

Testifying In Court

In this module you will learn tips and review guidelines to help you prepare for testifying in court. While most CASAs are not called to give testimony on the stand, CASAs do present their reports and decisions in court.

Professional Experience

Creating a resume of your volunteer and life experience can help give you confidence. It will also prepare you to answer possible questions about your qualifications to make recommendations regarding the child you advocate for. Being able to explain your background and training history helps establish you as a credible witness and gives your recommendations more weight.

Here is a sample Arizona CASA Resume form.



CASA of Arizona Program

RESUME OF CASA'S EXPERIENCE/TRAINING

Name: _____

Date certified as CASA: _____

Education/Occupational Background

Last grade completed: _____ Year completed: _____ Major: _____

Schools attended _____

Special training/certification (include dates, if possible): _____

Current occupations: _____ Years of experience _____

Brief description of duties: _____

Listing of Training Topics Completed Through CASA (i.e. cultural diversity, reasonable efforts, battered child syndrome, drug exposure):

Subject	Date	Instructor	Hrs
1.			
2.			
3.			

Additional Training Information: _____

Type of volunteer work	Dates worked	Type of work performed
1.		
2.		
3.		

Other Pertinent Information (could include life experience such as parenting):

Note: Download a fillable [CASA of Arizona Resume Template](#)

Subpoena

Under rare circumstances a CASA may be subpoenaed to testify in a court case related to the child for whom you are advocating. Contact your CASA coordinator and let him/her know about the subpoena. They will receive instructions from the presiding juvenile court judge as to how to proceed.

If you will be testifying:

1. When you arrive at court, please make sure to give your name to a deputy. The deputy will make sure you are directed to the correct courtroom and that appropriate parties are aware that you have arrived.
2. You may wish to bring some reading material. You will have to remain near the courtroom and attorneys cannot always be precise about the timing of your testimony.
3. You will be questioned by the attorney who subpoenaed you, by the attorney(s) representing the parent(s), by any attorney representing the child, and by the judge.
4. It is natural to be nervous about testifying, particularly if you have not done so before. Talking to the subpoenaing attorney in advance helps, as well as the following suggestions:
 - o Review any records or notes that you have made about the case. Let the attorney know of any records that exist, and discuss how they will be organized and presented. The Presiding Judge may require that your written records be subpoenaed separately.
 - o Try to remain calm and professional. Cross-examination (questions by the other attorneys) can sometimes be stressful. Don't lose your temper. Cross-examination may be lengthy, so discuss with the CASA coordinator in advance some techniques that may help.

When You Testify

Please consider the following suggestions so that you will be most effective if you are called to testify. These suggestions apply to anyone who has to testify, not just CASAs. Since you are taking an oath, tell the truth and nothing but the truth. If a witness is halting, stumbling, hesitant, arrogant, or inaccurate, the jury may doubt the witness. The witness who is confident and straightforward will enable the jury to have faith in what is being said.

- Be prepared. Don't try to memorize what you are going to say, but do try to refresh your mind on those matters upon which you will be examined. Try to recall the scene, the objects there, the distances, and exactly what happened. If the question is about distances or time, and if your answer is only an estimate, be sure you say it is only an estimate.
- Present a proper appearance. Dress neatly. Do not come into court or testify while chewing gum or smoking. When taking the oath, stand upright, pay attention, and say "I do" clearly. While testifying, avoid nervous mannerisms that distract the jury.

- Always face the person questioning you. Speak up clearly and loudly enough so that the farthest juror can easily hear you. Don't nod or shake your head for a "yes" or "no." Be serious in the courtroom and just as respectful in your answers to the defense counsel as to the prosecutor and the judge. Never argue with the defense attorney.
- Listen carefully to the questions asked of you. No matter how nice the attorney may seem on cross-examination, they may be trying to discredit you. Understand the question, have it repeated if necessary, then give a thoughtful, considered answer. Do not give a snap answer without thinking. Don't rush into answering, but neither should there be an unnaturally long delay to a simple question if you know the answer.
- Explain your answer, if necessary. Give the answer in your own words, and if a question can't be truthfully answered with "yes" or "no," you have the right to explain your answer.
- Answer only the question asked you. Do not volunteer information. If your answer was not correctly stated, correct or clarify it immediately.
- Don't say, "that's all of the conversation" or "nothing else happened." Instead say, "that's all I recall" or "that's all I remember happening." It may be that after more thought or another question, you may remember something important.
- Don't get angry. Keep calm. Be courteous, even if the attorney questioning you may appear discourteous. Don't appear to be a cocky witness. Any attorney who can make a witness angry will probably cause the witness to exaggerate, appear not objective, and emotionally unstable.
- Give positive, definite answers when at all possible. Every material truth should be readily admitted, even if not to the advantage of the prosecution. Do not stop to figure out whether your answer will help or hurt your side. Just answer the questions to the best of your memory without exaggerations. If asked about little details which a person naturally would not remember, it is best just to say so if you don't remember.
- If you don't want to answer a question, do not ask the judge whether you must answer it. If the question is improper, the district attorney will object. Don't look at the district attorney or at the judge for help in answering a question. You are on your own.
- Sometimes a defense attorney may ask you, "have you talked to anybody about this case?" If you say "no," the judge or jury knows that probably is not true because the prosecutor talks to the witness in advance of trial. So answer frankly that you have talked with the attorneys, your family, other witnesses, or whomever.
- Finally, be your self. If you try to imagine that you are talking to friends or neighbors on the jury, you will be more convincing and will do a fine job.

General Questions for CASA Court Testimony

I. Court Introduction

1. Initial Questions

- Please state your full name. Spell your last name for court records. [Note: have witness also spell out first name if the spelling is unusual]
- What is your business address? [Use CASA Office address]
- Are you the CASA Volunteer assigned to this case?
- What is your understanding of the CASA Volunteer's role?
- Over your course of involvement with the CASA program, approximately how many cases of child abuse/neglect have you served on? What types of cases have these been?
- Do you handle primarily one kind of case? What kind?
- Have you received any specialized training to assist you in your role as a CASA Volunteer? Describe your training and the dates you completed each training type.
- What is your educational background? Describe where, when, and in what field you received your degrees.
- Are you a member of any professional organization? What organization?
- What other education, job, or life experience have you had in dealing with children?

2. Expert Qualifying Questions

- If the intention is to qualify the CASA Volunteer witness as an expert in the field of child psychology, child development, sexual deviancy, etc., further questions should be asked regarding education and work experience in that particular area.

- After these qualifying questions, the attorney would then ask the court to qualify the witness as an expert in the particular area of expertise.

II. Continued Questions for Specific Phases of Trial (i.e. Termination of Parental Rights)

1. Fact Finding Phase

- When did you first become involved in this case?
- What were the circumstances that led to your involvement in the case?
- What did you do upon being assigned to the case? Files reviewed? Contact with professionals?
- What has been your contact with the child/parent(s)? Upon your initial contact with the child/parent(s), what did you observe regarding the condition of the child/parent(s)?
- Did you talk to the parent about the allegations of the Child Protective Services' (CPS) referral?
- Following your contact with the child/parent, what did you do?
- Is the child currently placed out of the home? What has been the visitation pattern?
- Did you observe any of the visits? Where? When? How many?
- Describe for the court the parent child interaction during the visits. Did the interaction/lack of interaction concern you in any way? Why/why not?
- What was the child's reaction before/during/after the visitation? Did you find the child's reaction to be of significance? In what way?
- Approximately how many hours have you spent on this case?
- What records or reports have you reviewed in conjunction with this case?
- What court hearings have you attended during your time on this case?
- Do you feel the child 's parent is capable of providing adequate care for the child? What is the basis of your opinion?
- Do you feel the child's parent is capable of understanding/meeting the physical/emotional needs of the child? What is the basis of your opinion?
- Do you feel the child's parent is capable of protecting the child from further abuse? What is the basis of your opinion?

2. Dispositional Phase

- What is your recommendation regarding placement of the child? If you are recommending a specific relative placement, why? What is the basis for your recommendation?
- What harm, if any, would there be if the child were returned home today?
- What is your recommendation regarding visitation? What is the basis for this recommendation?
- What effect would there be upon the child's welfare if visits were more frequent/longer in duration/unsupervised?
- What services are you recommending for the child/parent? Why? Explain why each particular service is needed and how it will assist in resolving the problems that led to court intervention.

3. Termination Phase

- Use questions above through Fact-Finding Phase, where appropriate.
- Did you talk to the parent about what s/he needed to do to have the child returned home? Did the parent appear to understand the requirements necessary to have the child returned home?
- Did the parent express a willingness to participate in court ordered services? Were services offered or provided? What services?
- Since you have been assigned the case, what services has the parent successfully completed?
- Can you think of any services that have not yet been offered which could help the parent become able to care for the child within the foreseeable future? Is that service available in this community?
- Describe the child's development/adjustment generally. Does the child have any special needs? If so, describe.
- Have you consulted with any professionals in regards to the parent/child on this case? With whom? When?

- Have any evaluations been ordered of the parent/child in this case? What evaluations? Were those evaluations completed? Did you review the results of those evaluations?
- What have been the visitation arrangements between the parent and the child? Has the parent attended visits regularly? Why or why not?
- How long has the child been placed in is/her current home? Is this a relative placement? Have relative placements been investigated? In how many homes has this child been placed?
- If parental rights were terminated, could the child be placed into a permanent home?
- Does continuation of the parent/child relationship diminish the child's prospects for early integration into a stable and permanent home? Why?
- Based upon the records and documents you have reviewed, your observations and discussions with the parties, and your consultation with professionals, do you have a recommendation for the court regarding termination of parental rights for this child?
- Do you feel that termination of parental rights is in this child's best interest?
- Did you consider a legal guardianship or other alternative case plan? Why do you feel a guardianship or other plan is not appropriate?
- If parental rights were not terminated or if a decision regarding the termination were postponed, would there be any harm to the child? Why or why not?

© 2012 Arizona Supreme Court. All Rights Reserved.
For permission to reprint/republish this article, please email casa@supreme.sp.state.az.us