

# The Dual Jurisdiction Child

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# Ethical Dilemma

- Duty of Client Confidentiality
- Duty to Report Abuse or Neglect
- Which is greater duty?



# Definition

- A juvenile that is subject to the jurisdictions of both the juvenile delinquency court and the juvenile abuse and neglect court simultaneously.
- If JD court initiates, juvenile not automatically subject to abuse & neglect court jurisdiction but must follow an abuse & neglect statute
- Abuse & neglect advocates represent juvenile's "best interests," not desires



# Authority

- N.C.G.S. § 7B-2506(1)(c)
  - Authorizes JD judge to place juvenile in DSS custody
  - Requires periodic reviews per N.C.G.S. § 7B-906
- N.C.G.S. § 7B-906
  - Conduct initial review within 90 days of removal
  - Conduct reviews every 6 months after that
  - Issue: whether to return juvenile to parent



# N.C.G.S. § 7B-906 Review Hearings

- Can be conducted by JD court
- Involves social worker & county attorney
- Requires FOF:
  - Services for the juvenile
  - Placement considerations
  - Assessment of skills development
- Hearings can be waived if juvenile resides in custody of another for at least a year and other criteria are met



# Guardian ad Litem

- GAL appointed when case is initiated in abuse & neglect court
- GAL advocates for juvenile's "best interests"
- GAL can be another advocate in JD court
  - Will know juvenile better than anyone else
  - Will be disposition oriented



# Back to Ethical Dilemma

- N.C.G.S. § 7B-301: everyone has a duty to report suspected child abuse and neglect to the local DSS (statute uses the word “shall”)
- RPC 1.6: Duty of Confidentiality
- See RPC 175 (January 13, 1995)
- Required to report: no
- Ethical to report: yes, but you must tell client beforehand



# Questions

