

*Committee Opinion*  
*August 13, 1981*

LEGAL ETHICS OPINION 420

COMMONWEALTH'S ATTORNEY –  
SUPPORT AND CUSTODY PROCEEDING –  
CONFLICT OF INTEREST.

It is not ethically improper for a part-time Commonwealth's Attorney to represent the mother of a child in a petition for custody brought by the former husband pursuant to § 16.1-241, Va. Code. This is permissible even if the former wife has filed for support under the Uniform Reciprocal Enforcement of Support Act, and the part-time Commonwealth's Attorney has the responsibility under § 20-88.23(b), Va. Code, to represent the mother, if requested by the court. If the attorney is not requested by the court, II: DR:5-105(A) and DR:9-101(B) are inapplicable, and the attorney can ethically represent the mother for enforcement of the support order.

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