



# CLIENT NEWS BRIEF

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## U.S. SUPREME COURT WILL CONSIDER GREENE v. CAMRETA CASE REGARDING INTERVIEWS OF STUDENTS AT SCHOOL BY LAW ENFORCEMENT WITH REGARD TO SUSPECTED CHILD ABUSE

The United States Supreme Court has granted review of the Ninth Circuit Court of Appeals' decision in Greene v. Camreta (9th Cir. 2009) 588 F.3d 1011 ("Camreta"). Camreta arose from a two-hour interview of a student on the grounds of an Oregon school by a social worker and a deputy sheriff regarding suspected child abuse of the student by her parent. The Ninth Circuit held that the two hour interview violated the Fourth Amendment of the United States Constitution as an unlawful seizure. The court reasoned that for a social worker or law enforcement officer to conduct an interview of a student on school grounds regarding suspected parental child abuse, there must be exigent circumstances, or such officials must have a warrant, court order, or parental consent authorizing the interview.

Notably, in Camreta the district court dismissed the school district as defendants in the case, and the plaintiffs did not challenge such dismissal on appeal. Further, the Ninth Circuit reaffirmed application of the reasonable standard articulation in New Jersey v. T.L.O. (1985) 469 U.S. 325, in for administrative searches instigated or conducted by school officials. The appellate court also granted the social worker and law enforcement defendants qualified immunity from any potential damages for violating the plaintiffs' Fourth Amendment rights in the case.

This said, the Camreta decision has caused significant concern in education and law enforcement circles in California. Long-existing opinions issued by the California Attorney General have called for school officials to cooperate with and not obstruct law enforcement officers who seek to interview students on campus. The Camreta decision appears to conflict with those attorney general opinions. As such, some education law practitioners in California have indicated Camreta could lead to a basis for liability against school districts when school personnel consent to or facilitate interviews of students by law enforcement in the child abuse context.

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The United States Supreme Court is scheduled to hear oral argument in Camreta on June 2, 2011, and will likely thereafter issue its opinion in the case in late summer or fall 2011. However, absent a stay issued by the Ninth Circuit or the Supreme Court, the Ninth Circuit's Camreta decision remains good law until the Supreme Court issues its ruling.

If you have any questions regarding compliance with the Camreta decision, or with regard to other issues involving other law enforcement or social workers on campus and interviews of students, please do not hesitate to contact one of our [seven offices](#) located statewide or consult our [website](#).

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