

09-1454 CAMRETA V. GREENE

DECISION BELOW: 588 F.3d 1011

LOWER COURT CASE NUMBER: 06-35333

QUESTION PRESENTED:

(1) The state received a report that a nine-year-old child was being abused by her father at home. A child-protection caseworker and law-enforcement officer went to the child's school to interview her. To assess the constitutionality of that interview, the Ninth Circuit applied the traditional warrant/warrant-exception requirements that apply to seizures of suspected criminals. Should the Ninth Circuit, as other circuits have done, instead have applied the balancing standard that this Court has identified as the appropriate standard when a witness is temporarily detained?

(2) The Ninth Circuit addressed the constitutionality of the interview in order to provide "guidance to those charged with the difficult task of protecting child welfare within the confines of the Fourth Amendment[,]" and it thus articulated a rule that will apply to all future child-abuse investigations. Is the Ninth Circuit's constitutional ruling reviewable, notwithstanding that it ruled in petitioner's favor on qualified immunity grounds?

CONSOLIDATED WITH 09-1478 FOR ONE HOUR ORAL ARGUMENT

CERT. GRANTED 10/12/2010