

You advised that you have been contacted by your county's department of social services and have been asked if you will be able to represent them on a case-by-case basis in the following types of cases: (1) child protective services/civil; (2) adult protective services/civil; (3) guardianship proceedings primarily due to old age/capacity. You presently serve as guardian ad litem for the juvenile domestic and relations court in your county and also represent parents (both retained and court appointed) in child protective service cases.

You wish to know whether or not you may simultaneously represent the department of social services and parents who are being prosecuted by the DSS, although in unrelated matters.

DR:5-105(C) states that in the situations covered by DR:5-105(A) and (B), a lawyer may represent multiple clients if it is obvious that he can adequately represent the interest of each and if each consents to the representation after full disclosure of the possible effect of such representation on the exercise of his independent, professional judgment on behalf of each.

The Committee opines that if you believe that you may adequately represent the interests of each, and if disclosure is made to both the parents and the DSS, and consent is received from each, it would not be improper for you to represent both parties.

Committee Opinion

June 16, 1988