



NACC envisions a justice system wherein every child has his/her voice heard with the assistance of well-trained, well-resourced independent lawyers resulting in the child's rights being protected and needs being met.

Hypothetical Scenario #1:

You are appointed to represent 8-year-old Maddie as both her attorney and as her guardian ad litem. She was removed from her mother's custody after allegations that her mother, Janet, physically disciplined her causing marks and bruises. It later came out that Janet was addicted to methamphetamine. Janet also has a live-in boyfriend, Joe, that Maddie seems to have unresolved feelings about. Sometimes she says Joe is nice to her and sometimes she seems afraid of Joe. Janet began treatment and is doing much better, but DFCS still has concerns about her long history of addiction and her short amount of time in treatment. The Department's position is that "Janet needs to focus on herself right now" and is not ready to have Maddie come home because it will jeopardize her progress.

You have known Maddie for about nine months now. At first, she didn't want to go home because she was afraid of her mom and Joe when they did drugs. But it has been several months and during visitations Maddie has seen that her mom is doing well. Now Maddie most often expresses that she wants to go home with her mom. Sometimes though, she seems to waiver on that and says she is fine where she is. You have a permanency hearing coming up in a few weeks.

Discussion Questions:

1. What steps do you take to determine if you have a conflict in representing Maddie as her attorney and in also serving as her guardian ad litem?
2. As Maddie's attorney, what other professional responsibilities may be implicated in this scenario? How do you resolve them?