selfishness, anger, and so on. Referral for a more in-depth personality assessment may be warranted. This score, in some cases, may also indicate a resistance to treatment. Impulsive decision-making, if detected, may be amenable to some form of cognitive therapy. Ms. [REDACTED] may need high levels of control.

Criminal Personality Treatment Implications:

Antisocial personality is important primarily for its link to prediction of recidivism and responsivity to treatments. Very high or extreme scores, if co-occurring with multiple other high risk factors, may identify persons that reflect psychopathy. In such cases a referral for a more intensive psychopathy or personality assessment is warranted. High scorers on this scale may also be resistant to treatment. When impulsive decision-making is detected, this may be amenable to some form of Cognitive Therapy. Effective interventions have been reported in regard to training programs focused on modifying thoughtless or impulsive decision-making.

Comments:

There are currently no comments on this narrative.

Cognitive Behavioral

Cognitive Behavioral Scale Score: Highly Probable

Ms. [REDACTED] high score on this scale implies potential attitude problems. In some cases these may include moral justification for her criminal behavior, refusal to accept responsibility, blaming the victim, rationalizations (excuses) that minimize the seriousness of her criminal activity, etc. She may follow a fairly high risk lifestyle that may include: idleness, boredom and impulsive decision-making. Any of these features would suggest a need for a cognitive therapy program and a need for more positive role models, socially productive activities and more positive social bonds. Her score also may imply a need for close case supervision. A more in-depth mental health assessment may also be appropriate in some cases.

Cognitive Behavioral Treatment Implications:

High scores may suggest a need for cognitive restructuring intervention as part of the case management plan. Failure may be high if the person has a tendency to excuse and rationalize his behaviors. A high score may also indicate the need for close supervision of the case. For very high scoring cases, cognitive interventions, coupled with substance abuse treatment (for example), may best begin in a controlled setting.

Comments:

There are currently no comments on this narrative.

Family Criminality

Family Criminality Scale Score: Highly Probable

Ms. [REDACTED] family members (parents and/or siblings) were reported as having some involvement in criminal activity, drugs, and/or alcohol abuse. The relatively high scale score may suggest a need to minimize or structure the contact with certain members of the family. This may reduce adverse sibling or parental influence or exposure to inappropriate substance use and modeling of violent or criminal behaviors.

Family Criminality Statement:

Ms. [REDACTED] reported being raised by her relative. Ms. [REDACTED] mother was reported to have a history of a prior arrest(s). Ms. [REDACTED] mother was reported to have previously served time in jail or prison. Ms. [REDACTED] sibling(s) were reported to have a history of a prior arrest(s). Ms. [REDACTED] partner was reported to have a history of a prior arrest(s). Ms. [REDACTED] parent or parent figure who principally raised her was reported to have had a drug or alcohol problem.

Family Criminality Treatment Implications:

A high score in this scale suggests there may be a need to minimize or structure the contact with certain members of the family to minimize adverse sibling or parental influence and/or exposure to inappropriate substance use. It may also help in understanding the client's own criminal involvement.

Comments:

There are currently no comments on this narrative.

Vocational/Education

Vocational/Education Scale Score: Unlikely

The Vocational and Education Scale score indicates Ms. [REDACTED] does not need vocational or educational treatment intervention.

Vocational/Education Statement:

Ms. [REDACTED] reported graduating from high school. Ms. [REDACTED] reported being currently employed. Ms. [REDACTED] reported having a skill or trade for which she usually finds work. During the past year she reported being employed or in school less than 6 months full or part time. Ms. [REDACTED] reported having been fired from her job on 1 previous occasion. Ms. [REDACTED] reported that she needs additional training or career skills to obtain good employment.

Vocational/Education Treatment Implications:

Scores of 6 and more suggest that vocational, employability and educational skills training may be beneficial. Help may also be required in both job seeking and job maintenance. It is important to establish the specific training or education that is needed.

Comments:

There are currently no comments on this narrative.

Residential Instability

Residential Instability Scale Score: Highly Probable

Ms. [REDACTED] scale score suggests weak social ties and stress due to a changing, unstable, and disorganized lifestyle. She may need to focus on obtaining more stable living arrangements and more conventional social and/or family ties. There may also be a need for a referral to financial supports or subsidized housing.

Residential Instability Statement:

Ms. [REDACTED] reported having contact with her family daily. Ms. [REDACTED] reported having moved 3 times in the last twelve months. She reported currently having a regular living situation. She reported having lived at her current address 5 months or less. Ms. [REDACTED] reported having lived in the community where she currently resides 3 to 5 months. She reported currently living with family.

Residential Instability Treatment Implications:

A high score on this scale may signal weak social ties and stress due to a changing, unstable, and disorganized lifestyle. A high score suggests a focus on obtaining more stable living arrangements, and building more conventional social and/or family ties. The case plan may call for stabilizing the living situation, reestablishing family contacts, etc. Referral to financial supports or subsidized housing may, in some cases, be relevant.

Comments:

There are currently no comments on this narrative.

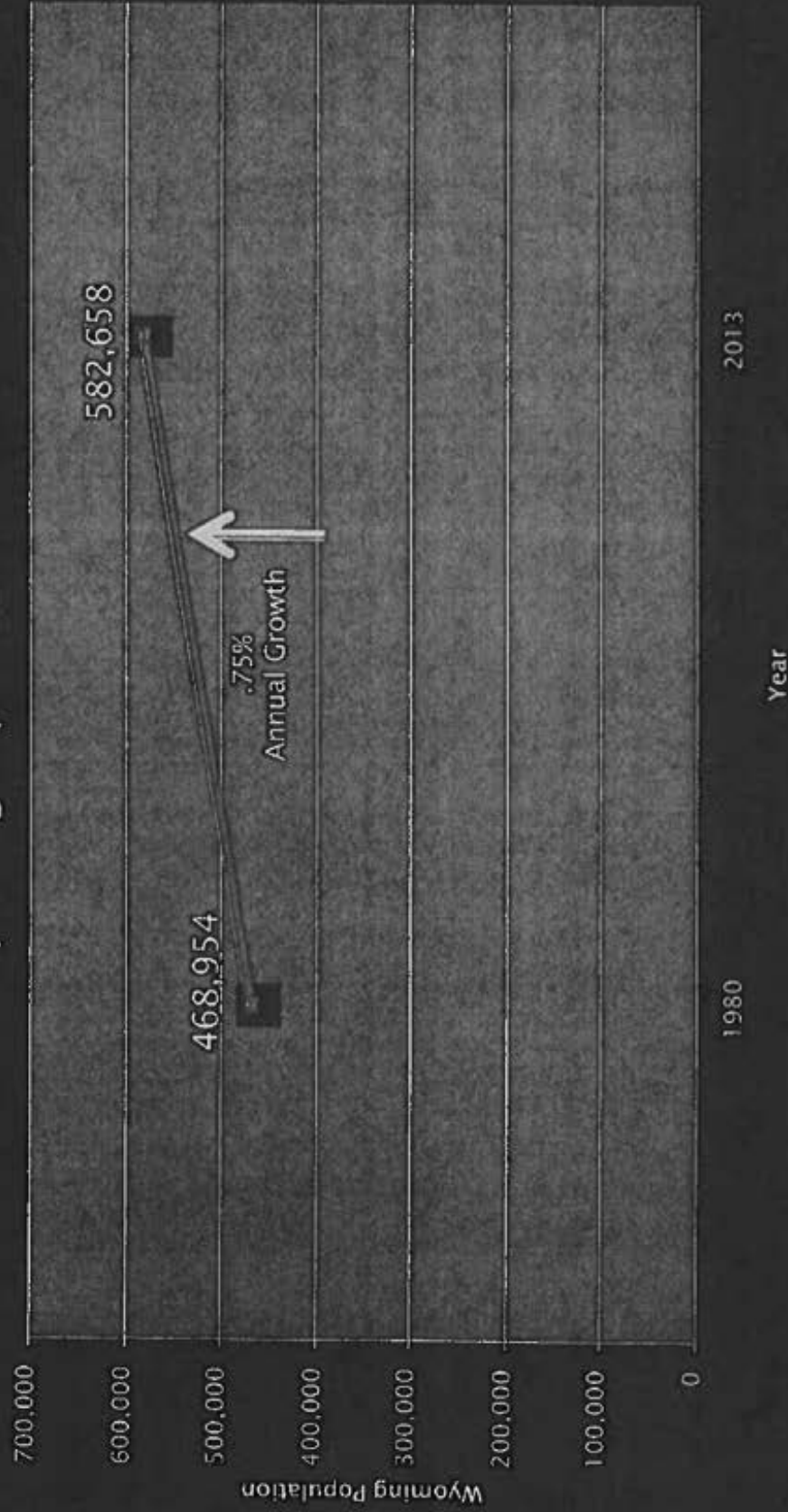
Comparison 1980 to 2013

Incarceration Statistics

1980	2013
<ul style="list-style-type: none">▶ Wyoming Population<ul style="list-style-type: none">◦ 468,954▶ Inmate Population<ul style="list-style-type: none">◦ 534	<ul style="list-style-type: none">▶ Wyoming Population<ul style="list-style-type: none">◦ 582,658 (+ 24.24%)▶ Inmate Population<ul style="list-style-type: none">◦ 2,244 (+ 420%)

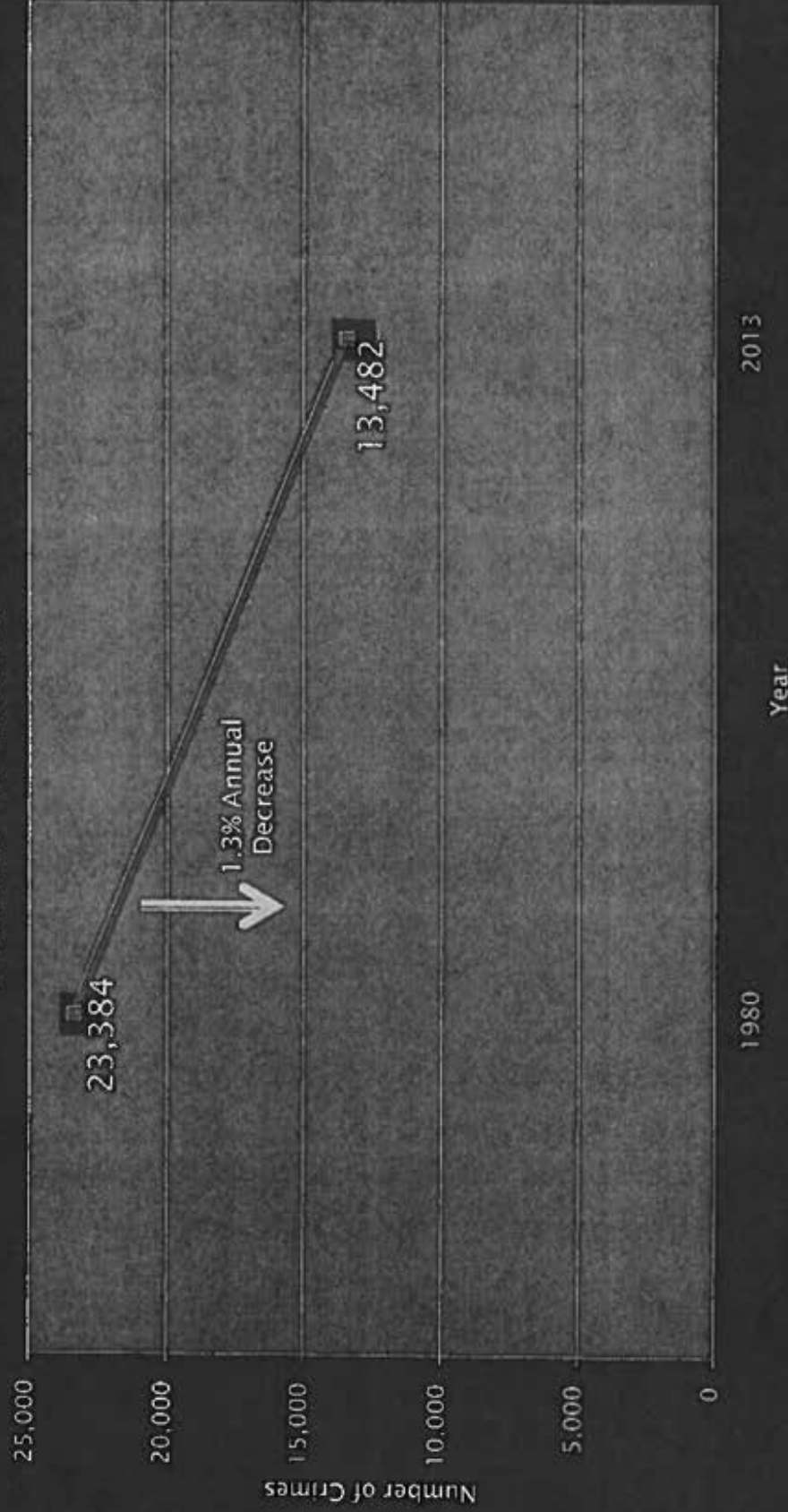
Wyoming Population Growth

Wyoming Population



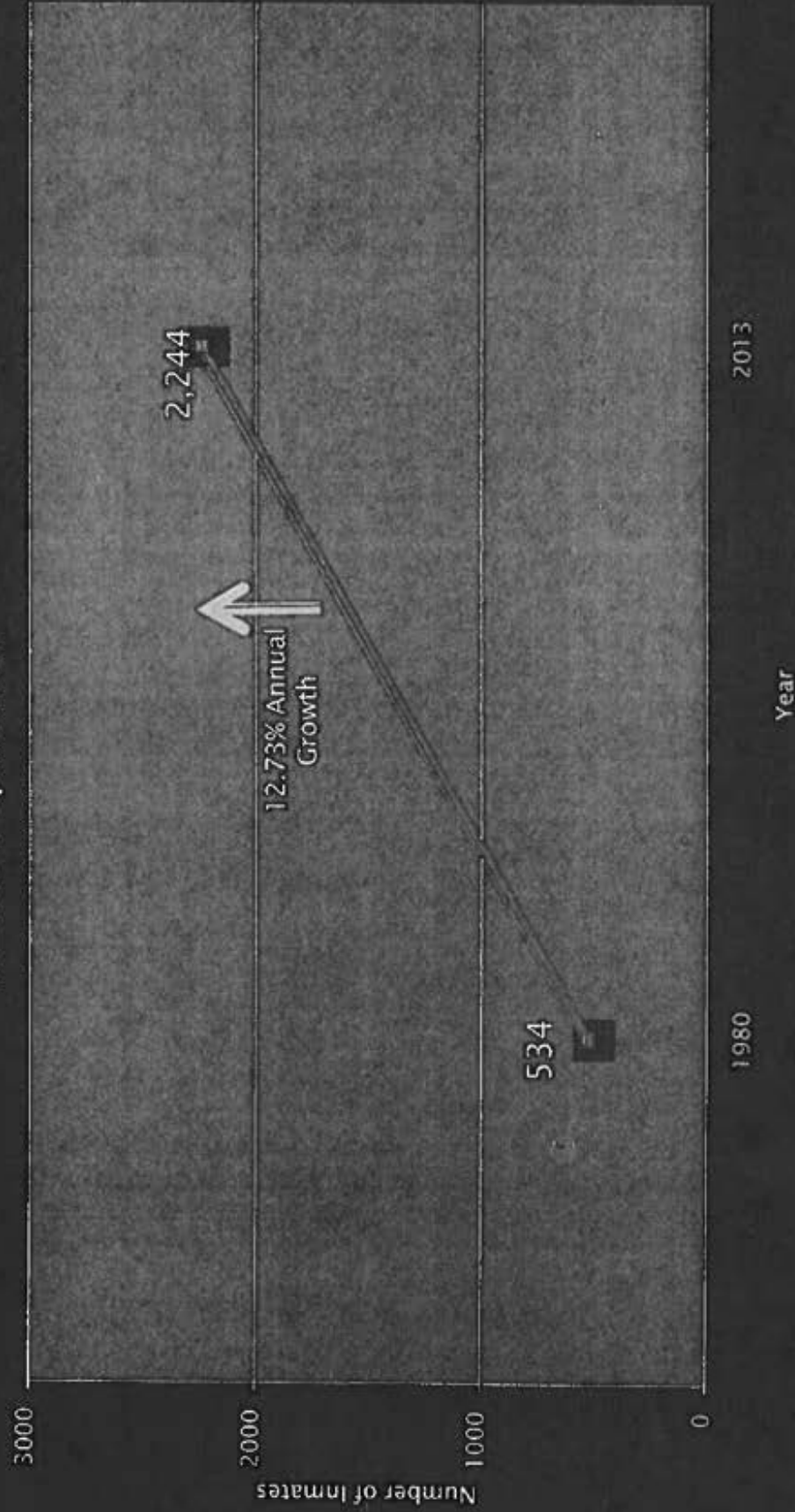
Number of Wyoming Crimes

Number of Crimes



WDOC Inmate Population

WDOC Population



Comparison 1980 to 2013

Incarceration Statistics

1980	2012	2013
Incarceration Rate 114 per 100,000	Incarceration Rate 383 per 100,000	Incarceration Rate 385 per 100,000
1 in 878 Wyomingites	1 in 260 Wyomingites	1 in 260 Wyomingites
		+ 338%



Comparison 1980 to 2013

Incarceration Statistics

<ul style="list-style-type: none">▶ Average Sentence<ul style="list-style-type: none">◦ 60 months (includes life sentences)▶ Average Length of Stay<ul style="list-style-type: none">◦ 22 months	1980
<ul style="list-style-type: none">▶ Average Sentence<ul style="list-style-type: none">◦ 76 months (26%+) (excludes life sentences)▶ Average Length of Stay<ul style="list-style-type: none">◦ 35 months males (60%+)◦ 25 months females	2012

2010 Success Rates and Costs

Non-Prison Alternatives

- ▶ Traditional Probation Misdemeanor
 - 55.8% Success Rate \$5.80/day
- ▶ Traditional Probation Felony
 - 63.5% Success Rate \$5.80/day
- ▶ ISP Probation Felony
 - 55.1% Success Rate \$17.83/day
- ▶ ACC Probation Placements
 - 43.0% Success Rate \$39.92/day
- ▶ Split Sentencing
 - 54.5% Success Rate \$60.00/day

Prison Placements

- ▶ Boot Camp
 - 54.5% Success \$132.00/day
- ▶ Prison
 - 66.4% Success \$136.76/day
- ▶ Traditional Parole
 - 66.2% Success \$5.80/day
- ▶ ISP Parole
 - 68.0% Success \$17.33/day
- ▶ ACC Post-Prison
 - 58.0% Success \$39.92/day
- ▶ Sentence Completion
 - 90.3% Success
- ▶ Full Parole Completion
 - 84.6% Success

Current Inmate Population

Males - 2,073
1,935 in DOC
138 in ACCs

Females - 273
255 in DOC
18 in ACCs

Total: 2,346 Projection for FY 14 was: 2,224

Projected Total for FY 2017: 2,416



POLICY OPTIONS FOR IMPROVING PUBLIC SAFETY, HOLDING OFFENDERS ACCOUNTABLE, AND CONTAINING CORRECTIONS COSTS IN WYOMING

Presentation to the Joint Judiciary Interim Committee of the Wyoming Legislature

September 12, 2014

Background

At the direction of the Joint Judiciary Committee, the Department of Corrections (WDOC), in coordination with the Wyoming governor's office, requested assistance from the National Governors Association (NGA) and the Pew Charitable Trusts (Pew) to assess drivers of the state's prison population and to identify potential policy options for improving public safety, holding offenders accountable, and containing corrections costs.

In July and August of 2014, an analysis of WDOC data was conducted to identify factors related to the recent growth in Wyoming's prison population. NGA and Pew, with assistance from the Michigan Council on Crime and Delinquency's Center for Justice Innovation, also reviewed Wyoming's corrections policies and practices and met with WDOC leadership and the governor's office, as well as a wide range of stakeholders from across the state including the judiciary, legislators, prosecutors, sheriffs, parole board officials, crime victim advocates, adult community corrections providers, public defenders and county officials.

This document summarizes conclusions from the data analysis, and it provides policy options for consideration that can help Wyoming improve public safety, hold offenders accountable, and control corrections costs. The options presented reflect best practices and the latest research in corrections policy. Further, they are informed by stakeholder recommendations made to the WDOC and governor's office during a policy workshop that NGA convened on August 30, 2014. In summary, those recommendations include:

- Ensure policy and practice are driven by accurate, timely data, and promote greater exchange of relevant data between WDOC and local communities.
- Enhance community supervision through expanded resources and sanction options, and increase training for probation and parole officers.
- Improve and increase mental health and substance abuse services for offenders.
- Continue to use validated risk and needs assessment tools to target interventions for offenders but increase efforts to do so as early as possible in the justice process.
- Improve collaboration between community resources and the criminal justice system, and promote community education about best practices and alternatives to incarceration.
- Seek a greater role for victims to play in administrative decision-making.
- Consider possible legislative action, such as reforming the state's Community Corrections Act, implementing a tiered felony scheme, and providing greater funding for justice system stakeholders.

Key Findings: Prison Population Drivers

Three general policy areas were considered in assessing drivers of Wyoming's prison population:

- **Admissions:** offender admissions to prison and what policies, programs, and practices drive prison intake;
- **Length of stay:** policies and practices that affect release decisions and drive time-served; and

Policy Options for Consideration

The policy options that follow are driven by three priorities: improving public safety, holding offenders accountable, and controlling corrections costs. Specifically, they focus on reserving prison space for violent and career criminals, and holding low-level drug and property offenders accountable through community-based supervision, sanctions, and services. When fiscal savings can be achieved, a portion can be reinvested into a range of local options that have been shown to reduce recidivism and improve public safety.

1. Options to Control Prison Admissions

Executive-Based Options

- ***Option 1.1:*** Fund additional beds at the existing Adult Community Corrections (ACC) centers to provide more options for probation and parole violators who would otherwise be revoked and imprisoned in state facilities. Also, boost broader acceptance of those offenders by ACC center boards, which could be accomplished by offering boards a higher daily rate for certain classes of offenders. Current acceptance rates for both inmates/parolees and probationers have continued to increase; for the past year the average acceptance rates for the three programs are 88 percent and 75 percent for institutional referrals and court referrals respectively. The longer term, more serious offense inmates, in need of transitional services, remains a focus. To avoid net widening (for example, expanding the number of offenders diverted to ACC centers as more beds become available), the state could consider using specific offender eligibility criteria in making admission decisions. That approach can be considered as a stand-alone investment or coupled with Option 1.2.
- ***Option 1.2:*** In partnership with an existing ACC board, implement a pilot project based on a community corrections framework modeled after the American Bar Association (ABA) Model Community Corrections Act. Potential goals and offender eligibility criteria are addressed below (See Option 1.4). A variety of federal, state, local, or foundation sources could be available to provide funding. Regular tracking and reporting on performance measures would inform future expansion of the pilot to other ACC sites.
- ***Option 1.3:*** Continue to expand the use of evidence-based principles in the state and, as part of that effort, initiate an assessment process to identify and invest in the programs that most significantly result in positive outcomes and high returns on taxpayer dollars. The Pew-MacArthur Results First Initiative could support the state in this effort.

Legislative Options

- ***Option 1.4:*** Revise Wyoming's Adult Community Corrections Act (the Act) to reflect offender eligibility criteria consistent with the ABA Model Act. The revised Act would target otherwise prison bound, low-risk offenders for community-based services and incorporate the existing focus of Wyoming law on evidence-based principles and practices that have been shown to reduce risk and recidivism. Further, the Act would seek to reduce future criminality as measured by validated risk and need-assessment instruments. By revising the Act according to those objectives, Wyoming will be best positioned to develop a comprehensive plan for more system uniformity and predictability that results in less use of imprisonment, lower crime rates, and reduced costs.
- ***Option 1.5:*** Introduce legislation establishing a jail-based sanction with treatment services for up to 90-days for probation violators. This jail-based sanction/treatment option would be included in the current PRISM grid used by probation agents, with treatment costs paid for by WDOC.

incarcerated. This could be accomplished through good or earned time, or a lower percent-served requirement (for example, one half rather than two-thirds.)

3. Options to Improve Reentry Outcomes

Executive Based Options

- Option 3.1: Using national best practices, improve the state-level reentry structure and increase the engagement of the Wyoming Sub-cabinet Reentry Council. That would include setting more aggressive goals for recidivism reduction and a greater focus on process. The state could consider adopting a more formalized structure for the council that clearly defines it as an "implementation steering team" to guide the state's prisoner reentry reforms through local work groups and department-based resource teams.
- Option 3.2: Improve local stakeholder engagement for the Transition from Prison to Community initiative by developing a formal local organizational structure adapted from national best practices. That could help produce more community engagement for implementation of the case management process and assist with public education. Community engagement for reentry services, particularly for developing pre-release case plans, will produce a higher likelihood of success and a reduction in violations or revocations during the first year of community supervision
- Option 3.3: Further review barriers that prevent or diminish access to community services by returning offenders, and gaps in those services.
- Option 3.4: Continue to refine the Positive Reinforcements, Incentives, and Sanctions Matrix (PRISM) to provide greater flexibility in delivering local community-based sanctions for technical violations. Further, limit prison time for those who commit serious violations, and expand local options for sanctions and services as much as possible within the bounds of existing executive authority.

Legislative Options

Although the following legislative options are specific to parolees, they also could be considered for probationers (See Options 1.6, 1.7, and 1.8):

- Option 3.5: Introduce legislation establishing a jail-based sanction with treatment services for up to 90-days for parole violators. A jail-based sanction/treatment option would be included in the current PRISM grid used by parole agents, with treatment costs paid for by WDOC.
- Option 3.6: Focus more agency resources on high-risk offenders by reducing parolee caseloads of low-risk offenders. That can be accomplished by expanding the availability of earned discharge credits for those who comply with the terms of their supervision.
- Option 3.7: Introduce legislation to employ targeted and proportional penalties for technical revocations of parolees, and cap incarceration at 90 days for the first technical revocation and 120 days for the second.

Wyoming Data Summary

Prison Admissions

- The number of admissions has grown 64% since 2000.
- Parole revocations represent a growing number of admissions, 19% in 2013.
- More than one-third of admissions in 2013 were low risk.
- In 2013, drug offenses, larceny, forgery, and property destruction accounted for seven of the top ten admissions.

Prison Releases

- Overall, length of stay prior to release has increased 9% since 2000.
- Average length of stay prior to release has increased across all admission types. New court commitments serve the longest, 32 months in 2013. Probation and parole revocation admissions served 21 months and 12 months respectively in 2013.

Prison Stock Population

- The total prison population has grown 27% since 2000.
- Nearly one-quarter of drug and property offenders were low risk in 2013.

Parole

- Since 2009 the parole grant rate has increased 21%.
- While most parole terminations are discharges, 29% of terminations were revocations in 2013.
- The average time spent on parole supervision prior to revocation has declined with most revocations occurring before 12 months in 2013.

Probation

- Both the number of admissions to and the total size of the probation population have remained fairly stable since 2009.
- The largest proportion of probation admissions in 2013 were drug offenders (40%).
- The largest proportion of probation admissions in 2013 were low risk (38%).
- The average time spent on probation prior to revocation has declined with most revocations occurring before 12 months of supervisions in 2013.

Recidivism

- Recidivism (three year return to prison) rates of recent cohorts are stable and relatively low, ranging from 23-24%.
- Of those on supervision who returned to prison, the majority return for a technical violation.

WDOC RISK/NEED ASSESSMENT & PSI PROCESS

DECEMBER 2014

The Wyoming Department of Corrections has initiated an effort to increase the quality of information provided to the Courts during the pre-sentence investigation process. The goal is to introduce at the earliest stage possible, detailed information which will provide the Court with additional and hopefully useful information to consider in the sentencing process, including what conditions may be most important to a given offender.

One intention is to increase the probability an offender will be able to successfully complete the sentence imposed while integrating, immediately or eventually, into society as a productive citizen.

- WDOC uses a validated and Wyoming normed criminogenic risk/need assessment called COMPAS, a proprietary assessment instrument. Criminal risk and need identification help to determine community supervision levels by WDOC, as well as direct the offender's case plan.
- During the pre-sentence investigation (PSI) process the WDOC will include information regarding the offender's criminal risks and needs identified through COMPAS.
- There will be two documents provided to defense counsel, prosecutor and the Court with the PSI. The first document is the bar graph showing decile placement of the offender's risks and needs scores. The second document is the offender narrative, which provides an in-depth explanation of the characteristics of who score in the Need ranges provided in the Bar graph document. Examples of these documents are attached & provided in this handout for reference during today's discussion.
- The inclusion of these documents and information is not intended for system placement, and the scales reflect levels of community supervision and structure, though the information does provide valuable information, along with all the other information the Court considers when making its sentencing decisions. The information can provide guidance for areas of focus, regardless of the placement decision. For those being sentenced to the community, the information may help determine appropriate sentencing options.
- Criminal needs are identified by severity in the decile scales. Needs shown as "Highly Probable" and "Probable" are considered the priority conditions to be addressed by WDOC staff when developing a correctional case plan, which is individualized to each offender.
- Criminal risk level is used for community supervision level determinations.



Judges' Experience with Rule 801(a) – Standards of Professional Behavior

November 2014

Total Distribution = 57

Total Respondents = 30

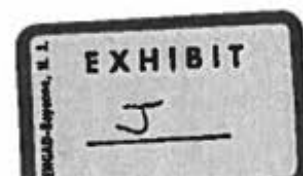
Response Rate = 52.6%

-
1. How many motions have been filed in your court pursuant to Rule 801(a)?

	Response Percent	Response Total
None	83.33%	25
1 - 3	16.67%	5
4 - 7	0.0%	0
8 - 10	0.0%	0
More than 10	0.0%	0
answered question		30
skipped question		0

2. What sanctions, if any, have you levied for violation of Rule 801(a)?

- Sua sponte, I denied fees and costs to three movants for failure to comply with 801(a)(7)
- none
- none
- Admonishments and "soft" reprimands. One sanction for attorney fees where there was a violation of 801(a)(4) and also WRCP 37(d) for failure to attend party's own deposition. One sanction for attorney fees for violation of 801(a)(2)&(3). Under 802(a)(7) I also have not considered certain motions that lack certification of good faith conferral with opposing counsel before seeking the court's intervention.
- Not applicable
- none
- n/a



- none
- NA
- na
- None
- None. Just threatened to.
- Attorney's fees. Allowing the withdrawal and substitution of new counsel within 30 days.
- N/A
- none
- none
- Have not rendered any sanctions. Closest I have gotten is the proverbial remark to counsel, "Dial it back please."
- NA
- Private verbal admonition in chambers.
- no sanctions were levied, but a kind hearted lecture on treating opposing counsel appropriately was provided. :)
- I have ordered that, a lawyer read the WRCP and certify that he had done so; that a lawyer not charge a client for a nonsense filing and certify that he had not charged; and I have ordered a lawyer to formally apologize to the court and to counsel for frivolous and unsupported motions.

3. Do you believe the adoption of Rule 801(a) has had any discernable impact upon the conduct of lawyers in your court?

	Response Percent	Response Total
Yes	44.44%	12
No	55.56%	15
Comments (see below)		16
answered question		27
skipped question		3

Comments:

- I include in my orders that strict compliance with Rule 801 (and other rules) is required and I highlight this at scheduling conferences and other pretrial hearings. After so much repetition, I believe that it has some impact -- if even that attorneys know the rule exists and the general scope of the rule. I'm less than confident that it has produced any significant changes in practice. The same violators continue to violate until I do something on my own to try to obtain compliance. The majority of practitioners don't have a problem complying.
- Lawyers are apparently more aware, and occasionally mention in hearings and pleadings matters they feel violate that standard. That is progress
- I believe 801(a) is having a positive impact. I cite the rule in my Scheduling/Case Management Orders, in hearings, in discovery decisions/orders. The Bar is listening. They know, at least, that the Court thinks these professionalism standards are important. So far, the rule has not been over-used as a basis for requesting sanctions,

but as an expected standard of conduct that the Court will enforce. I believe it is slowly raising the bar for a more civil, professional practice in this Court.

- I am relatively new to the bench. I do intend to point out rule 801(a) to those attorneys who are lax in their professionalism.
- I would hope so, but I have no idea.
- I LIKE TO THINK THE RULE HAS A CAUTIONARY INFLUENCE ON THE CONDUCT OF LAWYERS IN COURT. CONDUCT ISN'T ALWAYS IN LINE WITH THE RULE, BUT I BELIEVE THE EXISTENCE OF THE RULE INCLINES COUNSEL TO HEW TO THE LINE.
- NA
- More civility and courtesy
- More prophylactic in effect than having to impose sanctions after the fact. I think most lawyers behave more professionally just because it is in effect than because they have been sanctioned for violations.
- Use by reference to get the attention of counsel that unprofessional conduct will not be tolerated.
- It's made lawyers more aware of their responsibility to behave professionally
- I say no simply because I have not been on bench long enough to have had a situation in which I needed to rely on 801.
- I believe it has on some level, however, without more consistent application to all attorneys, there will continue to be those who treat other counsel as well as litigants in an unprofessional and inappropriate manner.
- Tentative progress at this point. There seems to be a little more caution and judgment being exercised. As we all feared, those whose conduct this rule was intended to address seems to be the first to cry foul.
- The one attorney who had the motion filed against him/her was the worst offender in my county, the hearing seemed to have an impact on him/her and word quickly spread that the hearing was held. I can only assume that also impacted other attorneys and made them act more professionally. The hearing was held over a year ago and I haven't received another motion pursuant to Rule 801(a) since.
- The rule is an aid to lawyers in understanding the Court's expectations and the possibility of sanctions helps lawyers self govern.

4. Please provide any additional comments regarding your experience with Rule 801(a).

- It is important that the rule is there, where a Court can utilize it without referral to the Bar for discipline, and for use to address things that arise in a way that solves the problem inside the case. In other words it is a practical as opposed to a theoretical tool.
- I frequently cite 801(a) in conjunction with Rule 1 WRCP. We have more civil litigation here than elsewhere in the state. A heavy motion practice exists with lots of discovery fights that take up an inordinate amount of the Court's time that is better devoted to the merits of other cases and the needs of other litigants. This joint focus on 801(a) and Rule 1 has assisted the Court in justifying both reasonable expectations and reasonable sanctions. It may be difficult to prove as an empirical matter, but I believe it is improving the civil practice in this jurisdiction.
- My district is generally congenial

- I still have to remind attorneys to stand, to ask to approach.. Many bring in clients dressed in dirty, scruffy clothes-they seem to have no idea they are supposed to tell client to dress up. There are several attorneys who consistently blow off scheduling conferences and I am going to impose sanctions the next time this happens.
- NA
- Rule 801 has not been used by attorneys in my court accept in a few very limited circumstances. I doubt that the attorneys that really need to reconsider their conduct are even aware of the rule.
- Most attorneys conduct themselves appropriately without the need for a rule. However, there will always be exceptions.
- none
- I do think it is good rule
- When the rule was first announced, I was certain that it was going to be just another rule counsel would use to torture one another. That has not happened and for that I am thankful. I think the mere fact that an 801 motion could be filed has made a big difference in how counsel conduct themselves.
- I like the rule very much and I mention it to counsel on occasions when needed.

**MINUTES: September 2014 District Court Judge's Conference
September 9, 2014**

The regular meeting of the District Judge's Conference was called to order on September 9, 2014. The meeting was held at the Little America Conference Center, Cheyenne, WY. Those in attendance included: Judges Brooks, Campbell, Cranfill, Day, Deegan, Donnell, Edelman, Fenn, Forgey, James, Lavery, Perry, Rogers, Rumpke, Sanderson, Sharpe, Skar, Tyler, Waldrip, Wilking, Young and retired Judge Price.

A motion was made and seconded to approve the minutes of the May 2014 meeting. Motion was unanimously adopted.

A motion was made and seconded to approve the Treasurer's Report and assess annual dues of [REDACTED] for a retirement gift for Joanne Odendahl. Motion was unanimously adopted. (Attached)

A proposed Report to Joint Judiciary Interim Committee was provided to the members of the conference. A motion was made and seconded to approve the submission of the Report to Joint Judiciary Interim Committee as drafted. Motion was unanimously adopted.

Nominations and election of the following officers for the upcoming year were as follows:

Chair	Judge Cranfill
Vice-Chair	Judge Fenn
Treas/Sec	Judge Skar

Judge Wilking provided an update on the case management and rules committee. There was discussion regarding the appropriate safeguarding of data available from the implementation of the WyUser case management software. No further action was taken.

A presentation of the retirement gift for Court Administrator Joanne Odendahl was made by Judge Cranfill.

Judge Sharp provided information regarding evidenced based sentencing and that data has been presented by the Dept. of Corrections indicating that while the volume of crime and type of crime has remained fairly level, incarceration has increased dramatically over the past approximate one and half decades. He indicated that proposals for evidenced based sentencing may be forth coming.

The conference discussed the ethical limitations of responding to anticipated questionnaires from the League of Women Voters or similar requests. The conference took no formal action rather deferring any action subsequent to actual receipt of any such requests.



**District Court Conference
Treasurer's Report
December 10, 2014**



Confidential Adoption Intermediary

Enacted by the Wyoming Legislature in February 1991

Purpose:

This statute establishes a procedure by which adult adoptees, birth parents, birth grandparents and birth siblings and adoptive parents may file a petition in District Court requesting the appointment of a Confidential Intermediary (CI) for the purpose of locating a biological relative.

The adoptee must be at least 18 years old. The court generally rules on the petition without a hearing and appoints a Confidential Intermediary to search records and locate the relative. All parties must consent to any reunion or exchange of information. Consent must be in writing. If the sought after relative declines a reunion, all information is returned to the district court and sealed in the adoption file.

Commission:

A commission under the direction of Wyoming Department of Family Services was established by the law. Rules and guidelines to govern the program were developed jointly by the commission and DFS.

Current Commission members:

Anne Reiniger, J.D., M.S.W., representing Confidential Adoption Intermediaries
Rose Fry, representing Department of Family Services
Carol Burman Lindly, Wyoming Children's Society, representing private adoption agency
Jim Korr, representing the adoption triad as an adoptee
Honorable Catherine Fox, Justice, Wyoming Supreme Court, representing the judiciary

Confidential Intermediaries:

Those seeking to volunteer as a CI must participate in an initial 25 hour training addressing the history of adoption, current Wyoming adoption law, grief and loss issues in adoption, search techniques and ethics. These confidential intermediaries are required to have 8 hours of on-going training relating to search and adoption issues every year.

Once appointed by the court, the CI has the authority to access all adoption records and original birth certificate.

Current Confidential Intermediaries:

Anne Reiniger, J.D., M.S.W., Bondurant, WY
Gayle Baugh, Cheyenne, WY
Ann Graham Robinson, Casper, WY
Christy Cleveland, Kaycee, WY
Mari Robinson, Casper, WY

**For More Information Please Contact Anne Reiniger @ 307.859.8811 or
arciniger@wvoming.com**



CONFIDENTIAL INTERMEDIARY PROGRAM

W.S. 1-22-203

GENERAL INFORMATION REGARDING INTERMEDIARIES; WHO MAY PETITION, AND COSTS

This is the cover letter included with the forms to be used in order to have a Confidential Intermediary appointed. The filing fee for the Clerk of Court is \$70.00 and must be in cash, certified check or money order. The petitioner should be advised that there will be additional costs to do the search:

Payment to the C.I. for searching \$150.00 minimum/search

Birth Record Release \$28.00

Other Expenses Telephone calls, postage, and any travel that may be required.

*** All search expenses must be paid by the Petitioner.**

TO HAVE AN INTERMEDIARY APPOINTED YOU MUST QUALIFY UNDER THE FOLLOWING CONDITIONS:

18 Years of age or older

Be an: Adult Adoptee

Adoptive Parent

Biological Parent

Biological Sibling

Biological Grandparent

The petitioner should, if at all possible file in the County in which they were adopted. If they do not know, then we suggest that they file in the County in which they reside. If you have knowledge of being adopted outside the State of Wyoming, it would be best to file in that State since Wyoming orders have limitations of authority.

If you are seeking medical background, or are trying to prove Native American Heritage, you may want to contact the Adoption Services Department of Wyoming Family Services, (307) 777-3570. They have access to Medical Records throughout the state and may be able to save you time and unnecessary expenses.

THIS NEW STATUTE IS NOT MEANT TO SUPERCEDE ANY OTHER ADOPTION STATUTE, IT IS IN ADDITION TO THE OTHER ADOPTION STATUTES.

Once an order appointing confidential intermediary is signed a copy will be sent to the petitioner. The Confidential Intermediary will contact the petitioner and introduce themselves and establish the necessary dialogue for the search.

There is no guarantee of a reunion or contact with the sought after relative, even if located. Consent by that relative is strictly their choice.

ARTICLE 2 - CONFIDENTIAL INTERMEDIARIES

1-22-201. Definitions.

(a) As used in this act:

(i) "Adoptee" means a person who, as a minor, was adopted pursuant to a final decree of adoption entered by a court;

(ii) "Adoptive parent" means an adult who has become a parent of a minor through the legal process of adoption;

(iii) "Adult" means a person eighteen (18) years of age or older;

(iv) "Biological grandparent" means a parent, by birth or adoption, of a biological parent;

(v) "Biological parent" means a parent, by birth, of an adopted person;

(vi) "Biological sibling" means a sibling, by birth, of an adopted person;

(vii) "Chief justice" means the chief justice of the Wyoming supreme court;

(viii) "Confidential intermediary" means a person twenty-one (21) years of age or older who has completed a training program for confidential intermediaries which meets the standards set forth by the commission pursuant to W.S. 1-22-202(b) and who is authorized to inspect confidential relinquishment and adoption records at the request of an adult adoptee, adoptive parent, biological parent, biological sibling or biological grandparent;

(ix) "Consent" means voluntary, informed, written consent. Consent always shall be preceded by an explanation that the consent permits the confidential intermediary to arrange a personal contact among biological relatives;

(x) "Court" means any court of record with jurisdiction over the matter at issue;

(xi) "This act" means W.S. 1-22-201 through 1-22-203.

1-22-202. Commission created; powers; duties.

(a) There is hereby created within the department of family services, an adoption intermediary commission of five (5) members. Representation and appointment of the members shall be as follows:

(i) One (1) member shall represent the judicial branch and shall be appointed by and serve at the pleasure of the chief justice;

(ii) One (1) member shall represent the department of family services and shall be appointed by and serve at the pleasure of the director of the department;

(iii) One (1) member shall represent private adoption agencies and shall be appointed by and serve at the pleasure of the director of the department of family services;

(iv) One (1) member shall represent programs which provide confidential intermediary services and shall be appointed by and serve at the pleasure of the director of the department of family services;

(v) One (1) member shall be an adult adoptee, adoptive parent or biological parent appointed by and serve at the pleasure of the director of the department of family services.

(b) The commission shall have the responsibility for:

(i) Drafting a manual of standards for training confidential intermediaries;

(ii) Monitoring confidential intermediary training programs to ensure compliance with the standards set forth in the manual with authority to approve or deny such programs based upon compliance with such standards;

(iii) Maintaining an up-to-date list of persons who have completed training as confidential intermediaries and communicating that list to the judicial branch.

(c) The commission shall adopt rules for its own procedure. The commission shall select a chairman, a vice-chairman, and such other officers as it deems necessary, and shall keep a record of its proceedings. The commission shall meet as often as necessary to carry out its duties, but in no instance shall it meet less than semiannually. The commission may seek input from

confidential intermediary organizations in carrying out its duties.

(d) The commission shall be voluntary and no state funds or personnel, except members of the commission appointed pursuant to subsection (a) of this section, shall be used in its operation. The commission may accept gifts and grants and expend funds received to carry out its duties.

1-22-203. Confidential intermediaries; confidential intermediary services.

(a) Any person who has completed a confidential intermediary training program which meets the standards set forth by the commission shall be responsible for notifying the commission that his name should be included on the list of confidential intermediaries to be maintained by the commission and made available to the judicial branch. The commission's rules shall specify when and under what conditions the name of a confidential intermediary shall be removed from the list available to the judicial branch. Once a person is included on such list, he shall be:

(i) Authorized to inspect confidential relinquishment and adoption records, as ordered by the court, upon motion to the court by an adult adoptee, adoptive parent, biological parent, biological sibling or biological grandparent;

(ii) Available, subject to time constraints, for appointment by the court to act as a confidential intermediary for an adult adoptee, adoptive parent, biological parent, biological sibling or biological grandparent.

(b) Any adult adoptee, adoptive parent, biological parent, biological sibling or biological grandparent who is eighteen (18) years of age or older may file a motion, with supporting affidavit, in the court where the adoption took place or in the court in which parental rights were terminated pursuant to W.S. 14-2-308 through 14-2-319, to appoint one (1) or more confidential intermediaries for the purpose of determining the whereabouts of the unknown biological relative or relatives, except that no one shall seek to determine the whereabouts of a relative who is a minor. The court may rule on the motion and affidavit without hearing and may appoint a confidential intermediary. Costs related to the proceeding and investigation shall be the responsibility of the party filing the motion for appointment and investigation.

(c) Any information obtained by the confidential intermediary during the course of his investigation shall be kept strictly confidential and shall be utilized only for the purpose of arranging a contact between the individual who initiated the search and the sought-after biological relative.

(d) When a sought-after biological relative is located by a confidential intermediary on behalf of the individual who initiated the search:

(i) Contact shall be made between the parties involved in the investigation only when written consent for such contact has been obtained from both parties and filed with the court;

(ii) If consent for personal communication is not obtained from both parties, all relinquishment and adoption records and any information obtained by any confidential intermediary during the course of his investigation shall be returned to the court and shall remain confidential.

(e) Any person acting as a confidential intermediary who knowingly fails to comply with the provisions of subsections (c) and (d) of this section shall be subject to citation and punishment for contempt as provided by Rule 42, Wyoming Rules of Criminal Procedure.

Blood Ties: Post Adoption Reunions in Wyoming

By Hon. Peter G. Arnold & Anne Reiniger

Betty had a baby when she was in high school and gave birth in Wyoming. She surrendered the little girl for adoption, returned home to Iowa and went on with her life. She married and had a son, but never forgot the little girl. What had become of her? Did she do the right thing? Thirty-five years later Betty decided to search for her daughter and answer those nagging questions. She filed a petition in Wyoming District Court and the judge appointed a Confidential Intermediary (CI). The CI secured the original birth record and found her daughter, now married and living in Nebraska. She agreed to a reunion with her birth mother and the CI gave them contact information. Two months later Betty wrote to the CI and told her they talked on the phone a few times and then her daughter and husband visited her. "She's a wonderful young woman and had a great childhood with loving parents...for which I'll be forever grateful."

One of the most controversial and emotional issues in the modern adoption world is the opening of adoption records for the purpose of search and reunion by adoptees and their birth families. Most records may be unsealed only upon a judicial finding of good cause, but the trend is towards disclosure with mutual consent of parties.

History

The preference for treatment of adoptions as confidential proceedings and the disclosure of adoption records is a relatively recent practice. Until the 19th Century, formal adoption of children rarely existed. Court records and birth certificates were rare or non-existent and the best interests of a child was not a consideration. The first modern adoption law in the U.S. was enacted in Massachusetts in 1851. It emphasized the "child's welfare" and established the principle of judicial supervision. The first adoption statute in Wyoming was enacted in 1876, spurred by the influx of children brought west on the orphan trains from New York and other Eastern cities; their Wyoming parents wanted to formalize their relationship with the children placed with them. There was openness and disclosure for those involved in adoptions until near the end of WWII. When the movement towards concealment of records in adoption proceedings began to appear in other states, Wyoming provided for confidentiality of its adoption records in 1943. After WWII, disclosure and easy accessibility to records gave way to secrecy throughout America. What was once considered a 'right to know' by birth parents and adoptees came to be viewed as a threat to the newly created adoptive family.

Emergence of the Adoption Rights Movement

In 1949 the first voluntary adoption registry was established in the United States, and in 1953 the first adoption search organization was created. However, it wasn't until the 1970s that the

adoption rights movement got traction. By then there was a critical mass of adult adoptees born after WWII and a culture of more openness within several national movements questioning the systems of authority. Research also supported opening adoption records. A survey of 123 adoptees in Canada found 86% pleased or moderately pleased with reunion; 75% of the birth mothers enthusiastic with reunion and the adoptees' relationship with adoptive parents improved.³

Initially the move toward opening of birth records made no headway in the courts.⁴ As a result, state legislatures began enacting laws facilitating reunions between adoptees and their birth families.

Today, 29 states have mutual consent adoption registries. A mutual consent registry is a system whereby individuals directly involved in adoptions can indicate their willingness or unwillingness to have their identifying information disclosed to the birth parent or adoptee. Currently, 15 states permit adoptees access to their original birth record, often granting veto power to a birth parent. In 1991, Wyoming enacted a law establishing a search and consent program known as the Confidential Intermediary Program.⁵ Nine states have similar programs.

Wyoming's Confidential Intermediary Program

All Wyoming adoption records are confidential and are sealed after the final adoption decree is entered.⁶ This statute establishes a procedure by which adult adoptees, biological parents, grandparents, siblings and adoptive parents may file a petition in District Court requesting the appointment of a Confidential Intermediary (CI) for the purpose of determining the whereabouts of the unknown biological relative. The adoptee must be at least 18 years old. The petitioner states what he/she knows about his/her birth family or the child who was adopted and why he/she is seeking a reunion. The Court generally rules on the petition without a hearing and appoints a Confidential Intermediary from the list of state-certified CIs. It would only be in exceptional circumstances that the petition would be denied. In one case, an adoptee filed a petition seeking a copy of his adoption papers. This adoptee already knew who his birth mother was and was not seeking a reunion, only a copy of his papers for the purpose of establishing Indian tribe membership eligibility. The Court dismissed the petition because the relief sought was beyond the scope of the CI statute. In another case, the petition by a genealogist doing research was dismissed because Wyoming's CI statute was intended for reunions, and the petitioner lacked standing.

The statute establishes a five member Adoption Intermediary Commission whose members are appointed by the Chief Justice of the Supreme Court and the Director of the Department of Family Services. They are responsible for managing and overseeing the CI program by drafting a manual of standards for training CIs, monitoring training, maintaining a current list of Confidential Intermediaries, and adopting rules for its own procedure.⁷

Confidential Intermediaries

There are currently five certified Confidential Intermediaries in Wyoming. They are required to be 21 years old and complete a training program which includes four basic categories: knowledge of adoption law; issues of concern to adoptees, birth parents, adoptive parents and others involved in the search; interpersonal skills, search skills and an understanding that

their role differs from that of an advocate or counselor; ethical considerations and the importance of performing in an honest and trustworthy manner.⁷

Once appointed by the court, the CIs have the authority to inspect sealed relinquishment and adoption records including, but not limited to, the original birth certificate. The information contained in the records may only be used for the purpose of arranging contact between the individual who initiated the search and the sought-after biological relative.⁸ When the Confidential Intermediary locates the sought-after relative, he or she must obtain a voluntary and informed written consent for contact with the petitioner and file the consent, along with the petitioner's consent with the court before providing both the petitioner and the sought-after relative with information pertaining to the identity and location of the relative. The contact can be by e-mail, telephone, letter, or in person. Contact may include all forms of communication or be limited to just one.⁹ Once the petitioner signs a contract for the CI's services, the CI secures the sealed original birth certificate and adoption decree and uses old fashioned investigatory methods to locate the sought-after relative. Those methods include poring over telephone books, high school directories, contacting adoption agencies which may have been involved in the adoption and most importantly the use of modern technology on the Internet such as search engines like Accurant. The search process can be one telephone call or many months of in-depth sleuthing to find that relative. Costs related to the proceeding and search are the responsibility of the petitioner.¹⁰

A particularly satisfying case was one in which the petitioning birth mother was searching for her 20 year old daughter. The adoption records listed the adoptive parents' names and address. They were married in the same county where the adoption had taken place and when the CI opened the local telephone book, they were still listed. The CI called them, making sure not to reveal the nature of the call. Their adopted daughter lived with them and consented to a reunion with her birth mother. The CI filed both consents with the Court, put the parties in contact with each other and they went forward with their reunion. The entire process was resolved in less than a month.

Once the consents are filed with the Court and the CI gives the parties contact information about each other, all papers are returned to the court, the case is closed and all documents are re-sealed. If the sought-after relative refuses contact, the petitioner is notified and all relinquishment and adoption records are returned to the court and remain confidential.¹¹

In a study conducted at the University of Toronto, after initial contact 50% of adoptees saw their birth mothers regularly, 20% saw them occasionally and 85% of the adoptees reported relief that their search was over and they didn't have to dwell on fantasies and bewilderment about their genealogy.¹²

Who Seeks the Information?

A review of records at the Children's Home Society of Washington for the period of 1895 to 1988 found that adoptees constituted almost half of the persons seeking a reunion (47%). Their search was often triggered by marriage, birth of first child, death of an adoptive parent or a wish to get their medical history. Birth mothers made up the next group with 18%, followed by siblings (11.5%) and grandparents (4%).¹³

Conclusion

While there may be a difference of opinion on the benefits of open adoption and unregulated post adoption contacts, the Wyoming Confidential Intermediary Program successfully balances the rights of privacy with the benefits of post adoption reunions by ensuring that all parties consent to contact. Wyoming should be proud of being in the forefront of this enlightened program.

For more information please refer to <http://dfsweb.state.wy.us> or call Rose Fry at (307) 473-3924, Wyoming Department of Family Services Adoption Consultant.

Hon. Peter G. Arnold is a District Court Judge in the 1st Judicial District. Anne Reiniger is a Confidential Intermediary and a partner in The Reiniger Law Firm in Jackson. They are both members of the Wyoming Adoption Intermediary Commission.

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- ¹ A composite of several cases to protect the privacy of these families
- ² Paul Sachdev, "Adoption Reunion and After: A Study of the Search Process and Experience of Adoptees," CW 71 (Jan-Feb 1992): 53-68.
- ³ *ALMA Society v. Mellon* (601 F2d 1225, 2nd Cir, 1979) held that there was no fundamental constitutional right to learn the identities of one's birth parents
- ⁴ WS §§1-22-201 to 1-22-203
- ⁵ WS§1-22-104(d)
- ⁶ WS§1-22-202
- ⁷ WS§1-22-201 (a)(viii); Adoption Intermediary Commission Rules of Procedure Chapter 2, Standards for Training §§3,4,5,6
- ⁸ WS§1-22-203(a)(1),(c)
- ⁹ WS§1-22-203(d)
- ¹⁰ WS§1-22-203(b)
- ¹¹ WS§1-22-203(d)
- ¹² Op. cit., Paul Sachdev
- ¹³ E. Wayne Carp, Family Matters: Secrecy and Disclosure in the History of Adoption, Harvard University Press, 1998, 70.

Affidavit on Indigency and Waiver of Court Fees in Civil Matters

- (a) In lieu of paying or giving security for costs of court, a party who is unable to afford costs, and who requests those costs be waived, must file an affidavit as herein described. A "party who is unable to afford costs" is defined as a person who is presently receiving a governmental entitlement based on indigency or any other person who has no ability to pay costs.
- (b) Upon the filing of the affidavit, the clerk shall docket the action, issue citation and provide such other customary services as are provided any party.
- (c) The affidavit shall contain complete information as to the parties identity, nature and amount of governmental entitlement income, nature and amount of employment income (interest, dividends, etc.), spouse's income if available to the party, property owned (excluding homestead), cash and checking accounts, dependants, debts, and monthly expenses. The affidavit shall also contain a sworn statement that the filer is unable to pay the court costs and shall verify the statement in the affidavit are true and correct and shall be sworn before a notary public or other officer authorized to administer oaths.
- (d) If the party is represented by an attorney who is providing free legal services, without contingency, through a qualified legal service provider ("QLSP"), or an attorney working in conjunction with a QLSP, the attorney may file a certificate confirming that the QLSP screened the party for income eligibility under the Wyoming Civil Legal Services Act, Wyo. Stat. 5-2-121 et. seq. and the party's income is below 125% of the federal poverty guidelines. A party's affidavit of inability to pay costs accompanied by an attorney's QLSP certificate may not be contested.
- (e) An individual who is not represented by a QLSP or an attorney working in conjunction with a QLSP shall be determined to be indigent within the meaning of this rule if such person, on the basis of the information presented establishes that:
 - i. he or she is currently receiving a government entitlement based on indigency; or
 - ii. his or her household income is at or below 125% of poverty; or
 - iii. his or her household income is above 125% of the federal poverty guideline and the applicant has recurring basic living expenses that render him or her without the financial ability to pay the filing fees and other fees or surcharges for which a request for waiver is made; or
 - iv. other compelling circumstances exist that demonstrate an applicant's inability to pay fees in the action.
- (f) Any party to the action or the clerk of court may contest an affidavit that is not accompanied by a QLSP certificate by filing a written contest giving notice to all parties. A party's affidavit of inability to pay costs that attests to receipt of government entitlement based on indigency may be contested only with respect to the veracity of the attestation. Temporary hearings will not be continued pending the filing of the contest. If a contest is filed and the court finds at the first regular hearing in the action that the party is able to afford costs, the party must pay the costs of the action. Except with leave of court, no further steps in the action will be taken by a party who is found able to afford costs until payment is made. If the party's action results in monetary award, and the court finds evidence that the monetary award is sufficient to reimburse costs, the party may be ordered to pay the costs of the action. If the court finds that another party to the



suit can pay the costs of the action, the other party may be ordered to pay the costs of the action.

- (g) A "governmental entitlement based on indigency" shall include:
 - i. Federal Temporary Assistance for Needy Families (TANF);
 - ii. Federal Supplemental Security Income (SSI);
 - iii. Supplemental Nutrition Assistance Program (SNAP);
- (h) Court Administration for the Wyoming Supreme Court shall approve and maintain a list of "qualified legal service providers" ("QLSP"). To become a QLSP for the purpose of this rule, an organization must meet these five criteria:
 - i. Must be a not-for-profit legal services organization, a clinical law program as defined by Rule 9 of the Rules Governing the Wyoming State Bar and the Authorized Practice of Laws, or a formal pro bono program whose primary purpose is to provide legal services to low-income clients;
 - ii. Must have a client financial screening mechanism in place to ensure clients are low-income under the guidelines established by the Wyoming Civil Legal Services Act, Wyo. Stat. 5-2-121 et. seq. and the financial eligibility guidelines established by the Wyoming Center for Legal Aid Board of Commissioners;
 - iii. Must provide malpractice insurance for staff and volunteers; and
 - iv. Must be in Wyoming or predominately serve Wyoming residents.
- (i) Nothing herein will prejudice any existing right to recover attorney's fees, expenses or costs from any other party.

QLSP CERTIFICATE

I hereby certify that I am representing _____ and providing free legal services, without contingency, because of the party's indigency. I am providing the services directly from a qualified legal service provider, _____.

My client in this cause was screened for income eligibility under the QLSP's income guidelines, and was found to be eligible for services under these guidelines and have income less than 125% of the federal poverty guidelines.

This Certificate is furnished pursuant to Rule _____.

Respectfully submitted,

By: _____

Attorney

Attorney for _____

Wyoming Bar No. _____

What About After The Interview?

Should my child receive counseling?

Yes. Even very supportive and encouraging parents may find their child is uncomfortable discussing the abuse because of shame or guilt. Children also dislike seeing their parents upset or angry, therefore they may try to protect their parents by not telling them about the abuse. Children may interpret a parent's negative emotion with the situation as negative feelings toward them. Reassure your child that you are not upset with them, rather that you are upset with the situation. For the above reasons, it is important that you give your child the opportunity to speak with a professional counselor. Children need an opportunity to express their emotions and reactions to the abuse with a third party who will be able to help him/her process their feelings. Mental health therapists can apply their special training and experience to help ensure that your child begins the steps toward recovery. CAP even has a group therapy model available for children between the ages of 7 and 17 years of age. Talk with the CAP staff on how your child's needs can be best met.

Will my child need a medical exam?

CAP partners with the Wyoming Medical Center to ensure your child has access to medical providers who have undergone specialized classroom and hands-on training conducting exams for abused children. Completing a medical exam will help your child understand his/her body's healing process and is another step toward his/her recovery.

How much do services cost?

Is there a charge for services at CAP?

All services are free of charge to children and their families who come to CAP for a Forensic Interview. Insurance companies and/or Victim's Compensation may be billed for counseling services, however families are never charged regardless of co-payment fees, lack of insurance, etc.

How is the Children's Advocacy Project funded?

The Children's Advocacy Project is a community response to the broad and devastating impact that child maltreatment has on individuals and on a community. As a non-profit, tax-exempt organization we rely on a variety of funding sources for program and operating support. We are thankful to our funders for supporting the program and the CAP mission.

- City of Casper
- City of Douglas
- City of Lander
- City of Riverton
- Community Action Partnership
- Converse County Commissioners
- Fremont County Commissioners
- John P. Ellbogen Foundation
- Martin Family Foundation
- McHenry Foundation
- National Children's Alliance
- Natrona County Commissioners
- Tonkin Foundation
- Town of Evansville
- Town of Glenrock
- Town of Mills
- United Way of Natrona County
- Wyoming Community Foundation
- Division of Victim's Services



CAP does not discriminate on the basis of race, color, national origin, religion, sex, disability, or age in the delivery of services.

The Forensic Interviewing &

Investigative Process



Children's Advocacy Project

"Where Healing Begins"

625 Madison Ave, Suite 8
(Parking in Back Lower Level)
Riverton, WY 82501

350 North
Casper, Wyoming
307-232-0100

www.childrensadvocacyproject.org

www.facebook.com/childrensadvocacyproject



What happens at the Children's Advocacy Project?

The Children's Advocacy Project (CAP) is a child-friendly interview center in Casper and Riverton, WY. Children of all ages come to CAP to speak with specially trained interviewers about allegations of child abuse. The CAP process involves a team of professionals from multiple agencies, including: Law Enforcement, Department of Family Services, Mental Health, Child Advocates, Medical Professionals and Prosecuting Attorney's.

Four Purposes for Conducting a Forensic Interview

1. **To minimize the trauma for the child—**By participating in a recorded interview with a skilled professional, the likelihood of your child being re-interviewed is greatly reduced.
2. **To maximize the information gathered from the child about the event(s)—**Interviewers are trained to interview children at the appropriate developmental level and at a comfortable pace to let the child tell as much as they can about the event.
3. **To minimize the contamination of the interview for use in a potential trial—**The interviewer uses questions that gather factual information and avoids questions that may lead or influence a child's memory of the event
4. **To maintain the child's integrity—**It is the intent of the interviewer to put the child at ease and, if a disclosure is made, to help the child feel empowered with their decision to tell.

Common Asked Questions from Parents and Caregivers

Why is my child being interviewed?

Once a report of sexual or physical abuse has been made, law enforcement or the Dept. of Family Services investigators may request a forensic interview. Investigators may also choose to have children interviewed who may be witnesses to child abuse, maltreatment or another crime.

What do I tell my child about coming to CAP?

It is best to answer a child's questions simply and honestly while taking care not to discuss details about the abusive event prior to the interview. You might tell your child, "You and I are going to the Children's Advocacy Project. It is a special place where kids go to talk. The person you will be talking to has talked to a lot of kids about things that have happened to them. You are not in any trouble and it is okay for you to talk to the people at CAP."

Can I accompany my child during the interview or watch the interview?

No. It has been our experience that children are reluctant to talk about what has happened in front of their parents. The child may be afraid of getting in trouble for doing something wrong or may leave things out to avoid upsetting you further. Also, parents can compromise the investigation by answering for their children or giving nonverbal reactions. A comfortable waiting room is provided for parents and other family members. Every effort is made to ensure you and your child are comfortable before the interview starts.

How long will the interview take?

The length of the interview is determined by the needs of the child. Depending upon the child's age and development, the average interview may take between 1 1/2—2 hours.

What will happen after the interview?

After the interview, investigators will meet with you to discuss the interview in general terms and the next steps, if any, in the investigation. A mental health professional will be available to address any concerns you may have about the immediate or long term impact of the event.

Who decides if the case will go to court?

When the team is finished with their investigation they will send the reports to the District or County Attorney's Office. The District or County Attorney will decide whether or not to prosecute. Prosecuting is not a decision made by the child or parent. Your child may have to go to court to testify. If this happens someone will meet with your child to help them prepare.

Can I talk to my child about what happened after the interview?

No, not unless your child brings the subject up and wants to talk to you about it. In that case, listen to your child without commenting or questioning. Be sure to reassure your child that he/she will be all right.

Parents are an important part of the investigative team. Ask questions and support your child's decision to tell.

2013

Annual

Summary



Children's
Advocacy Project





There Are Superheroes Among Us.

While this report reflects the total number of services and children served at CAP, it is vitally important to remember that each number reflects a child and how their life has potentially been impacted forever.

This report is dedicated to the thousands of children who have received services at the Children's Advocacy Project, Inc.

"Those who say that we're in a time when there are no heroes, they just don't know where to look."

Ronald Reagan

Safety—Healing—Justice

Children's Advocacy Project (CAP) is a private, nonprofit program dedicated to ensuring child victims of crime have access to quality services.

CAP Mission

The Children's Advocacy Project is a team of committed agencies and individuals who work together to provide coordinated forensic and comprehensive services for alleged victims of child abuse and neglect in order to minimize trauma to children, to break the cycle of abuse and to foster a more effective and efficient community response to child maltreatment.

Protecting & Serving

CAP conducts quality Forensic Interviews, allowing children an opportunity to talk about abusive incidents with someone specially trained in interviewing children.

CAP coordinates teamed child maltreatment investigations between law enforcement and child protection.

CAP helps ensure the child's safety and well being.

CAP provides individual counseling and group support to children and families impacted by child abuse.

CAP follows the investigation from inception through prosecution, making sure all children receive the services they deserve.



*"Considering the situation, the environment at CAP was relaxing and comfortable."
Mother of a 5 Year Old Girl Receiving a Forensic Interview at CAP*

Better Education Equals Better Services

2013 CAP Trainings:

Understanding the Prevalence of Child Abuse

Realizing the Impact on Children, Families and Communities

Preventing Child Sexual Abuse & Protecting Our Children

Recognizing the Signs & Symptoms Related to Abuse

Knowing Why You Have To Report & How To Report

Investigating Child Abuse Allegations & Utilizing A Teamed Approach

Prosecuting Child Abuse Perpetrators



828

**Children & Adults
Were Trained By
CAP Staff on Child
Sexual Abuse in
2013**

**Tough Issues
Can & Need To Be Addressed**

NEW CAP SERVICES IN 2013:

Non-Offending Caregivers Support Group

Child Sexual Abuse Survivor's Group,

Girls Ages 7-12

Child Sexual Abuse Survivor's Group,

Girls 13-17

CAP Satellite Location in Riverton, WY

CAP Case Review in Riverton, WY

CAP Supervisor Meetings in Riverton, WY



"Happiness is not the absence of problems; it's the ability to acknowledge and deal with them."

Steve Maraboli

Follow-Up Care Is Vital To Begin Healing

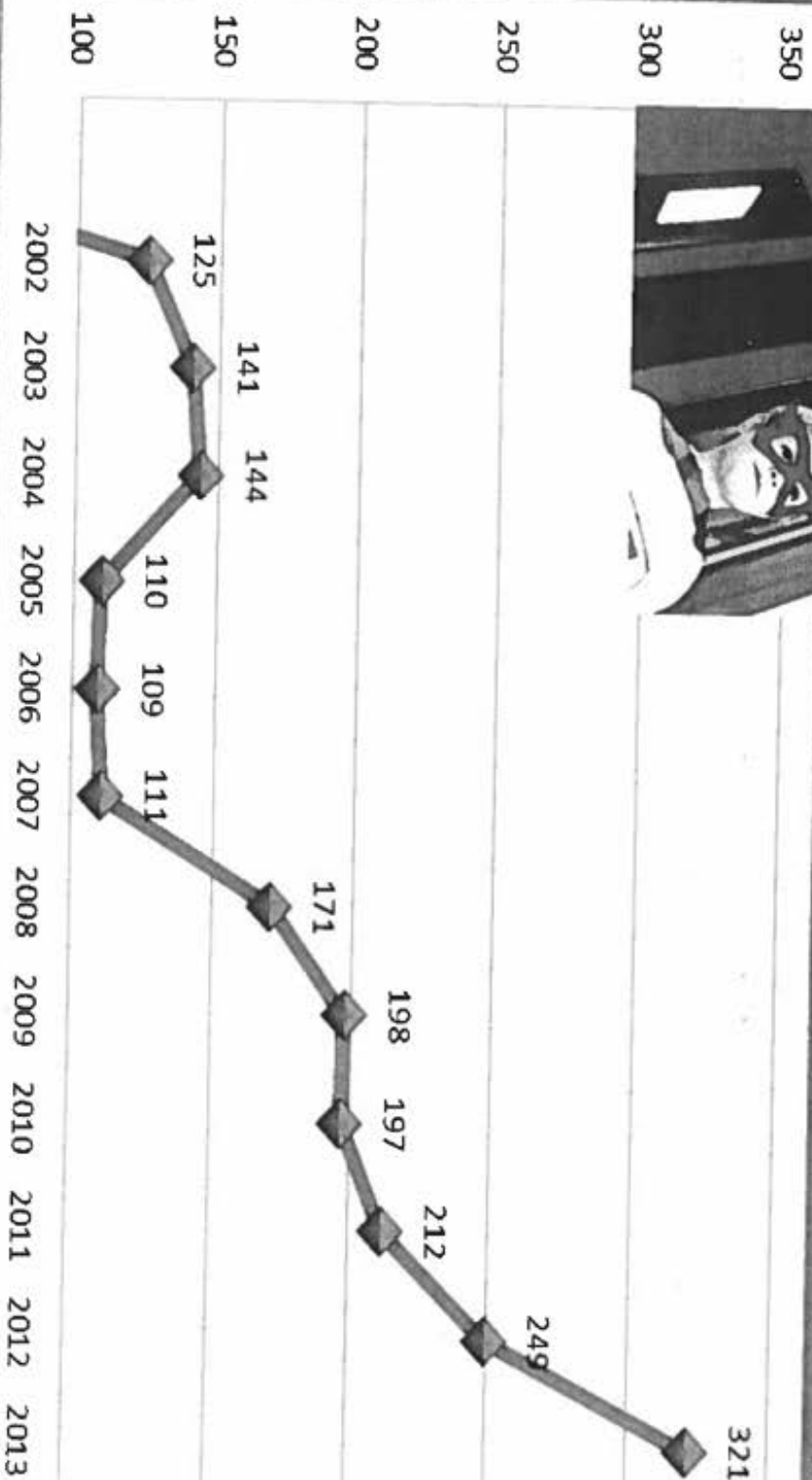
- 144 Children Received Therapeutic Counseling Services
- 267 Individual Counseling Session Conducted
- 16 Girls Group Sessions Conducted for Survivors
- 145 Counseling Referrals Made
- 129 Calls Made To Child's Counselors Regarding Forensic Interview Disclosures
- 218 Follow-Up Support Calls Made To Families



"I was 11 when I was molested. It was like a nuclear explosion going off in my life, destroying my everything."

Robin Quivers

CAP Is The Most Utilized Child Advocacy Center in Wyoming



**189% Increase in CAP Forensic Interviews in the last 6 years.
State Funding Per Child: 2007—\$300; 2013—\$125**

(CAP Provided Services To All Counties In Yellow in 2013)

321

CROOK

WESTON

CONVERSE NIOBRARA



Children's
Advertising Review
Unit

GOSHEN

LARAMIE

*A Multi-Disciplinary Approach to
Child Abuse:*

*Child Focussed Interviewing Techniques
Collaboartive Investigations Between
Agencies
Specialized Services For Working with
Children Who Have Been Victimized
Utilizing Strengths of Team Members
Training & Education Specific to Child
Abuse Allegations, Investigations &
Prosecutions
Increased Effectiveness
Efficient Use of Funds
Stronger Prosecutorial Evidence
More Perpetrators Held Accountable*

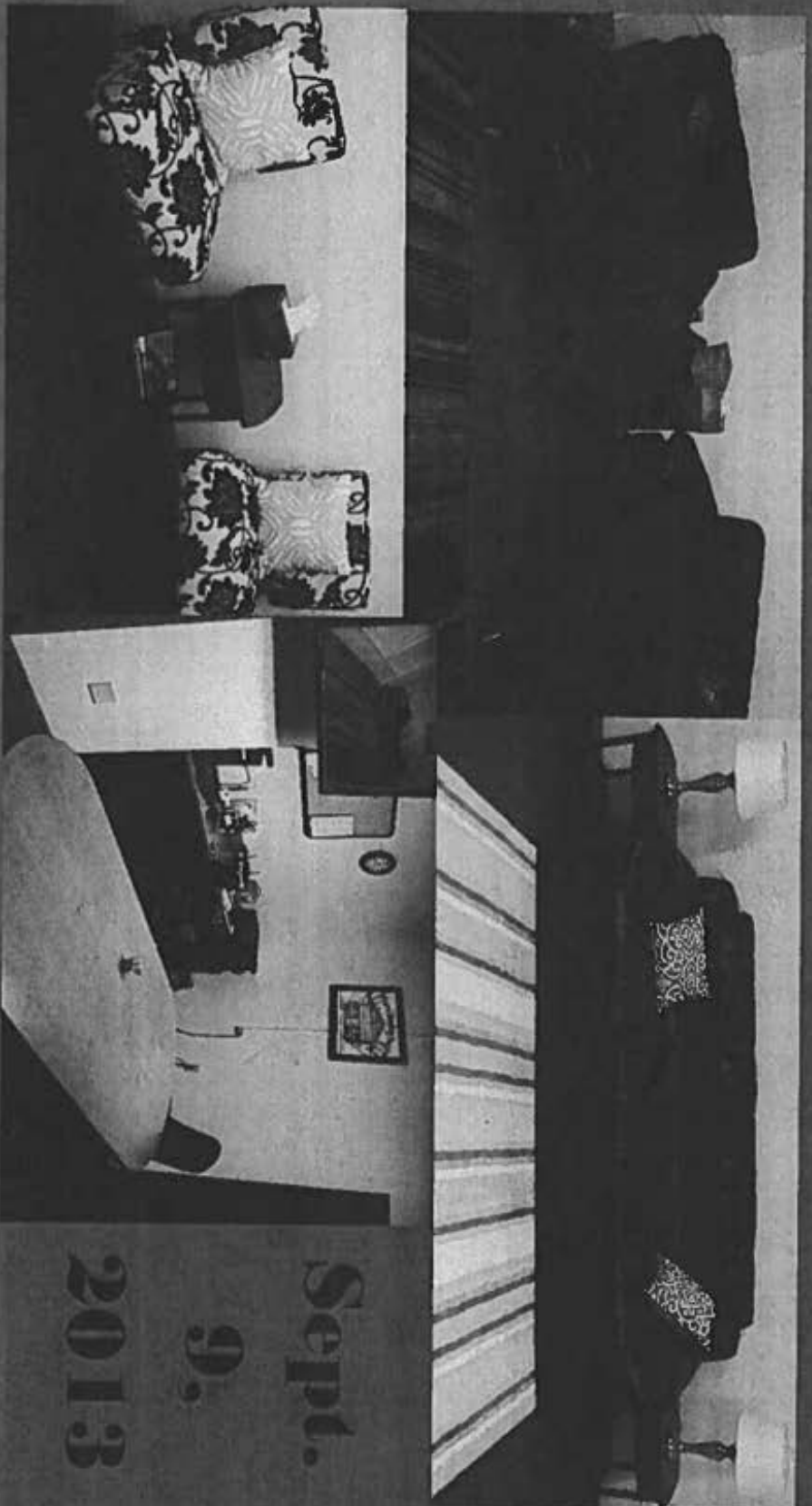
We Are Better Together



43

**Law Enforcement Agencies Received Services
from CAP & CAP Staff**

We Can Meet The Challenges In Front of Us



Wyoming's First & Only Satellite Child Advocacy Center Opened in Riverton, WY.

**Sept.
9,
2013**

The Social & Emotional Impact of Child Abuse in Wyoming

80% of young adults who suffered child abuse or neglect, met criteria for at least one psychiatric disorder by age 21, including depression, anxiety, eating disorders, and suicide attempts.

Judy Cahsmore & Rita Shackel, The Longterm Effects of Child Sexual Abuse

"Everyone was really friendly and nice. I felt welcomed!! Comfortable and they respected our needs."

Parent of a 9 Year Old Boy Receiving a Forensic Interview at CAP

There are four common ways in which sexual abuse affects a child and often causes lingering issues for survivors:
1- Traumatic Sexualization; 2- Stigmatization ; 3- Betrayal; 4- Powerlessness

Research studies indicate that traumatic experiences, such as sexual abuse, impact the brain, flooding synapses with stress hormones produced by the body in response to threatening situations. This can be especially detrimental to young children, whose brains are still developing. Persistent activation of the stress response system can disrupt healthy brain development. Furthermore, alterations in stress-related brain regions can have lifelong effects on a child's coping skills.

Early trauma threatens a child's physical health. Survivors of child sexual abuse are at increased risk for obesity, heart disease, chronic pain, sleep problems, and immune-related disorders. Furthermore, child sexual abuse impacts psychological health, include Post-traumatic Stress Disorder, depression, relationship difficulties, substance abuse, eating disorders, and even suicide attempts.

Urban Child Institute Data Book 2013; www.urbanchildinstitute.org

Female Adults with a History of Child Sexual Abuse Are:

- More than twice as likely to suffer from depression as women who were not sexually abused.
- Three times more likely to develop psychiatric disorders than females who were not sexually abused.

Male Adults with a History of Child Sexual Abuse Are:

- 2.6 times more likely to seek psychological treatment for issues such as substance abuse, suicidal thoughts and attempted suicide.
- Are more likely to victimize others than their non-sexually abused peers.

Adults who were sexually abused as a child are twice as likely to attempt suicide.

Young people who were victims of child abuse and neglect are 25% more likely to experience teen pregnancies, delinquencies, and to suffer mental health problems. They are more likely to perform lower in school, to engage in high-risk sexual behavior, and to use alcohol and illicit drugs.

Judy Cahsmore & Rita Shackel, The Longterm Effects of Child Sexual Abuse

"Many abused children cling to the hope that growing up will bring escape and freedom. But the personality formed in the environment of coercive control is not well adapted to adult life. The survivor is left with fundamental problems in basic trust, autonomy, and initiative. She approaches the task of early adulthood - establishing independence and intimacy - burdened by major impairments in self-care, in cognition and in memory, in identity, and in the capacity to form stable relationships."

Judith Lewis Herman, Trauma and Recovery

The Financial Impact of Child Abuse in Wyoming

- Abused and Neglected children are:
- 11 times more likely to engage in criminal behavior as a teen
 - 2.7 times more likely to be arrested for violent and criminal behavior as an adult
 - 3.1 times more likely to be arrested for one of many forms of violent crime

\$ 428,634,492

Estimated average lifetime cost of child abuse victims
who have been served at CAP since 2002.

\$ 210,012

The estimated average lifetime
cost *per* victim of nonfatal child
maltreatment.

Adolescents With A History of Child Sexual Abuse Are:

- 2 to 3 times more likely to have substance abuse/dependence issues.
- 3 to 5 times more likely to have delinquency issues.
- 2 times more likely to drop out of high school.
- 2 times more likely to commit a property offense as an adult.
- More than 2 times more likely to be arrested for a violent offence as an adult.

\$ I

Average
savings per
when
Child Ad

Child Sexi
• Girls w/1
• Males w

"In a co
investig

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With CA
the tra
faster.

\$1,000

Average amount of

savings *per* investigation

when utilizing a

Child Advocacy Center

Model.

\$ 321,000

Estimated Savings to Wyoming Using CAP in
2013.

\$ 2,041,000

Estimated Savings to Wyoming Using CAP
Since 2002.

Child Sexual Abuse Victims Are More Likely to Become Teen Parents:

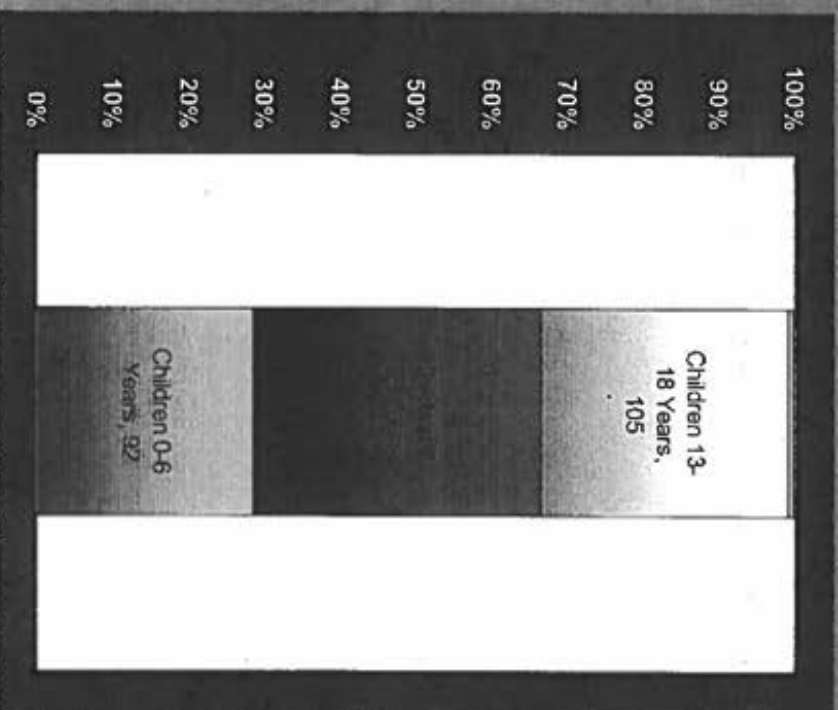
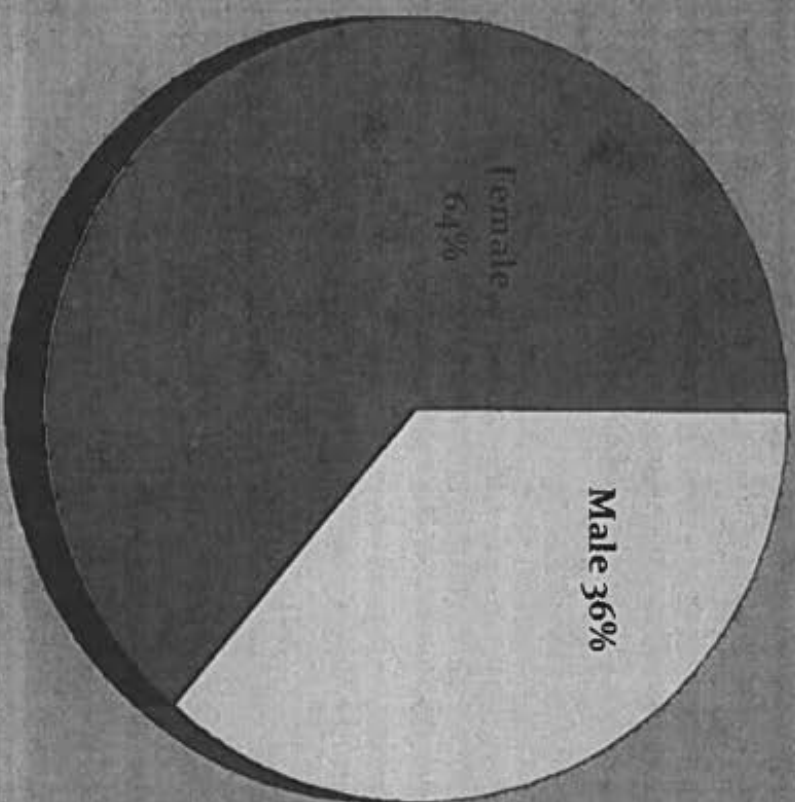
- Girls who are sexually abused are 2.2 times as likely as non-abused peers to become teen mothers.
- Males who are sexually abused are more likely than their non-abused peers to impregnate a teen.

"In a community with a Child Advocacy Center, the return on investment was found to be \$3.32. CAP style investigations were valued at between three and eight times the actual cost of providing the service..."

National Children's Advocacy Center, Cost Benefit Analysis. Amy Shadoin, Suzanne Magnuson, Lynn Overman

With CAP, children enter treatment and counseling more quickly, helping them to process the trauma of the abuse and begin healing. Cases also move to court or other resolution faster. Partner professionals find that a centralized, integrated team means their work is more streamlined, efficient and effective.

**Average Age of a Child Sexual Abuse Victim is 9 Years Old.
The Average Age of a Sexual Perpetrator is 26 Years Old.**

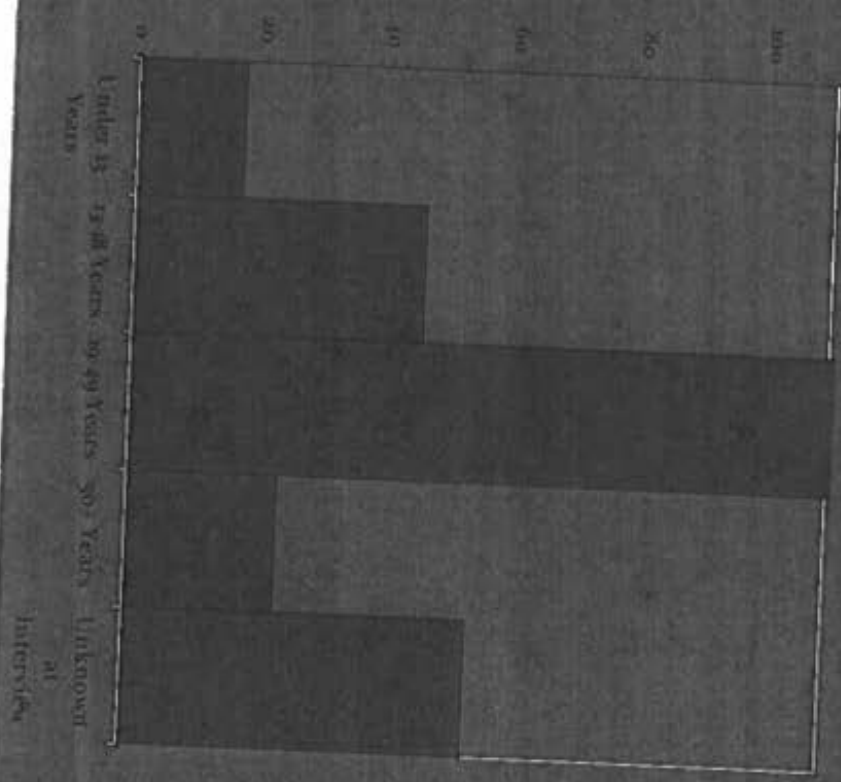
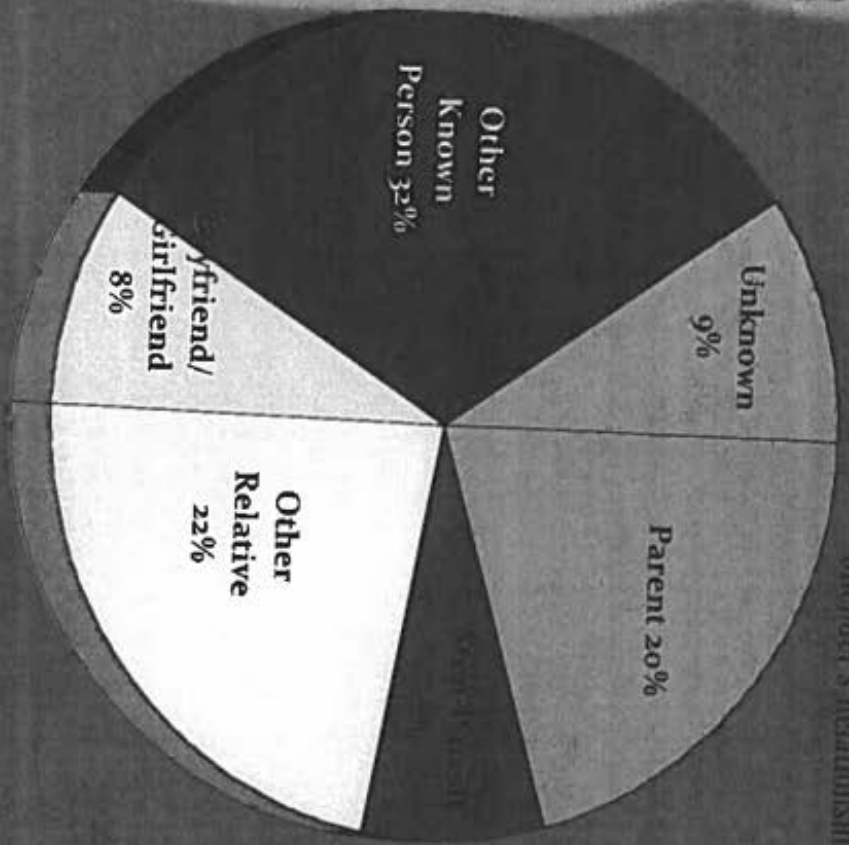


"Great people. It's so nice to know there are places like this out there."

Parent of a 7 Year Old Girl Receiving a Forensic Interview at CAP

Children Are More Likely To Be Abused By Someone They Love

Offender's Relationship to Victim & Offenders Age



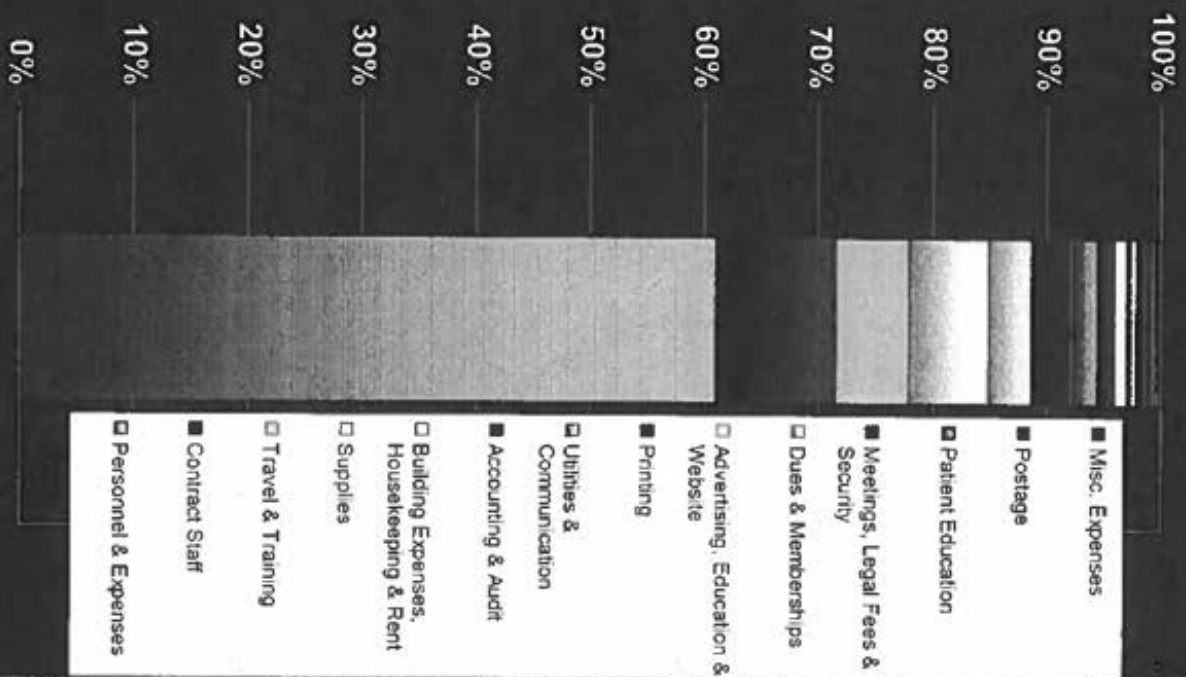
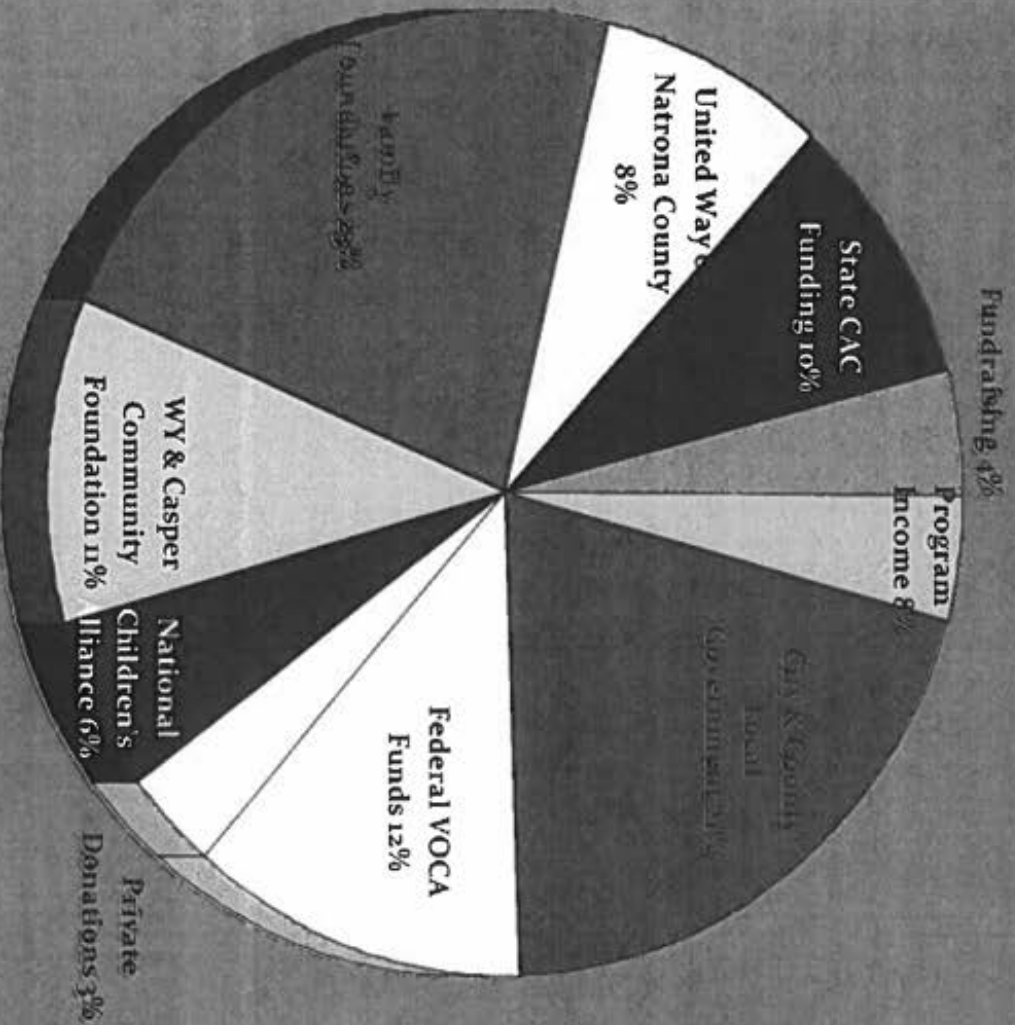
"The sexual abuse and exploitation of children is one of the most vicious crimes conceivable, a violation of mankind's most basic duty to protect the innocent."

James T. Walsh

2013 Children's Advocacy Project

Annual Expenses

Annual Funding



10th Annual Shoot Trap for CAP

CAP, Cabernet, & Calcutta | May 16, 2014

Shoot Trap for CAP | May 17, 2014

Friday evening join us for a fun filled night of entertainment, auction items, and a Calcutta for the shooting teams. Saturday is all about the shoot, grab your shotgun, or borrow one of ours for a fun outdoor event.

CAP, Cabernet, & Calcutta

Happy Hour, Hors D'oeuvres, Auction,
& Calcutta to bet on your favorite
shooting team.

Shoot Trap for CAP
5 Member Teams

Rec League Novice Shooters (25 pigeons) \$150
Youth & Law Enforcement (99 pigeons) \$250
Heavy Hitters League (99 pigeons) \$500

In 2013, the 9th Annual Shoot Trap for CAP, Cabernet & Calcutta.

32 trap shooting teams came together to raise over \$50,000 for CAP services!

A special thanks to the CAP Development Committee Members
& the Rocky Mountain Gun Club!

*To each individual, business or group, please accept our sincerest gratitude
for your part in supporting CAP's Mission.*

Friend: \$200.00-\$499.99

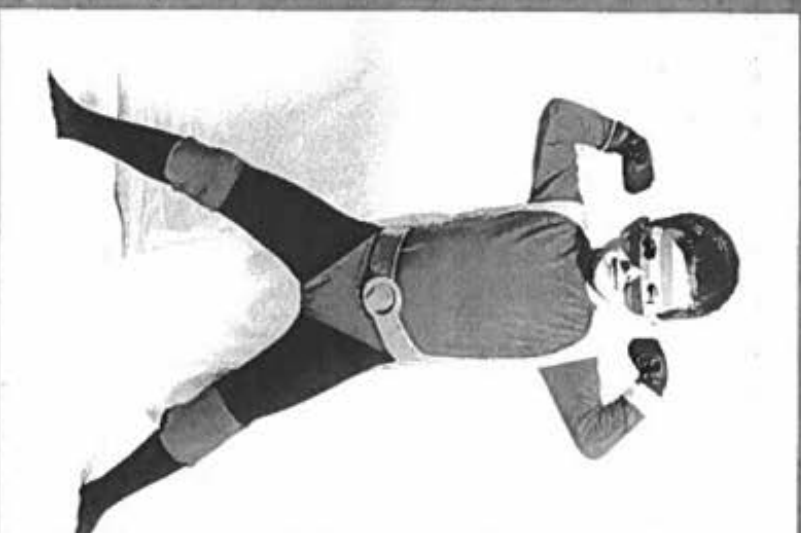
ALM Corp.
Anthony Apollini
Atlas Office Products
Brian & Patti Christensen
Chad & Leah Schieck
Computer Logic
Dr. Bennion
Dr. Ken Morse, P.C.
FabTech
First Interstate Bank
Fischer Body Shop
Fractanks By Bryson, Inc.
Graybar
Greiner Schmidt Ford
Crazy Rainbow Fly Fishing & Wing
Shooting
Hilltop Family Dental
Hilltop National Bank
Homax Oil
Home Depot
Jason & Heather Lloyd

Advocate \$500.00-\$999.00

Angel Companions, PC & C
BICO Drilling Tools
Flanigan's Furniture Warehouse
Hart Painting & Home Repair

Jeff & Lesa Bennet
Kids Works, LLC
Lori Hicks, LPC
Mogen Agency, Inc.
Natrona County Farm & Ranch
Bureau
Northwestern Mutual
Pepsi Cola of Casper
Platte River FOP Trap Team
Richard & Dorothy Reiman
Rod Hill, DDS
Ryan and Krystle McIntyre
Shut Your Trap Trap Team
SNS Outfitters
Source Equipment
Thomas & Connie Reeder
Tuboscope
Western Distributing
Windy City Dental
Windy Point Puppies
Wyoming Power Wash
Wyoming Recycling

Intern'l Brotherhood Electric Workers
Jason & Kristi DePooter
Justice League Trap Team
King Trap Team
Knife River
Lovelett, Skogen & Associates, P.C.



Peak Assets Managers
Power Service
SNS Outfitter & Guide Service
The Right to Trap Trap Team
Tim & Mary Kugler
TT Welding

Patron:

ANB
America
Atlantic
Convers
Dymond
Eastgate
Emily R.
Foss Mo
Fremont
Greg & I
Premier
Ellbogen
Communit
Martin P



Patron: \$1,000-\$10,000

ANB

American Petroleum Institute
Atlantic Electric
Converse County Commissioners
Dynamid Resources
Eastgate Travel Plaza
Emily Rankin, Spence Law Firm
Foss Motors
Freeman County Commissioners
Greg & Cari Rotherhoefer

Premier: \$11,000 & Above

Elbogen Foundation
Community Action Partnership
Martin Family Foundation

Intermountain Pipe & Threading

Johnson Restaurant Group
Keith & Suzanne Garhick
Modern Electric
Odeba
Robbie & Maria Luna
JCF Services
Tate Foundation
Tebbits
Tummy Toes
Toskin Foundation

National Children's Alliance
City of Casper
Natrona County Commissioners
McMurry Foundation

Town of Evansville

Town of Glenrock
Town of Mills
Town of Lander
Town of Riverton
Wells Fargo Bank
Whites Mountain Motor
Wyo Central Federal Credit Union
Wyoming Behavioral Institute
Wyoming Casing
XI Hardbanding

United Way Foundation
Wyoming Community Foundation
Division of Victims Services

Be A Superhero Support Children in Our Community



Children's Advocacy Project, Inc.

If you would like to make a
donation or if you have questions
about our services,
please contact us at:

350 North Ash
Casper, Wyoming 82601
(307) 232-0159

www.childensadvocacyproject.org
www.facebook.com/childensadvocacyproject

JOHN P. ELBOGEN
FOUNDATION



Martin Family
Foundation



United Way



McMurtry Foundation

**RULES GOVERNING THE ORGANIZATION
OF THE
DISTRICT JUDGES' CONFERENCE**

TABLE OF CONTENTS

STATEMENT OF AUTHORITY

Rule No.

- 101. Definitions
- 102. Judicial Conference of the District Court
- 103. Election and Duties of the Chair
- 104. Election and Duties of the Vice Chair
- 105. Election and Duties of the Secretary/Treasurer
- 106. Meetings
- 107. Agenda Items
- 108. Committees and Advisory Panels
- 109. Effective Date



Statement of Authority

These rules are promulgated pursuant to:

- W.S. §9-2-1002(c) ...procedures affecting the administration of the judiciary shall be determined by the judges of their respective courts....
- W.S. § 5-3-102(b) The district courts shall be free of administrative and fiscal control by the supreme court. There shall be a judicial conference comprised of all district judges which shall meet no less than twice per year. The conference shall coordinate improvement efforts with the judicial administrative conference and shall report to the joint judiciary interim committee of such efforts annually on or before November 1. The conference shall adopt rules governing the organization and procedures of the conference which shall be published in the court rules volume of the Wyoming statutes. The conference shall adopt rules, which shall be binding on all the district judges, governing the administration of the district courts to include, without limitation, personnel, fiscal and budgetary policy except technology which shall be done to provide an integrated statewide system in accordance with the efforts of the judicial technology task force. The judicial conference shall also adopt suitable rules to provide the division of the work between the judges in multi judge districts. The judicial conference shall keep minutes of all meetings which, along with all rules adopted by the conference, shall be filed with the supreme court and be made available to the public.
- Wyoming Constitution
Article 5, §1 The judicial power of the state shall be vested in the senate, sitting as a court of impeachment, in a supreme court, district courts, and such subordinate courts as the legislature may, by general law, establish and ordain from time to time.
- Wyoming Constitution
Article 5, §2 The supreme court shall have general appellate jurisdiction, co-extensive within the state, in both civil and criminal causes, and shall have a general superintending control over all inferior courts, under such rules and regulations as may be prescribed by law.

Rule 101. Definitions.

- (a) "District Judges' Conference" means the body comprising all of the judges of the various district courts.
- (b) "Chair" means the district judge elected to preside over the judicial conference.
- (c) "Member" means a current district judge.

Rule 102. District Judges' Conference.

- (a) Pursuant to W.S.A §5-3-102(b), the organization consisting of all current, Wyoming district court judges shall be known as the "Wyoming District Judges' Conference."
- (b) The Chair of the Conference shall call meetings of the Conference at least two times per year, in April on a date set by the Chair and during the week of the annual Wyoming State Bar meeting in September. All meeting dates for the upcoming year will be announced at the September meeting.
- (c) Officers of the Conference shall consist of a: Chair; Vice Chair; and Secretary/Treasurer, who shall serve for a term of one year (from the election in September until new officers are elected in September the following year).
- (d) Each member of the Conference should attend all meetings called by the Chair.
- (e) Members unable to attend meetings may vote on any agenda item by offering their vote, in writing, by email or letter, to the Secretary prior to the meeting.
- (f) The Conference shall act by majority vote of a quorum of the members.

Rule 103. Election and Duties of the Chair

- (a) At the September meeting the Conference shall designate by majority vote one of its members to act as Chair whose term shall commence after the close of the meeting.
- (b) The Chair is the designated spokesperson for the Conference.
- (c) The Chair shall prepare and submit an annual report to the

Conference at the September meeting in a form suitable for submission to the State joint judiciary interim committee. Once approved by the Conference, the Chair shall submit said report to the Joint Judiciary Interim Committee on or before November 1 of each year.

- (d) The Chair shall prepare and distribute an agenda to the members of the Conference at least 14 days prior to any regular meeting, and as soon as possible prior to any other meeting.
- (e) At the written request of any member prior to any meeting, the Chair shall add items to the agenda, and shall, if feasible, provide written notice of the addition to the members of the Conference before the meeting.
- (f) The Chair shall have the authority to do any act necessary to effectuate an act of the Conference.

Rule 104. Election and Duties of the Vice Chair.

- (a) At the September meeting the Conference shall designate by majority vote one of its members to act as Vice Chair for the next succeeding term.
- (b) The Vice Chair shall act as presiding officer in the absence of the Chair and shall assist the Chair upon request.

Rule 105. Election and Duties of the Secretary/Treasurer.

- (a) At the September meeting the Conference shall designate by majority vote one of its members to act as secretary/treasurer for the next succeeding term.
- (b) The secretary/treasurer shall keep minutes of Conference proceedings pursuant to W.S.A. §5-3-102(b) and file same with the Supreme Court and shall assist in the preparation of the annual report.
- (c) The secretary/treasurer shall collect any annual dues and shall keep a record of the finances of the Conference.

Rule 106. Meetings.

- (a) Regular meetings will be held in April on a date set by the Chair and during the week of the State Bar meeting in September each year.
- (b) Special meetings may be called by the Chair upon three day's notice, given by telephone, e-mail, fax, or in person.

- (c) Actual travel expenses for any District Judge attending meetings shall be reimbursed at a rate to be established by the B.J.P.A.
- (d) **QUORUM** – At any meeting, a quorum for the transaction of business shall consist of eleven judges. A vote by a majority of judges present at a meeting where a quorum is present shall constitute the binding act of the Conference.

Rule 107. Agenda Items.

- (a) The agenda for any meeting may include, but is not limited to:
 - (1) uniformity of practice and procedure;
 - (2) means to facilitate cooperation among all courts;
 - (3) education.

Rule 108. Committees and Advisory Panels.

- (a) *Budget Review Committee.* There shall be a standing Budget Review Committee consisting of the Chair, the immediate past Chair, and the Vice Chair. The Budget Review Committee shall review each district court judge's budget request and present those requests to the Joint Judiciary Interim Committee and the Joint Appropriations Committee of the Wyoming Legislature, with the Committee's recommendations.
- (b) The Conference, or the Chair, may establish committees from time to time as deemed appropriate. The Chair shall appoint members to such committees.
- (c) The Conference may, for the purpose of carrying out its functions and duties pursuant to W.S.A. §5-3-102(b), establish advisory panels consisting of members, members of the bar, members of the public, or any combination thereof. Such panels shall be established to provide expertise and assistance in specific areas, as the Conference deems necessary.

Rule 109. Effective Date.

These rules, any part thereof, or any future amendment thereto shall become effective upon majority vote of the judges present at a meeting where a quorum

is present and which meeting is called for the purpose of considering these rules of amendments.

District Judges' Conference rules were legislatively required 7-1-00.

The first written rules were unanimously adopted April 27, 2001 at a meeting in Thermopolis.

Rule 110. B.J.P.A. and Commission on Judicial Conduct and Ethics Terms

Commission on Judicial Conduct and Ethics. Two members of the Conference shall serve on the Commission on Judicial Conduct and Ethics. The terms of the members shall be three years and shall be staggered. Election of representatives to the Commission shall be on an as needed basis. A member of the Conference shall serve no more than two consecutive terms.

The Conference has determined for the time being to participate in the BJPA and therefore, three members of the Conference shall serve on the Board of Judicial Policy and Administration (BJPA). The terms of the members shall be for three years and shall be staggered so that a member of the Conference is elected to the BJPA each year at the April meeting of the Conference. A member of the Conference shall not serve more than two consecutive terms on the BJPA.

Proposed Amendments to Rules 12-12-14

Rule 106 (d) *Quorum* – At any meeting, a quorum for the transaction of business shall consist of ^{not more than 12} ~~twelve~~ judges. A vote by a majority of the judges present at a meeting where a quorum is present shall constitute the binding act of the Conference.

Rule 108. **Committees and Advisory Panels.**

(e) There shall be a standing docket review committee consisting of the President, Vice-President, and immediate Past President. The docket review committee may assist each judge's internal management by reviewing docket and making recommendations.

Rule 111. **Personnel.**

- (a) All District Court personnel are at-will employees.
- (b) Judicial Assistants receive vacation/sick leave in the same manner as executive branch state employees.
- (c) Each Judge may hire a law clerk for a term determined appropriate by the Judge. Law clerks serve at-will. Law clerks may receive vacation/sick leave as approved by the Judge, but shall not receive compensation for any unused vacation or sick leave.
- (d) Court reporters.
 - (1) Official Court Reporters serve at-will and receive vacation/sick leave as determined by the Judge.
 - (2) Official Court Reporters shall not receive compensation for any unused vacation or sick leave.
 - (3) Official Court Reporters shall not perform any free-lance work.
 - (4) Each Judge may require his or her Court Reporter to provide real-time. The Reporter shall provide the equipment and software necessary for real-time, unless the Judge determines that the Court's budget can provide equipment and software. Court Reporters who become certified in real-time receive a 10% pay increase.

Rule 112. **Budgets.**

Each Judge is responsible for management of his/her own Court's budget. Each Judge must annually submit his/her Court's proposed budget to the Budget Review Committee one month before the judicial branch submits their budgets to the legislature. Each Judge is responsible for appropriate management and use of funds in his/her Court's budget.

Rule. 113. Dockets.

- (a) It is the goal for each District Court to comply with the Model Time Standards for State Trial Courts as published by the N.C.S.C.
- (b) Each Judge is responsible for scheduling and management of his/her own workload and for assuring that work is timely completed. Each Judge is responsible for implementation of improvements in case-flow management.
- (c) Each Judge shall conduct docket reviews of his/her Court's docket at least twice annually.
- (d) In each District, the Judges shall adopt a case assignment system which assigns cases randomly or by type in a manner which balances the Judge's workloads. The case assignment system for each district shall be reported to the Docket Review Committee. The Committee may recommend a particular plan if any question arises.
- (e) Any reports, data or communications within a particular court or with the Docket Review Committee are confidential internal working matters, to be used for the improvement of the Court, ~~and not to be released to the public.~~ JF