

THE LEGAL STATUS OF CHILDREN

C O N T E N T S

A. Chapter Competencies

B. Ethics in Practice

A. Chapter Competencies

After studying chapter 14 the student should be able to:

1. state the age of majority in your state, depending on what the individual is trying to do.
2. state when a child is emancipated.
3. state when a child can disaffirm a contract.
4. state when, if ever, a parent has the right to keep the child's (a) real and personal property, and (b) earnings.
5. state how a child acquires a domicile.
6. state when a child can write a will.
7. list the duties of a guardian ad litem of a child's estate.
8. state the obligation of a child to attend school.
9. state the procedural rights of a child facing long-term suspension from school as opposed to a short-term suspension.
10. define neglect and abuse.
11. state who has an obligation to report suspected child neglect or abuse.
11. state when a minor can be convicted of a crime.
12. state how the government handles noncriminal misconduct by children through the juvenile courts.

B. Ethics in Practice

The paralegal is probably giving the guest legal advice in violation of the law on the unauthorized practice of law. This is not an ethical problem for the firm where the paralegal works unless the Halloween party was sponsored by the firm. Unauthorized practice of law would be a criminal matter involving the state and the paralegal.

Note also that the paralegal gave the guest the firm's business card. It is unethical for an attorney (or an employee of an attorney) to solicit employment from a prospective client with whom the attorney has no family or professional relationship when the motive for doing so is monetary. Was there solicitation by the paralegal? We would need more facts to answer this question. Who approached whom about legal help? If the guest told the paralegal that the guest is looking for an attorney, there is nothing wrong with the paralegal giving the guest the business card. If, however, the guest never thought about legal help until the paralegal started telling the guest about the law of emancipation and gave the guest the business card, then the paralegal has unethically solicited a client unless it was clear that the paralegal's boss was going to provide free legal services to the guest. The paralegal attorney's supervisor would be charged with the unethical conduct of the paralegal.