

WORKING WITH THE COURTS TO PROTECT CHILDREN



In all interactions with the court (report to court, affidavit, and testimony) it's important to be mindful of how you communicate about the parents in any given case. Using a strengths-based perspective whenever possible may prevent barriers to engaging with parents.

WHAT INFORMATION IS INCLUDED IN AN AFFIDAVIT?

The court report or affidavit is the first point of contact with the tribal court. Typical elements include:

- **Identifying information:** Child's name, gender, age, parents, and siblings.
- **Facts of the case:** Factual information presented objectively and chronologically.
- **History and background information:** Any previous reports of child abuse/neglect, and/or parents' criminal background.
- **Parents' functioning and capacity to parent:** Objective observations of parents' ability to meet their own and their child's basic needs.
- **Child's identified needs:** Any developmental delays, need for supervision, harmful behaviors, and symptoms of trauma.
- **Current situation:** Where the child is placed, services being offered, and parents' efforts to complete the case plan.
- **Efforts to prevent removal:** Referral to services and parents' willingness to engage in these services.
- **Summary:** Based on the worker's assessment, provide recommendations for how the case should proceed.

Content of court report or affidavit may vary depending on tribal code. Regardless of content, remember that all information should be presented objectively.

TIPS FOR PREPARING TO TESTIFY IN COURT

- Prepare as far in advance as possible.
- Review your court report, case file, and related documents.
- Review the case with your supervisor.
- Make a cheat sheet that includes basic information about the case.

TESTIFYING ABOUT A CASE

- Introduce yourself and explain your qualifications.
- Testify about the facts only - do not draw inferences or conclusions from the facts.
- Offer opinions based on your area of expertise - do not go beyond your recognized area of expertise or education.
- Answer all questions truthfully.
- It's okay to say "I don't know" or "I don't remember."
- Don't be afraid to admit if you didn't hear or didn't understand a question.

References:

Georgia Department of Human Resources Division of Family and Children Services (2009). Keys to child welfare practice.

Hamlett, J. (2007). The art of testifying in court. Children's Services Practice Notes, 12(4).

