

Where Stated Interest Meets Best Interest: Avoiding Ethical Disasters in Delinquency Cases

The Situation:

Jordan is 14 years old and is charged with a Class Five felony, Aggravated Motor Vehicle Theft, in a juvenile delinquency (JD) proceeding. Jordan is also on juvenile probation for a previous charge and is facing a revocation petition in that case due to his new charge and noncompliance issues. He has missed several appointments with his probation office, has not consistently been attending school and has failed to appear for two urinalyses. Jordan is also subject to a Dependency and Neglect (D&N) proceeding, which was filed when he was ten years old.

Jordan's mother is not currently a placement option for Jordan. Jordan's father now lives in Utah—he moved there approximately two years after the filing of the D&N proceeding. While he has entered an admission in the D&N case, he has failed to participate in any aspects of the treatment plan to address the issues that resulted in the filing, which include domestic violence against mother, alcohol abuse, and lack of supervision of Jordan and his siblings resulting in an injurious environment.

Jordan is represented by an attorney at the Office of the Public Defender, and his best interests are represented by a GAL, who has been appointed throughout the D&N proceeding and since the inception of the JD proceeding. Through her independent investigation, Jordan's GAL has learned that since moving to Utah, Jordan's father has been charged in three misdemeanor cases: two cases involve DUI charges and one case involves domestic violence charges against his current girlfriend. The live-in girlfriend has plead guilty to possession of marijuana.