



# Legal Ethics Scenarios



# Jenny and Peter



Jenny and Peter are 6-year-old twins who live with their mother. They are placed in DCF custody in early December after it was discovered they were living in Mother's car at a campground.

The family was unable to find housing, but the children continued to attend school and the school had no concerns about the children academically or behaviorally. The children stay with Mother's sister when not in school and mother is at work.



Father resides approximately 14 miles away with his wife and two young children. Father's wife and one of his children are deaf. Jenny and Peter are not deaf and not sign-lingual. The family has a 3-bedroom home in an excellent school district, that is appropriate for Jenny and Peter.

Father has a corporate job nearby; his wife is a stay-at-home parent. Father has not financially supported nor had contact with Jenny and Peter since they were approximately 9 months old. They have never met their step-mother.



The children are ultimately adjudicated and at disposition, Father requests Jenny and Peter be placed with him and his wife, advising his wife is available to care for the children.

Mother requests the children be placed with an aunt with whom the children stayed when Mother was working. Mother further argues Father's failure to provide support for the past five years have contributed to the twins residing in a car.



The aunt lives in a low-middle class neighborhood in an older part of town. She lives on Social Security and a small pension left by her deceased husband. Her home is adequate, clean, and safe.

The children tell their GAL that they want to live with the aunt, and the GAL recommends placement with the aunt, at the hearing.

## Kansas Judicial Branch



Judge Blue places the children with Father, stating, “The father has a stable job and nice home in an excellent neighborhood and school district and his wife is available to care for Jenny and Peter. Jenny and Peter will get to know their dad and siblings and will have a much better chance at life at their father’s home.”



Should these facts raise concerns for the attorneys? If so, what are those concerns?

Does Judge Blue have a bias?





What are you relying on to draw that conclusion?

Do the concerns rise to the level of a complaint against the judge?



# Chester



You are the GAL for five-year-old Chester who has been in custody for two years. Chester's mother struggles with sobriety and has been incarcerated off and on throughout the case. She has struggled to make significant progress toward case plan tasks.



The court recently found that reintegration is not a viable option for Chester's family and made standard findings on the journal entry for permanency hearings, including an order that the state files a motion to terminate parental rights within 30 days, as required by K.S.A. 38-2264(i).

It has been 31 days since that order was made, but the prosecutor has not filed the motion. You have called and emailed the prosecutor.

What are the implications for your case? What do you do?

# Kansas Judicial Branch



What if you are Chester's mother in this scenario? What do you do?



At the last permanency hearing, the judge ordered Chester's GAL to file the motion to terminate parental rights, not the prosecutor. Six months later, the motion has not been filed and Chester does not have a permanency hearing scheduled.

Chester and his mother have only had once monthly visits. His mother wants more visitation but continues to struggle with sobriety and has not obtained housing or employment. How should her attorney proceed?



# Albus Dumbledore



Harry is a parent's attorney for Albus Dumbledore in a CINC proceeding. After the termination trial, Albus tells Harry that he wants to appeal the decision of the district court.

During the trial and immediately following Harry is able to regularly communicate with Albus, as Albus is involved in a work-release program while he finishes a criminal sentence. Albus provides a verified signature on the Notice of Appeal and Docketing Statement.





Harry completes a brief on Albus' behalf for submission to the Court of Appeals. When Harry calls work-release to speak with Albus about the brief and get his signature, Harry learns that Albus is no longer in the work-release program. Harry has no updated contact information for Albus.



Harry, annoyed that he worked so hard on the brief, angrily assumes that the lack of contact means that Albus no longer wishes to proceed with the appeal and does nothing.

Months go by, and Harry receives a call from Albus who is in Azkaban Prison. Albus indicates he was sent to Azkaban after violating the terms of work-release and inquires about the status of the appeal.

What rules of professional conduct has Harry violated, if any?



Makayla Jones



You are the GAL for Makyala Jones. Makayla is 17 years old has been in foster care for 26 months. Her parents are not married, and her mother has not accomplished any case plan tasks. Her father has accomplished some case plan tasks and is working on others but is not ready for reintegration.

Makayla has been living with her maternal aunt, a criminal defense attorney, since the start of the case.



You see the aunt at the courthouse for an unrelated matter. She casually mentions to you that Makayla's mom is a mess and has stayed the night in the aunt's home a few times in the last couple of months.

When you ask more questions, the aunt simply says that she can't just let her sister sleep on the streets, and that Makayla doesn't even know that her mom stays there. She asks you not to say anything because she doesn't want Makayla to have to stay with a stranger, and besides, she makes sure that Makayla's mom isn't bringing anything dangerous into the house.



What should you do as the GAL?

Has the aunt violated any rules or legal ethics by allowing her sister to stay at her house, or by asking the GAL not to say anything?