

Testifying in Court

(Revised 08/17/18)

[Policy](#)

[Testifying in Juvenile Court](#)

[Privileged Information](#)

[SW's Curriculum Vitae \(CV\)](#)

[Alignment with SET](#)

Policy

SWs are often required to testify in Juvenile Court and at times they may be subpoenaed to testify:

- at Administrative Hearings
- in Depositions
- before the Grand Jury
- in Criminal Court
- in Family Court.

See Subpoenas for specific instructions when a subpoena is received.

SWs will be prepared to testify in court in a professional and respectful manner, and to provide accurate information.

Unless specifically excused by County Counsel (CC), SW attendance is **mandatory**, even if the SW is no longer assigned to the case, and the SW will arrive at least 15 minutes before the trial time. If an extreme exception occurs and a SW is unable to attend, the SW and/or PSS will notify CC immediately to discuss an appropriate alternative.

If the SW will be preparing an Addendum report, it must be submitted to court at least **five days prior to the trial date**. However, if the SW receives relevant information less than five days prior to the trial date, the SW will immediately contact CC and submit the Addendum.

CC must receive a complete copy of any and all information provided to the parties as part of discovery.

Testifying in Juvenile Court

The SW will review and organize their notes and meet with CC in advance, upon request by CC. The SW will be prepared for testifying in court following these instructions:

1. Realize that everyone gets nervous testifying; it is a normal and expected response.
 2. Remember that YOU ARE NOT ON TRIAL; you are the professional giving your expert opinion based on your training and experience in working with the family.
 3. Dress professionally and conservatively in business attire. If in doubt, consult with PSS or CC. Be on time. Do not bring drinks or food to court, and do not chew gum. Stand and sit tall in the courtroom. Speak respectfully and make eye contact with the person asking the questions. Use "Your Honor."
 4. Bring your case file with you.
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Testifying in Juvenile Court (cont.)

5. Know the case and be prepared to answer questions about it. If you do not know/remember the answer to a question, say so. If you believe you can answer upon referring to your notes, ask to be allowed to do so.
Reminder: Any notes you refer to are subject to being entered into evidence.
6. Bring a current Curriculum Vitae (CV). Be prepared to recount your education, job experience and relevant trainings attended.
7. Listen carefully to the question asked and do not rush into answers; take your time and think of your answer.
8. Answer only the question asked, and if it calls for a “yes” or “no,” state “yes” or “no” rather than nodding or shaking your head.
9. Ask for the question to be repeated if you did not hear or understand it.
10. Stop talking when an attorney says “Objection.” The Judge will then make a ruling. If you are not sure what a particular ruling means, ask. If you cannot remember the question, ask that it be repeated.
11. When asked to provide an assessment or opinion, be prepared to state the reason(s) for it.
12. Avoid jargon, slang, or acronyms.
13. Be mindful of words or phrases that can mean different things to different people. Avoid words like “regularly,” “frequently,” “intentional,” “appropriate/inappropriate,” “consistent,” etc.
14. Be clear as to timeframes.
15. Practice your testimony.
16. Do not try to elicit answers from CC or anyone else in the courtroom to help answer a question.
17. Be prepared to accurately and factually testify to the:
 - a. services provided to the family
 - b. responses and progress of family members to CWS efforts
 - c. visits and interviews conducted (when describing what someone said, be clear about which words are theirs and which are yours).
18. Be HONEST in your answers.
19. Remain professional and non-reactive, even if you feel confronted or criticized; do not take things personally or become defensive.
20. If you do not understand a question, ask for clarification.
21. Remember if you are unable to say something if the attorney objects, there is a good likelihood that on re-direct examination, another attorney will follow up and allow you to answer the question.
22. Remember to breathe.

Remember that you are the expert on your case. Your PSS and CC are available to support you and help you prepare to testify. Reach out to them for assistance.

Privileged information

If the SW is asked to testify in Dependency Court, the SW will appear as requested and may testify to all case facts. If the SW is subpoenaed to testify in other courts (e.g., Family, Criminal, Civil, etc.), the SW will follow instructions in Claims, Lawsuits, and Summons. These external courts must file an 827 petition (see 827 - Petition for Disclosure of Juvenile Case File) in order to have the SW’s testimony in their courts.

Privileged information (cont.)

Specific information is confidential in all courts and cannot be included in reports or testimony. Generally, this information includes:

- the identity of the reporting party (RP)
- HIV status of any client
- attorney-client privilege
- therapist-client privilege
- CWS and criminal histories of caregivers/prospective caregivers
- information that can be found only in an adoptive home study.

See Confidentiality - General for additional information.

SW's Curriculum Vitae (CV)

Every SW should maintain a CV for use exclusively in court. The purpose of this CV is to document all of the education, experience, training, professional associations and accomplishments of the SW, to qualify the SW as an expert and to have the court give appropriate weight to the SW's opinions and recommendations. A copy of the CV should be provided to CC before trial.

A court CV is very different from a job-seeking resume. A job-seeking resume is intended to promote the candidate by highlighting his or her professional career. It may contain language discussing the professional and future goals of the job candidate. This type of resume will not be used in a courtroom, nor will the SW include their home address or phone number on the CV.

An alternative to maintaining a court CV is to keep a court file, either on paper or on computer, containing information detailing all of the SW's education, training, experience, affiliations, etc. The assembled information can then be shared with CC before trial, without the drafting of a specific document.

The SW should include in the CV every professional conference, training, workshop, or class attended, as well as any presentations or training given.

The CV should be thorough and complete and must be accurate. SWs will never add anything to the CV that is not 100% correct. Prior to each court appearance, the SW must carefully review the CV to make certain that it is complete and current.

Alignment with SET

This policy supports the following SET Values:

- [Value 5](#): **A Strong Working Relationship with the Legal System** through professional collaboration with legal partners to advocate for actions that are in the child's best interests.
 - [Value 6](#): **A Workplace Culture Characterized by Reflection, Appreciation, and Ongoing Learning**, which contributes to the SW's ability to be a professional and credible witness.
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