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TORT CLAIMS ACT - DELAWARE

Hanson v. Morton

Supreme Court of Delaware - June 11, 2013 - A.3d - 2013 WL 2480248

Attorney, who was appointed by court to represent indigent parents in guardianship proceeding, sought to withdraw from representation due to lack of professional malpractice insurance coverage.

The Supreme Court of Delaware held that:

- Tort Claims Act provides qualified immunity to attorneys appointed by the Family Court to represent an indigent parent in a child dependency and neglect proceeding, and
- For purposes of rule of professional conduct providing that court-appointed attorney may only withdraw from appointment for good cause, lack of malpractice insurance is not “good cause” to withdraw from court-appointed representation of indigent parent in a child dependency and neglect proceeding.

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