

Melissa Beato JD Fact Pattern (2)

Ryan, age 16, is in court on a probation detainer for technical violations related to conflict in the home with his grandma. The court appoints a GAL. Tim is in detention and grandma is not sure she will have him home. Tim has previously pled guilty to assault on a deferred adjudication. His mother was the victim of the assault and the court ordered that he live with his grandma during the time he is on probation. Tim has previously had a psychological evaluation which diagnosed him with PTSD related to severe physical, emotional and sexual abuse by his mother and step-father in another jurisdiction. Ryan is currently receiving individual therapy and he and his grandma have a separate family therapist. Ryan is not attending school but the school is already evaluating Ryan for an IEP.

The GAL meets with Ryan the day she is appointed and learns that Ryan reported to his therapist that his grandma was driving him after drinking, the police responded to the family home and Ryan alleged his grandma hit a phone out of his hand while he was recording her. Ryan also discloses his extreme fear about his mother getting him back once he is off probation. Ryan indicates that a traditional school is difficult for him and triggers his PTSD because his mother did not let him attend school from age 9 until last year when he was charged with assault and went to his grandma's. Ryan also tells the GAL he does not feel that he is making any progress in individual therapy, that they have been meeting for approximately 8 months and only talk about day to day events and not his past trauma, which he would like to address. Ryan says he like to go back home to his grandma's and that he feels safe in her home. DHHS is already involved due to the report made to the police.

1. If Ryan remains in detention, when does the probation revocation hearing need to be set?
2. To address the allegations regarding grandma drinking and whether grandma's home is an appropriate placement, what steps can the GAL take?
3. Who should the GAL interview since this is already an open case?
4. Does the GAL have a duty to address the appropriateness of the individual therapist that Ryan said is not working?
5. What can the GAL do to address Ryan's concern about permanency?
6. What steps can the GAL take to ensure that Ryan is competent to proceed?