

Child Welfare Pre-Service Training

Court Preparation and Participation

Trainer Guide

March, 2011

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To the Trainer

Core Course Description

Court Preparation and Participation will provide the learner with the basic skills necessary to effectively represent their agencies in the court environment.

Course Time

The Court Preparation and Participation is an on-line course designed to be taught in 2 hours.

Following the learner's completion of the on-line course, there is a trainer guided review that reinforces the information that is contained in the course and provides the opportunity to assess learner's knowledge and address any questions.

Pre-requisite Skills and Case Flow

All courses are sequenced to accommodate pre-requisite skills and case flow; therefore, the courses must be scheduled using the course numbers 100-125.

Course Goals

The goal of **Court Preparation and Participation** is to provide learners with basic instruction on how to prepare for and participate in the court environment.

- Describe your roles and responsibilities and other participants in the dependency court process.
- Describe how to facilitate teamwork with children's legal services.
- Identify your responsibilities to review and prepare files before court.
- Recognize appropriate courtroom demeanor.
- List the elements of providing effective court testimony and being a credible witness.

Florida Competencies

The following competencies are addressed in **Court Preparation and Participation**

- #7: Carry out the child welfare professional's role and responsibility in dependency court and provide appropriate evidence and testimony.
- #12: Work with Children's Legal Services Staff (CLS) to prepare for legal action.

Participant Handouts

Court Preparation and Participation

- PG1 Court Preparation Checklist
- PG2-5 How to Be a Good Witness

Overheads

- OH1 Objectives
- OH2 Protective Investigator/Case Manager
- OH3 Preparing for Review Hearings
- OH4 Preparing for Trials
- OH5 Follow the Basic Rules
- OH6 Make a Good Impression
- OH7 Prepare for Court
- OH8 How to be Nervous and Not Show It
- OH9 How to Answer Questions

Review ~ Court Preparation and Participation

- Display **OH1, Objectives** and summarize each objective.



? Who are some of the participants in the dependency process?

- Judge
- Magistrate
- CLS Attorney
- GAL
- Clerk of Court
- Defense Attorney
- PI/CM
- Child
- Family

? What are your roles and responsibilities in court?

- Testify
- Provide evidence
- Prepare and submit reports
- Make recommendations

? What is your agency conflict resolution process to resolve disagreements with CLS ?

- Review CFOP 175-15 conflict resolution process for DCF staff
- Review specific agency protocol

Topic ~ Responsibilities to Review and Prepare for Court Materials

Materials

- ◆ PG1 Court Preparation Checklist
- ◆ Specific Agency Protocols
- Prepare files, notes, and documents.
- Proper preparation will make your job easier when it is time to testify in court.
- **PG1, Court Preparation Checklist.**

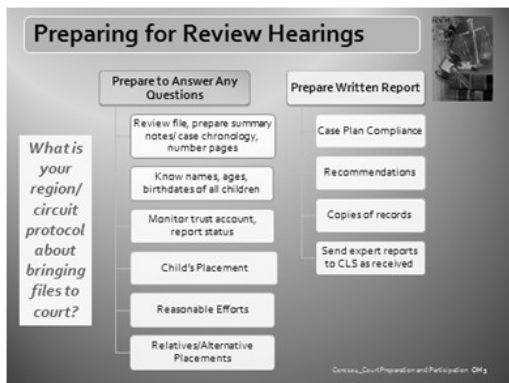


You must review and discuss specific agency protocol or modify this checklist to make it consistent with agency protocol.

- Display **OH2, Protective Investigator/Case Manager** and discuss.



- Display **OH3, Preparing for Review Hearings** and **OH4, Preparing for Trials** and discuss.



Topic ~ How to be a Good Witness

Materials

- ◆ The Art of Testifying in Court by Jamie Hamlett, JD
- ◆ PG2-5 How to be a Good Witness

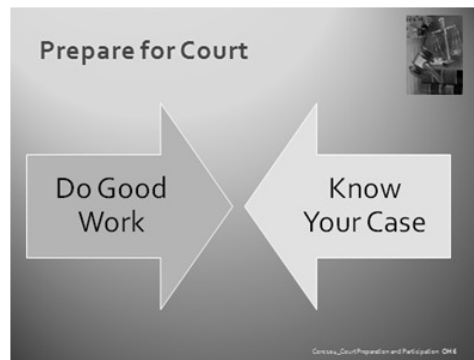
Display OH5, Follow the Basic Rules.



Display OH6, Make a Good Impression.



- **Display OH7, Prepare for Court.**



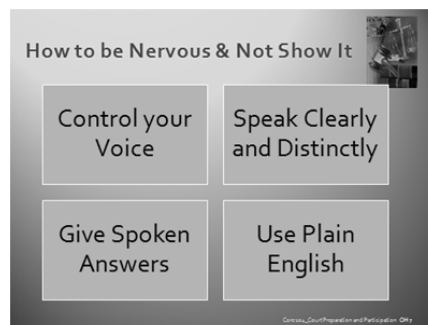
Do good work

You begin preparing your testimony the moment you begin working with a family. The best method for having good testimony is to follow best practices in your work. You will feel more confident and secure knowing that your work is thorough, and can withstand the scrutiny of the opposing party.

Know your case

Being prepared is your best ally in the courtroom. Have a complete knowledge of the case record. Refresh your memory and recall events. Do not memorize, though, or you will sound rehearsed and insincere. Spontaneous responses are more believable and less likely to be shaken on cross examination.

- **Display OH8, How to be Nervous and Not Show It and discuss.**



Speak Clearly and Distinctly

Control Your Voice

- Speak louder and slower than you may think is necessary.
- Moderation is key when you try to overcome nervousness.

Give Spoken Answers and Use Plain English

- Nodding or shaking your head, gesturing or any other non-verbal communications will not be accepted.
- Avoid slang, jargon, and words that you don't know or that can be misinterpreted.
- Do not smile or laugh at inappropriate moments, even if you are nervous.

Display OH9, How to Answer Questions and discuss.



Let the Attorney Develop Your Testimony

- The first question may be meant to prepare a foundation before introducing the significant part of your testimony.

Tell the Truth, If You Don't Know, Say So

- Do not use "I don't remember" or "I don't know" to avoid answering difficult or delicate questions. If you are an eyewitness of child abuse, you will not be an effective witness unless you can provide details.

Don't Try to Make Your Testimony Conform to Other Testimony You Have Heard

- You are not expected to agree with or parrot someone else's testimony. The other person may be wrong. You can discuss discrepancies with your attorney, but this is done outside the courtroom.

Look at the Person Asking the Questions or the Judge

- If you always look over at your lawyer before answering another attorney's question, it will look like you are waiting to be coached.

QUIZ 1

Testifying in court can be mastered by practice and **experience**.
memorization.
demeanor.
repetition.

Getting caught in a small lie will not hurt your credibility in the eyes of the judge. False.

When someone says, "objection, you should **stop talking**.
consult with your attorney.
review your notes.
finish your sentence.

You begin preparing your testimony the moment you **begin working with the family**.
review the case file.
prepare summary notes.
provide CLS with all evidence.

Reviewing the file and taking notes will help you internalize information and keep it fresh. True.

If you are reviewing a case and discover a huge flaw you should immediately **inform your attorney**.
attempt to conceal the flaw.
redo the casework.
conduct exploratory interviews.

It is not productive to self-critique after you testify. False.

When a PI or Case Manager does not review the file prior to court, the testimony often comes across as sloppy, unorganized and less credible. True.

Which of the following should you be careful NOT to do on the witness stand?
Use jargon and acronyms.
Say you don't remember.
Stick to the facts.
Ask an attorney to repeat a question.

Your body language in the courtroom can convey confidence or weakness. True.

QUIZ 2

Match the Court Participant to the roles and responsibilities.

Judge: assures that the legal business of the court flows smoothly.

General Master: a member of the Bar appointed by the court.

CLS: communicates and works with you on legal issues

Defense Attorney: discovers and challenges weaknesses in the case

GAL: advocates for the child before the court

Clerk of the Court: serves notice of judicial review

Lay witnesses do not have any specialized knowledge or skill that qualifies them as an expert. True.

Who decides if a person's education and experience qualifies him or her to be an expert witness.

Judge

Children's Legal Services Attorney

Guardian ad Litem

Clerk of the Court

Which is NOT one of your roles as a court participant?

Thoroughly manage the case during court proceedings.

Serve as a witness in court hearings.

Provide witness list to Children's Legal Services.

Express the child's wishes.

If an attorney denies your request, it is inappropriate to ask why. False.

Upon answering a question in court, it is best to volunteer additional information when you have it. False.

You have the right to object or refuse to answer a question. False.

It is acceptable to continuously look over to your lawyer for guidance before you answer questions. False.

It is improper to state that you don't remember to avoid answering a difficult or delicate question. True.

Eyewitnesses can have different impressions of the same event. True

Lawyers have the discretion to do what they think is best, even if it conflicts with what their client thinks is best. False