

LEGAL ETHICS



MILLIE'S QUEST TO RETURN HOME

- You have been appointed as GAL for Millie a 16-year-old female who was removed from her home as a result of her single mother's continued drug use within the home while Millie was present. Millie has not engaged in the use of marijuana or methamphetamine, although she has had plenty of opportunity to do so over the preceding months.

MILLIE'S QUEST TO RETURN HOME

- Over the past nine months while Millie has been in foster care, she has reached the conclusion it is time for her to “come out.” The problem? Millie’s mother has been extremely successful in treatment and all involved recommend the court approve returning Millie home. Mom knows about Millie’s sexual orientation and advises you she will not allow Millie back in the home if Millie openly discloses her sexual orientation. Millie desperately wants to return home.
- At the permanency hearing, what do you tell the judge?

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AMY'S DILEMMA

- You are the GAL for a pair of siblings, Amy and Billy. Amy and Billy were placed in a foster home and have been there for some time. The current permanency plan is to reintegrate the children with their parents.
- You receive a handwritten letter from Amy saying that she doesn’t want to move home. She wants to stay in the foster home, because she knows that if she goes home, she will be abused and her brother, Billy, will also be abused by their parents.
- She further discloses that Billy has abused her both in the foster home and back at their parents’ home before they were in state custody.
- She asks you, as her GAL, to intervene so that she is not sent home. She further asks that you intervene to keep her from having to reside with Billy anymore.

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AMY'S DILEMMA

- Can you continue to be the GAL for either Amy, Billy, or both of them?
- Depending on your answer to question one, what is your responsibility to Amy and/or Billy in response to Amy's allegations?

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WHAT'S IN A NAME?

- On the docket today is a permanency hearing for Crystal. Crystal is a 16-year-old Latina transgender girl and has been in care for approximately a year. In preparing for court, you review the agency's permanency hearing report and note that the worker refers to Crystal by her legal name, Cameron, throughout the report.
- In the section regarding current placement, the agency says there are no homes available that will accept Crystal and she is currently placed in a shelter. At the shelter, Crystal sleeps in a separate room from all of the other youth.

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WHAT'S IN A NAME?

- The permanency plan for Crystal is listed as Another Planned Permanent Living Arrangement (APPLA).
- At the hearing, the prosecutor refers to Crystal as “Cameron” and “him.” Crystal’s GAL objects and asks the court to direct parties to use Crystal and female pronouns when referring to the youth. The prosecutor responds that Cameron is Crystal’s legal name and she is required to use that name since it has not been changed.

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WHAT'S IN A NAME?

- What questions would you have for the workers, if you were the judge? What questions would you have if you were the GAL assigned to Crystal?
- If you were the judge, what would you do in this case? What about if you were the GAL assigned to Crystal?

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MARTA AND THE OLDER BOYFRIEND

- 16-year-old Marta has a permanency hearing coming up. She mentions to her caseworker that her boyfriend, Eddie, wants to drive her to the court date. The caseworker asks the foster family about Eddie and they say “Yeah, he seems okay. He does not go to her school but they met online in a teen chat room. We have met him and he seems real polite and he has followed our dating rules”. The caseworker does not arrange transportation. Eddie shows up with Marta at the court appearance and he looks to be in his early 20s.

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MARTA AND THE OLDER BOYFRIEND

- If Marta wants Eddie in the court room, should she be allowed to have a support person there?
- If you are the GAL, what if anything do you say to Marta about Eddie and do you talk to Eddie about anything?
- If you are the case manager, what do you say to Marta, Eddie, and the foster parents?
- Should the judge say anything about or to Eddie?

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THE CONTROVERSIAL MEETING

- Adam and Steve have been foster parents for 12 years. They have had close to 30 children cared for in their home.
- Currently they have two siblings in their home- George, 14 years old, and his sister Kelly, 10 years old. They both love Adam and Steve, are very happy, and have been well taken care of for the past nine months.
- Adam and Steve live in rural Kansas in a town with a population of 12,000. Adam is a successful banker and Steve is disabled and stays at home. Recently, Adam and Steve have decided to organize a LGBT support group that would include the local high school. The meeting is held at Adam and Steve's residence. Approximately 20 LGBT and allies attend the meeting. The meeting, which includes a cookout, lasts three hours. Both George and Kelly attend. Adam and Steve neglected to tell of the meeting.

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THE CONTROVERSIAL MEETING

- A week after the meeting George talks with his worker and informs her about the meeting, and his excitement to help with a high school LGBT support group. George also lets his case worker know that he is gay.
- A detailed report was prepared by the case worker. A review hearing had previously been set for the following week.
- George's parents were livid after finding out about the meeting and George's statement about being gay. They call their pastor to attend the hearing and request the following be recommended through their attorney: the children be placed at home immediately; in the alternative, the children be moved asap; a case plan task for George should include a "pray me straight" program; and inform the court that they believe Adam and Steve are "recruiting" George to their lifestyles.

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THE CONTROVERSIAL MEETING

- What are the State's, GAL, parent's attorney, and case worker's ethical duties?
- Should the contractor have been notified of the meeting prior to it being held?
- What should be requested from the court or told to the court?

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MANDY, BILL, AND THE OFFENDING TEETH

- You are the GAL for Mandy and Bill, a pair of 16-year-old fraternal twins who have been the subject of ongoing child in need of care cases since their eleventh birthday based upon allegations of abuse by their biological parents. Their biological parents, Mr. and Mrs. Max and Maxine Diente, are influential members in a relatively obscure religious community that believes, among other things, that any manner of dental work whatsoever is a hideous sin in the eyes of their deity, the great god Azucar. The current permanency plan calls for reintegration, and the children have expressed a desire to return to their parents' home. Both children have expressed a strong preference for remaining together, but, as things stand now, no other placement is capable of housing both kids for long periods of time. The children have no extended family.

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MANDY, BILL, AND THE OFFENDING TEETH

- Recently, Mandy and Bill have each developed painful abscesses beneath two of their molars, which now affect a total of four teeth between the two of them. A preliminary examination indicates that both children will need to have each of these teeth pulled, lest serious and possibly life-threatening complications arise. In a bizarre twist of fate, these particular abscesses—under the same pair of teeth on a set of twins—are seen as a sign of the favor of Azucar, and after the Secretary’s contractor informed Mr. and Mrs. Diente that the health of the children required the removal of the offending teeth, Mr. and Mrs. Diente filed an emergency petition for a hearing with the district court in order to contest the matter. Mr. and Mrs. Diente advise that, should the surgery go ahead, they will be forced to consider their children heretics of the highest order, and will be unable to accept the children back into their home.

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MANDY, BILL, AND THE OFFENDING TEETH

- The children love their parents, and would prefer to go back home with them—even at the risk of developing a potentially life-threatening infection.
- At the hearing on the parents’ petition, what do you tell the judge?

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ETHAN'S TRIP

- Seventeen-year-old Ethan has a permanency goal of APPLA. Although his mentally limited mother can probably never safely care for him, they do have a relationship that is important to Ethan. Ethan's foster family has a big family trip coming up – they are going to visit a resort in Mexico. They want to take Ethan, but his birth mother says she knows there are “gangs and drug people” in Mexico and does not want him to go. Plus, it would mean she would not get a visit with Ethan for two-weeks. Foster care worker tells Ethan that he cannot go as his mother will not agree to an out of country trip and that this is a “required policy” and that Ethan can stay with a “respite family” during the family's trip. Ethan wants his GAL to help him on this issue at his permanency hearing.

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ETHAN'S TRIP

- Is the agency allowed to have this policy or is this a violation of Reasonable and Prudent Parenting Standard?
- Can the GAL raise this issue at a permanency hearing?
- Is it proper for the court to rule on this issue?
- Can the court order the foster care agency to allow this?
- If you represent the mother, what if anything are her rights?

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