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As Howard Davidson points out in his thoughtful Foreword to this excellent guide, In re Gault—holding that among other rights, a child has a right to counsel in a delinquency case—stands as a high water mark in the history of legal representation of children in courts. Gault has shaped the thinking about children and their legal status. In retrospect, Gault looks like an easy case because juvenile delinquency seems so close to the criminal law that it is not an unusual leap for a court to make in affording a juvenile rights similar to those of an adult criminal. Because of the advancements made in the legal protection of children, one would have thought that by now the U.S. Supreme Court would have enacted a child’s constitutional right to counsel to include proceedings other than delinquency, but it has not. A child can be accused of stealing a pair of sneakers and a lawyer will be at his side during a delinquency hearing, but if that same child’s custody is in dispute in a divorce case, it is unlikely that a lawyer will represent his interests.

The oft stated argument denying a child separate representation has to do with our concept of children in the legal world. The common law treated children, regardless of their age or maturity, as incompetent—individuals without legal capacity. Parents were charged with looking out for their welfare. Chief Justice Burger’s statement in Parham v. J.R., 442 U.S. 584, 602 (1979), reflects this view: “The law’s concept of the family rests on a presumption that parents possess what a child lacks in maturity, experience, and capacity for judgment required for making life’s difficult decisions.
More important, historically it has recognized that natural bonds of affection lead parents to act in the best interest of their children." The family Chief Justice Burger was describing is what the sociologists refer to as an "intact" family—one which the state leaves alone. Chief Justice Burger was not describing the hundreds of families engaged in divorce, or those dysfunctional ones involved with departments of social services in cases of abuse and neglect. Yet the children in divorcing and dysfunctional families are precisely the ones involved in the legal system and those whose interests may be in conflict with their parents. How can these children's voices be heard?

By way of statutory authority in some states and judicial discretion in others, the appointment of independent representation of children in nondelinquency matters has been made through the appointment of guardians ad litem and attorneys. The conventional distinction made between the roles of the guardian ad litem and attorneys is that the former look out for the best interests of the child (as defined by the guardian ad litem) and the attorneys represent the child's wishes, whatever they may be. Such a distinction sounds easy. In fact, representation of children in court is complex especially if one considers the traditional role of an attorney. Since many times children are too young to express themselves and therefore their wishes are impossible to determine, an adult may have to substitute his or her views as representing those of the child. For a lawyer to be put in that position can cause many problems. There has been a need for a refinement of the definition of the roles and responsibilities, ethical and otherwise, in and out of court of those who enter the legal world of children. Ann M. Haralambie has provided that guide in *The Child's Attorney: A Guide to Representing Children in Custody, Adoption, and Protection Cases*. It is essential reading for anyone who represents children, especially in litigation, or who makes judicial decisions about their lives.

Ms. Haralambie divides her guide into eight chapters: types of representation, ethical and malpractice issues, pretrial preparation of the case, trying the case, issues concerning child development and child custody, child abuse, and permanency planning. She concludes her book with a discussion of resources available to lawyers who represent children. The book covers the waterfront by defining the roles of lawyers and laypersons who represent children. It provides them (especially those who are not familiar with either the laws dealing with children’s issues or the literature on the psycho-social development of children) with detailed information, written clearly and in a sophisticated manner, about the specific problems they face (almost exclusively with children who are able to communicate with a lawyer). It gives them practical guidance on how to handle a range of issues that may arise such as confidentiality, privileged communications,
relations with other professionals, and ethics, to name just a few. Ms. Haralambie's footnotes are a rich source of references that are enormously helpful for scholars who would like to pursue areas mentioned in the text. An index would have been most helpful.

Of special interest is the material Ms. Haralambie presents on lawyers dealing with child protection cases. At the moment there is a national crisis in public child welfare because of the number of children who come into care and the process that is federally mandated for handling child protection cases through the Adoption Assistance and Child Welfare Act of 1980. Under that Act (which requires states to make reasonable efforts to prevent out-of-home placement and to reunify the child with the family if the child is removed), Congress mandated that children be represented by someone in child protection hearings. This requirement has caused many states and counties to examine their child protection process, and specifically study how best (keeping finances in mind) representation can be made. To some states and counties, paid lawyer representation is enormously costly and beyond their budgets. Other methods have been chosen such as the appointment of guardians ad litem or lay volunteers from the child advocacy programs. I wish Ms. Haralambie had discussed some of the problems faced by the new child protection procedures (multiple hearings, etc.) that are associated with the removal of children from their home, placement with others, and the reunification with their families or adoption.

Should all the major parties in a child protection case be represented by counsel if there are conflicting interests? That is to say, if individual parents have separate interests, the child has a separate interest, the foster parents have separate interests, and the social services agency has separate interests, would each have his or her own lawyer? Under what circumstances is separate counsel for each party in a case necessary? Should infants (or newborns) be represented by separate counsel? Should the attorney for the department of social services in a child protection case represent both the department and the infant? At a time when there are limited financial resources, where should the cuts be made in so far as legal representation is concerned? These questions may be beyond Haralambie's book, but I am sure answers to the questions would provide social welfare and legal policy makers with important guidance.

_The Child's Attorney: A Guide to Representing Children in Custody, Adoption, and Protection Cases_ should be on the shelves of those who represent children in court. I am concerned that because of the $69.95 price for this 388-page paperback book, it will not get into the hands of the many low paid public interest lawyers and laypeople to whom this useful book is addressed.