

**Legal Ethics:
Case Problems for Social Services Attorneys**

1. You are the staff attorney for the county social services department. Approximately one year ago, the department received a report that a juvenile, Jane Doe, had been neglected by her mother. The department substantiated the child's neglect. The child was placed with the child's maternal grandmother with the mother's consent. No juvenile petition was filed. The mother "vanished" a couple of months ago (the grandmother says that mom is probably living somewhere in South Carolina with her new boyfriend and is doing drugs again). The director wants you to (a) draft a juvenile petition alleging that the child is neglected or dependent and requesting that the juvenile court place the child in the grandmother's legal custody, or (b) assist the grandmother in filing a civil action seeking legal custody of the child.

(a) Do the Revised Rules of Professional Conduct require, allow, or not allow you to draft a juvenile petition and represent the department in a juvenile AND proceeding in this matter?

(b) Do the Revised Rules of Professional Conduct allow you to provide legal assistance to the child's grandmother in connection with a civil child custody or adoption proceeding? If not, why not? If so, under what circumstances?

2. You are the staff attorney for the county social services department. You're attending the social services attorneys' summer conference in Atlantic Beach. It is 4:00 pm on Friday. You get a phone call from the child protective services supervisor. She says that there's been an emergency that requires the immediate filing of a juvenile petition and request for a nonsecure custody order. She wants to know whether she can use one of the petitions from one of your pending cases as a "template" to draft the petition in this case and then sign the petition for you in your absence.

What would you tell her?

3. You are the staff attorney for the county social services department. Sue Smith is a paralegal who is employed by the county social services department and works with you in juvenile proceedings. Sue tells you that when she was on her way to court this morning, she overheard the parent in one of your cases talking with her attorney in the hallway outside the courtroom and that the parent told her attorney: "Yeah, I was really messed up that night and I shook the baby to stop her from crying, but I didn't mean to hurt her." Sue also tells you that she paused for a few seconds to see what else she could hear.

Is it ethical for you to use this information in any way in connection with the pending proceeding? If not, why not? If so, under what circumstances and in what manner?

4. You are the staff attorney for the county social services department and represent the department in a pending juvenile proceeding. The judge tells you to draft an order finding the child abused and neglected in accordance with the evidence presented by the department and placing the child in the custody of the department in accordance with the reports and recommendations of the department and the GAL. The dispositional hearing was completed 28 days ago. You have just finished drafting the order.

Do the Revised Rules of Professional Conduct require you to send a copy of the order to the parents' attorneys and the GAL or attorney advocate before you ask the judge to sign the order?

5. You are a partner in a law firm. For a number of years, you have been retained to represent the county social services department in juvenile proceedings. Last week, you filed a juvenile petition alleging that Jane Doe abused her two children. This week, the district attorney's office charged Jane with criminal child abuse. One of your law partners has been retained to represent Jane in the criminal proceeding.

(a) Can you represent the department in the juvenile proceeding involving Jane's children?

(b) Can your law partner represent Jane in the criminal proceeding?

6. You represent the child support enforcement agency. John Doe owes more than \$10,000 in child support arrearages, all of which accrued before July 1, 1998. The agency just determined that Mr. Doe owns a \$5,000 certificate of deposit with a local bank and that he owns a boat that has a fair market value of \$25,000. The agency wants you to file a lien against the CD and boat or take whatever legal action may be necessary to collect the arrearage.

What would you do (remembering that the statute of limitations for enforcing child support arrearages is ten years from the date the arrearage accrued)?