

**BEING PREPARED  
for  
JUVENILE COURT**

JUDGE VELMA C. TILLEY  
BARTOW COUNTY JUVENILE COURT  
May 8, 2012

First

- The BASICS

**Juvenile Court is not Superior Court**

- NO Jury.
- The Judge is the trier of fact.
- However: Witnesses do swear or affirm to tell the truth.

**Who are all these people?**

- DFACS: Department of Family & Children Services
- Parents or Custodians
- Child(ren)
- Foster parents?
- Witnesses?
- Public?
- CASA
- Attorneys

### Who are the Attorneys?

- SAAG: Special Assistant Attorney General
  - Represents DFACS
- Mother Attorney
- Father(s) Attorney (s)
- Child Attorney (stated interest or GAL?)
  - Stated interest is what the child wants
  - GAL: guardian ad litem is best interest of child
- Intervenors' Attorney??

### Representatives of Child

- Stated Interest Attorney
- Attorney Guardian Ad Litem
- Lay Guardian Ad Litem
- CASA

### What do I wear?

- Don't wear your jogging suit.
- You are a professional. Look like one.
- Keep something in the office you can throw on if called to Court at the last minute.
- Sometimes you are called to Court from the field. Just explain it to the Court.

### THE PROFESSIONAL AS A WITNESS

- You are on display from the time you enter the Courthouse.
- Be polite to everyone.

- Don't discuss controversial subjects, political issues, public issues, etc, where you might be overheard.
- Don't discuss the case in the hallways. You will be overheard!

- Be natural; avoid jargon.
- Be impartial. Let the facts speak for themselves.
- BE POLITE TO BOTH SIDES – while you may be a witness for one party, treat the opposing attorney the same way

- Don't chew gum. Don't use tobacco products.
- Don't joke around in the hallways.
- Place cellphones on silent.

#### The Professional on the Witness Stand

### • BE PREPARED

- Be familiar with your material.
- Give details: Paint the picture
  - Don't assume the facts are self-evident

- Tell your attorney about problems in the case beforehand – NOT from the witness stand!

- Be Patient
- Answer one question at a time
- Be accurate
- Quote, don't paraphrase

- Don't volunteer information.
- [but don't make your attorney drag it out of you]
- Don't stall. Answer the question the best you can.
- Don't be too quick to answer.
  - Wait for an objection. Never interrupt a question

- Don't be too slow to answer.
- Don't read anything in – answer the question and only the question (you may explain your answer if an explanation is necessary)
- Don't hedge – don't use the phrase "to the best of my recollection" (all your answers should be to the best of your recollection) "To my understanding" seems like you are not speaking from personal knowledge

- “I don’t know” can be an appropriate answer to a question.

- However, don’t overuse it and don’t use it as a replacement for being familiar with your case

- When objections are made:

- Wait for a decision from the judge
  - Don’t get involved in the discussions at the bench
  - Don’t try to answer anyway
  - Don’t show any feeling in response to the judge’s ruling

- Don’t argue with or show anger to the opposing attorney

- Realize ahead of time that at times their only defense is to attack you  
Be Ready

- Sometimes the questioning is posturing for the client

- Own up to mistakes made
  - Violated policy by not notifying prior to move? They will run out of steam if you admit mistake and say how you will correct
- Avoid saying "I just got this case"
  - "I was assigned this case... I spent the weekend reviewing the record ...."

- Modulate your voice
- Look out for trick questions or questions with several parts.
  - Clarify any false statements in any questions

- Remember YOU are the Expert. You have the training and experience. You have investigated the case. Leave your inferiority complex back at the office.

- Establishing that you are an expert –
  - Keep a running list of your training starting from the very beginning
  - Keep a list of your practical experience if you are short of training (at the beginning)

- Sub-Part to being Prepared (for caseworkers)
  - Prepare your witnesses for your attorney. A list with their names, telephone numbers and a line or two on what they know will be helpful

## Let's Try This Out

## Thank you, Amy Flatt!!

- Bartow County DFACS caseworker for 7 months

## Questions?

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