



An *entree* is the center of a meal, the most filling portion. The lesson plans in this section, designed by the National CASA Curriculum Advisory Committee, provide substantive learning opportunities on a variety of topics. Each lesson in this “201 series” offers in-depth training on a subject first introduced in the “101 series”—the core volunteer training curriculum.

The offerings here need not be used in any particular order. What are the volunteers in your program hungry for? Do they need more training on court report writing or testifying in court? Or would they benefit most from learning more about substance abuse recovery or mental illness? Choose a lesson based on the needs of your volunteer pool.

Court Report Writing 201: Court Reports That Judges Will Love.....	8
Advocacy 201: Advocating for Children with Mental Illness.....	29
Advocacy 201: When Parents Relapse During Substance Abuse Recovery.....	41
Testimony 201: Testifying in a Contested Setting (Part 1 of 3).....	53
Testimony 201: Providing Effective Testimony Under Direct Examination (Part 2 of 3).....	57
Testimony 201: Providing Effective Testimony Under Cross-Examination (Part 3 of 3).....	63

Court Report Writing 201: Court Reports That Judges Will Love

ESTIMATED TIME
1 hour and 45 minutes



OBJECTIVES

By the end of this lesson, volunteers will be able to . . .

- ✓ Identify elements of objective writing
- ✓ Identify the most relevant information to include in a report
- ✓ Write a persuasive recommendation

SUPPLIES

Flipchart and markers

Photo (for Activity 1)

Handouts

- Objective vs. Subjective Words and Phrases (for Activity 3)
- Correcting a Court Report (for Activity 4)
- Saying It Differently (for Activity 4)
- Short Court Report (for Activity 5)
- Long Court Report (for Activity 5)
- Evaluating Persuasiveness (for Activity 6)

Activity 1: Describing Other People

10 minutes

Anchor

Visual | Auditory

Show participants the photo provided for this activity, and ask them to answer the following question: What can you tell me about her? As the group voices its suggestions, write them on a flipchart.

Once the group has generated a list, ask the following question about each item listed: "How do you know this?" Point out which descriptors are based on observable fact (eye color, hair color, etc.) and which descriptors are based on assumptions (happy, mad, professional, etc.).

Activity 2: Defining the Terms

10 minutes

Content

Visual | Auditory

Based on participants' observations from the first activity, ask the group to come up with a definition for the following two terms: *objective* and *subjective*. Write the definitions on a flipchart, and post it on the wall for the duration of this lesson.

If participants do not come up with the following ideas as they form their two definitions, you may wish to add them before finalizing the definition:

Objective—observable, fact-based, backed up by evidence, neutral, unbiased

Subjective—assumption-driven, opinion-based, biased, built upon individual interpretation

Activity 3: Identifying Objective & Subjective Language

10 minutes

Application | Future Use

Visual | Kinesthetic

Distribute the Objective vs. Subjective Words and Phrases handout. Ask volunteers to come up with examples of words or phrases they might use or see in a court report that are commonly associated with being either objective or subjective. Two examples appear on the handout to get them started.

At the end of the activity, you might point out the following: Objective statements are usually based on quantitative data (e.g., attended class 3 times) or direct observation (e.g., I observed). Subjective statements often convey the observer's role in interpreting what he/she is seeing (e.g., I think; I feel; It seems; In my opinion).



Activity 4: Correcting a Sample Report

20 minutes

Application

Visual | Kinesthetic

Distribute the two handouts for this activity: Correcting a Court Report and Saying It Differently. On Correcting a Court Report, volunteers are to identify and correct at least five errors that appear in the court report excerpt. On Saying It Differently, they are to rewrite the observations so they are more objective. You may wish to model an example in the large group and then give volunteers time to complete the worksheets on their own.

When participants are finished, go over the answers in the large group. Afterward pose the following question to the group: Why is it important to focus on using objective observations in court reports?

Responses may include:

- Objectivity lends credibility to the entire court report.
- Attorneys may challenge any subjective statements.
- It is difficult to prove subjective statements.
- Their duty as CASA/GAL volunteers is to present the most fact-based information available.

Activity 5: Solving the Goldilocks Dilemma: Is My Court Report Too Big, Too Small or Just Right?

30 minutes

Application

Visual | Auditory | Kinesthetic

No nationally standardized set of court reports exists; different hearings and report formats vary by jurisdiction. Please feel free to customize the handouts used in Part 2 of this activity based on the hearings and/or report format in your jurisdiction.

You will not have time during this activity to go into detail about different types of court reports. If you have identified this as a training need in your program, be sure to schedule another time (or add time to this lesson) to review the various types of hearings and court reports in your jurisdiction. You might also create a handout with information about the role of each court hearing and the accompanying court report and distribute it during this lesson.

Part 1: Ask volunteers to think back to Activity 1, Describing Other People. Refer to the list of descriptors they came up with for the person in the photo, and ask participants the following questions:

- Which descriptors would have been most valuable if the person you were describing was wanted by the police?
- Which descriptors would have been most valuable if the person in the photo was entering the Miss Universe pageant?
- Which descriptors might be relevant to both?

Part 2: Distribute the Short Court Report handout and the Long Court Report handout. The short report is written in executive summary style, and the long report is a compilation of case notes. Ask volunteers to work in groups of two or three to evaluate and develop a list of missing information (for the short report) and to cross out superfluous information (in the long report).

In the large group, ask several groups to share what information they eliminated and why (for the long report) and/or what information they felt was missing and why (for the short report). Point out that when it comes to court reports, each hearing will be different and will require a customized set of observations and recommendations.

Activity 6: Evaluating Persuasiveness

20 minutes

Application/Future Use

Visual/Kinesthetic

Distribute the Evaluating Persuasiveness handout. Ask volunteers to rate the persuasiveness of the statements on the handout using a scale from 1 to 10 (1 being the least persuasive and 10 being absolutely convincing).

After participants have rated the statements, go through the handout and ask volunteers to share their ratings and the reasons behind them. Answers may vary, but some themes that should emerge during the discussion include specificity (#1), emotion (#2), exaggeration (#5) and opinion versus fact (#5). Also ask participants for suggestions on how to improve each recommendation (if possible).

Closing: 5 minutes

End this lesson by pointing out that a CASA/GAL volunteer can spend numerous hours of intense work on any given case, but if the court report doesn't succinctly and effectively express what a volunteer observes to be in the child's best interest, then the judge/court cannot make the best decision. Remind volunteers to check their grammar and get reports in on time in order to ensure the report has been reviewed before being submitted.

This lesson was based in part on information provided by Georgia CASA.



Describing Other People



Objective vs. Subjective Words and Phrases

In the columns below, write examples of words or phrases you might use or see in a court report that are commonly associated with being either objective or subjective. Several examples are given to assist you in starting your list.

The list of objective words will be helpful as you choose vocabulary to include in your future court reports. As you proofread your court reports, you may wish to eliminate subjective words such as those that appear in the subjective column below.

Objective (fact-based observations)	Subjective (opinion-based observations)
. . . attended class three times. . . . was slurring words, had bloodshot eyes.	. . . didn't seem interested in attending class. . . . was drunk.
Empty space for student input	Empty space for student input



Correcting a Court Report

Identify at least five errors in this court report excerpt and circle them. Then add your own corrections below.

Kenna Lewis has been in foster care since February 5, 2006. She seems really happy there. On my most recent visit, her foster mother said that Kenna enjoys finger painting. This seems to be a wonderful foster home. They have another child also.

Mrs. Lewis has failed to attend recommended treatment for drugs and mental illness. When I met Mom, she kept talking about herself. I've never met a person so preoccupied with her own needs. She was confused about why her children came into foster care, but she sure loves them. She says she tries to get to visits but can't always make it because of the bus schedule. She doesn't drive. She said that the agency service plan is too hard to do all at once. She has some major hurdles to overcome.

1. _____

2. _____

3. _____

4. _____

5. _____





Saying It Differently

The following statements, excerpted from court reports, lack objectivity. Take a few moments to make the statements more objective.

Painting a Picture

Instead of writing, "The mother/child visit went poorly," you tell the court . . .

Instead of writing, "Dad was acting angry and irrational with Tony," you tell the court . . .

Connecting the Dots

Instead of writing, "Dad has been convicted of meth use so he should not have his children back," you tell the court . . .

Instead of writing, "Mom is mentally ill and can't take care of her children," you tell the court . . .



Short Court Report

Muskatine County CASA

Muskatine County Juvenile Court

TO: Judge B. Patrick
CASA Volunteer: Warren White
DATE OF REPORT: March 22, 2007
TYPE OF HEARING: Review Hearing

CHILD NAME	DOB	AGE	SEX	CASE	CURRENT PLACEMENT
Shirley Smith	7/21/95	11	F	04-1314 GRN	Foster Home

My suggestion is that custody of Shirley should be given to her aunt, Ms. Anna Jones. The case has been ongoing since I received it in February 2005, and there has been little resolution on the mother's case plan. While I do believe that a better checklist system needs to be in place for accountability of dates/assignments for assessments, evaluations, etc., I believe Paula (mother) had an opportunity to fulfill her requirements for the drug/alcohol assessment and the psychological assessment. I understand the anger and resentment she feels in having these issues drag on. However, these issues were outlined in the original case plan. I know that other states will set up all appointment dates for assessments/evaluations when the case plan is originally created, so that all parties (social services, providers, etc.) are aware and sign off in agreement.

Shirley needs stability right now in her life. She is confused and rebellious. My suggestion is that she needs ongoing counseling, both individual and group. She would benefit from talking to other kids who have experienced the same things that she is going through. She also needs consistent love and affection. If Ms. Anna Jones has custody, then the family could focus on Shirley's healing. It also would not hurt for her to get involved in some extracurricular activities with other kids, perhaps through the recreation department. This would help with her interaction with other kids her age.

Respectfully,

Warren White
CASA Volunteer



Long Court Report

Court Appointed Special Advocate (CASA) Report

Muskatine County Juvenile Court

File Number: 45500
Case Number: 044-03J-04642
CASA Volunteer Assigned: Wilma Smith
Date of Report: 06/13/2005

Hearing Date: 06/16/2005
Type of Hearing: Hearing
Judge: Patrick

DSS Caseworker: Denise Burley
Caseworker Phone Number: 222-555-2956

Child/Children:

CHILD NAME	DOB	SEX	PLACEMENT
Jerome James	1/7/1990	Male	Foster Home

I. HISTORY

On or about July 2, 2003, the child was removed from the home due to the following: Linda James is the child's paternal aunt and adoptive mother, having adopted the child in 1998. The child states that he has been physically abused by Ms. James, a charge which she denies. DSS offered in-home services to allow the child to return home; however, the child refuses to go home, and the mother refuses to allow the child back in the home. Ms. James does not feel that she can meet the child's needs due to his violent and impulsive behaviors and feels that he needs to be placed in therapeutic residential care. Child was placed with foster parent, Janice Hunt, on July 2, 2003.

II. THE FACTS

Persons Contacted: **Jerome James (06/05/05, 06/11/05)** *Relationship to Child/Children:* **Child**

I had my first face-to-face meeting with Jerome on a Saturday morning. He appeared younger than his 15 years. After being called by his foster mother, Janice Hunt, he came up the stairs to meet with another youth who playfully identified himself as Jerome. Jerome had just awoken. We laughed and Jerome walked ahead of me to the patio where we were to meet. He didn't greet me immediately. I introduced myself and we shook hands. The home seemed reasonably clean and orderly. The living room was clean and well-decorated with African paintings and sculpture. The patio was swept and organized. Jerome assembled chairs for us to sit on. He seemed to be a sad child. He kept his head down through most of our meeting. When he did speak, he generally seemed ashamed or uncomfortable. We spoke about what Jerome wanted to do with his life. I asked about his summer job search, his anger, his relationship with Ms. Hunt, his biological older brother, his future



Long Court Report *(continued)*

plans, and his school experience. Jerome didn't discuss every topic I raised. But what he did and didn't say told me something about his personality.

I asked him about his plans for a summer job. We role-played and I asked him to pretend that I had a job and he wanted to convince me to hire him. He stated that he needed job experience so that when he became 16 years old he could compete for a better job. He described himself as a good worker. Jerome seemed to respond well to the role-playing, but I noted that he had difficulty saying good things about himself. I told him that he did a good job in our role-playing.

Jerome wouldn't say much when I asked about his alleged bouts with anger. He seemed ashamed to discuss this subject. He kept his head down. "Do you ever get very angry? When I get angry, I can feel the anger rising in me. I don't like to get enraged. Do you ever get that angry?" He said, "No."

Jerome said that he was satisfied with his placement with Janice Hunt and that he wanted to stay with Ms. Hunt.

Jerome admitted that he did not have a good school year. He didn't say what grades he got. He denied reports that he did well in reading. Jerome plans to attend Southwest Oedel High School in the fall after being previously left back twice. Jerome said that in the future he wanted to go to college and study the visual arts. He stated that he attended a class that taught technology and he became interested in animation. I asked him how he intended to get into college. He thought that he would need a 4.0 grade point average to qualify for college. I told him that a 4.0 was a perfect average and that he didn't need a grade point that high to attend college.

I told Jerome many things to encourage and advise him. "You could be suspended or expelled." "It's up to you." "You don't want to get in to trouble because the police today will arrest a Black man. They don't care." "I understand that you may be angry and you have a right to be. Some people have done some wrong things in your life. But you must be willing to forgive them." "Do you know what 'aging out' means?"

We ended our conversation with me reading a portion of a book called *My Brother's Keeper*. In it, the author discussed courage and what it means. The author stated that the man who overcomes his fears must be self-possessed. I told Jerome that he must be self-possessed to overcome his situation and make a life for himself one day. We shook hands and parted.

Persons Contacted: **Denise Burley (5/25/05, 06/03/05)** *Relationship to Child/Children:* **Caseworker**

We had a few brief conversations by phone. The most memorable discussion was regarding Jerome's case file on May 25, 2005. Ms. Burley appeared somewhat knowledgeable about this case, and we talked in detail about it. Ms. Burley stated that Jerome James has experienced abuse. His adoptive mother put him out because she feared the welfare of her younger child. At 2 years of age, he was beaten in the head with a baseball bat causing head injuries. She stated that an evaluation found no behavior problems. Ms. Burley stated that she tried to get him into a residential treatment center. However, she could not get an evaluation to recommend such treatment. She said the child has no other family interested in adopting him. His adoptive mother doesn't want him, and his father doesn't want him. Mrs. Burley stated that she thought the child could benefit from a male role model. She feels that he is an otherwise very intelligent boy who appears to be a follower, but he has improved his grooming since getting a girlfriend.

Long Court Report *(continued)*

Persons Contacted: **Janice (“BB”) Hunt (05/29/05, 06/11/05)** *Relationship to Child/Children:* **Foster mother**

I visited the home of foster parent, Janice Hunt, on a Saturday morning to meet Jerome, as already discussed. Her home was reasonably clean and well furnished. I noticed several young boys at the home as well as two young women. Ms. Hunt keeps four male foster children (17 yrs., 16 yrs., 15 yrs. and 13 yrs.). She described them as streetwise. I noticed that one of the boys left the home after Ms. Hunt left the residence to shop for groceries. As a single parent, Ms. Hunt appeared prone to this behavior. The youths generally appeared to be well-groomed and in good health.

I also spoke with Ms. Hunt by phone regarding Jerome’s behavior. She described Jerome as mostly angry with behavioral problems in school and at home. At the end of the school year, Jerome was suspended because he got into a fight. At home, Jerome has punched holes in doors, and Ms. Hunt has called the police for this behavior in the past. She said that he has left the house on a few occasions without her permission. At times she has had to call DSS to report him for missing curfew. She said that he has stopped this behavior for the most part. “When he gets angry, it is hard to control him,” she said. “He never tries to hurt me or curse me,” she said. She has tried to get help, even getting the services of Nolan County Prosecutor Sheila Arnold. Ms. Arnold came to see Jerome and the other boys, taking them to church, cookouts and other places.

Ms. Hunt said that the child is not doing well in school. He failed all subjects during the last semester. He will be automatically promoted to ninth grade due to his advanced age of 15 years. He will attend Southwest Oedel High School in the fall. He has been left back twice. Ms. Hunt described Jerome as a bright student when he applies himself. She said that he didn’t like the teachers or the school.

Ms. Hunt stated that Jerome has an 18-year-old brother in an Independent Living Program (ILP). He visited Jerome and this made Jerome very happy. Since that time, he learned that his brother was beaten by another boy while in the group home.

III. THE NEEDS AND WISHES OF THE CHILD/CHILDREN

Placement

Jerome appears to be doing as well as can be expected with Ms. Hunt. He has established a rapport with Ms. Hunt and with the other children in the home. He would probably benefit most from staying in this environment right now.

Educational

Jerome did poorly in middle school and is still being promoted to high school. Jerome would benefit from a private tutor or other services (e.g., Kumon) to accelerate his academic progress. There also needs to be an IEA (Independent Education Assessment) to identify specific deficits that the child may have. Otherwise, Jerome may fall behind in his studies and become more disruptive in school. This behavior may not be tolerated in the current public high school environment, and he may be at risk of expulsion.

Psychological, emotional, health or care needs

Jerome may benefit from counseling to deal with his behavior as well as other issues. If a mental health evaluation has not been done within the last year, I would recommend that an assessment be done to address his anger issues, which appear to be a recurring theme.

Wishes of the child/children

Jerome indicated that he wants to stay with Janice Hunt, his foster parent.



Long Court Report *(continued)*

IV. RECOMMENDATIONS TO PROTECT AND PROMOTE THE BEST INTERESTS OF THE CHILD/CHILDREN

1. I recommend a mental health assessment be done to address any mental health concerns, and counseling to explore his anger issue.
2. I recommend that Jerome receive remedial educational services (e.g., Kumon, Sylvan, IEP assessment) to bring him to grade level.
3. I recommend that Jerome stay with Janice Hunt to give him the stability he needs.
4. I recommend that DSS maintain legal custody with discretionary placement of the child.
5. I recommend that Jerome maintains contact with his only known sibling, his brother.
6. This CASA volunteer should be kept informed by all parties with regard to this case.
7. The recommendations of this CASA volunteer should be considered in the context of the date of the report, with consideration being given to any changes in circumstances between the report date and the hearing date.
8. This CASA volunteer should remain assigned to this case until it is closed by the court.

Wilma Smith
CASA Volunteer

Advocacy 201:

Advocating for Children with Mental Illness

OBJECTIVES

By the end of this lesson, volunteers will be able to . . .

- ✓ Examine their own attitudes toward childhood mental illness and how their attitudes will affect their advocacy
- ✓ List at least three ways volunteers can promote children's mental health during a case
- ✓ Determine whether a child's behavior warrants a mental health evaluation

ADVANCE PREP

- Gather information about who has authority to consent to administering psychotropic medications to a child in your jurisdiction and the CASA/GAL volunteer's role (for Activity 3).

SUPPLIES

Handouts

- Mental Health Continuum (for Activity 1)
- Children and Mental Illness (for Activity 2)
- Tyrone's Story (for Activity 3)
- Nurturing Your Child's Mental Health (for Activity 4)

ESTIMATED TIME

1 hour and 10 minutes



Activity 1: Mental Health

5 minutes

Anchor

Visual | Auditory

Distribute the Mental Health Continuum handout, and ask participants to plot themselves (or a child they know) at the best point and at the worst point in their childhoods (before age 18). Do not ask them to share this exercise with anyone.

In the large group, ask participants to discuss the following question: How will your values and biases about childhood mental health affect your ability to make objective recommendations for a child?

Please share the following definitions of mental health. They may be helpful to you and your volunteers as you proceed with this lesson.

- *Mental health:* A state of successful performance of mental function, resulting in productive activities, fulfilling relationships with other people and the ability to adapt to change and cope with adversity.
- *Mental health problems:* Signs and symptoms of insufficient intensity or duration to meet the criteria for any mental disorder. Mental health problems may warrant active efforts in health promotion, prevention and treatment.
- *Mental illnesses:* All diagnosable mental disorders, health conditions characterized by alterations in thinking, mood or behavior (or some combination thereof) associated with distress and/or impaired functioning.

Activity 2: The Impacts of Mental Illness on Children

15 minutes

Content

Visual | Auditory

Distribute the Children and Mental Illness handout, and review the material in it by choosing one of the following options: Present the information to the group, ask for volunteers to read the handout aloud or offer participants time to read it silently on their own. After participants have finished going through the material, ask them what questions they have.

Activity 3: A Case Study

30 minutes

Application Visual | Auditory | Kinesthetic

Hand out Tyrone’s Story. Ask volunteers to read the case study.

After participants have read the case study, divide the class into two groups: The first group takes the position that Tyrone clearly has a mental illness and should be placed on medication. The second group takes the position that Tyrone’s behavior is typical given the circumstances, and Tyrone does not need medication.

Allow the groups 10 minutes to work separately to build a case for their point of view. When you bring the two groups back together, ask for a spokesperson from each group to make the argument for their position. After they have made their cases, ask participants to share any questions they have. Explain to participants who has the authority to consent to administering psychotropic medications to a child in your jurisdiction and the volunteer’s role, if any.

Activity 4: What Can CASA/GAL Volunteers Do?

10 minutes

Future Use Visual | Auditory | Kinesthetic

Distribute the handout, Nurturing Your Child’s Mental Health, and ask participants to read it. When volunteers have finished reading the material, instruct them to work with a partner and mark those suggestions that they, as CASA/GAL volunteers, can influence.

In the large group, ask volunteers to share what they marked, as well as one idea they can come up with to promote mental health, if applicable, in one of their current cases. Be sure to ask them to respect confidentiality guidelines as they speak. This is an opportunity for volunteers to make a connection, in a general sense, between current cases and the information covered in this training lesson.

Closing: 10 minutes

Address any lingering questions, and be sure to discuss the boundaries of the CASA/GAL volunteer’s role regarding children’s mental health in your jurisdiction.



Mental Health Continuum

On the mental health continuum below, plot yourself (or a child you know) at the best point and at the worst point in your childhood (before age 18). You will not have to share this exercise with anyone.

Good
Mental Health

Mental Health
Problems

Mental
Illnesses



Mental Illness



Children and Mental Illness

More than 80 million children younger than age 19 are growing up in the United States. Results from the 2005 National Survey on Drug Use and Health indicated that that 5.5 million youth age 12 to 17 received treatment or counseling for emotional or behavioral problems in the prior year. This is 21.8% of youth age 12 to 17. Other estimates indicate that 10% of this age group experiences a mental health problem serious enough to cause a significant level of impairment in functioning at home, at school or in the community. If early intervention does not occur, childhood disorders may intensify and persist, often leading to a downward spiral of school failure, poor employment opportunities and poverty in adulthood.

Mental disorders fall along a continuum of severity. Even though mental disorders are widespread in the population, the main burden of illness is concentrated in a much smaller proportion of people living in the United States—about 6%, or 1 in 17—who suffer from a serious mental illness. It is estimated that mental illness affects one in five families in America.

- Severe mental illness is highly correlated with alcohol and other drug dependence or abuse. In 2002, among adults with severe mental illness, 23.2% were dependent on or abused alcohol or other drugs. The rate among adults without severe mental illness was only 8.2%.
- In 2001, approximately 6.1 million children lived with parents who abused alcohol or other drugs. Of these children, 1.1 million were younger than age 3.
- In 2000, approximately one in four American children—19 million, or 28.6% of children birth to age 17—was exposed to family alcoholism or alcohol abuse.
- Seven out of 10 cases of child abuse or neglect are exacerbated by a parent's abuse of alcohol or other drugs. In many cases, the parent's substance abuse is a long-standing problem of at least five year's duration.
- Approximately 67% of parents with children in the child welfare system require substance abuse treatment, but child welfare agencies are able to provide treatment for only 31%.

For children, mental health is not seen as residing solely within the child, but within the web of interactions among the individual child; the family; the school, health and child service systems; and the neighborhoods and communities in which the child lives.

US Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Mental Health Services, www.mentalhealth.org.

CHILDHOOD MENTAL HEALTH

More than 80% of children in foster care have developmental, emotional or behavioral problems. Mental health services are repeatedly identified as their number one healthcare need, and, according to the US Department of Health and Human Services, 75–80% of the children who need mental health services do not receive them.

- Four million children and adolescents in the United States suffer from a serious mental illness that significantly impairs their functioning at home, at school and with peers.
- Of children in the United States, 21% have a diagnosable mental or addictive disorder that causes at least minimal impairment in their lives.
- Mental health disorders in children and adolescents are caused by biological factors such as genetics,





Children and Mental Illness *(continued)*

chemical imbalances or damage to the central nervous system; environment factors such as exposure to violence, extreme stress or loss of an important person; or a combination of both factors.

- Alarming, in any given year, only 20% of children and adolescents with mental illnesses are identified and receive services, leaving the other 80% behind.
- Research shows that early identification and intervention minimizes the long-term disability of mental illnesses.

EFFECTS ON CHILDREN AND ADOLESCENTS

- Suicide is the third leading cause of death in youth between the ages of 15 and 24. More teens and young adults die from suicide than from cancer, heart disease, AIDS, birth defects, pneumonia, influenza and chronic lung disease combined.
- Research shows that more than 90% of youth who commit suicide have a mental illness.
- Approximately 50% of students age 14 and older who have a mental illness drop out of high school, the highest drop-out rate of any disability group.
- An alarming 65% of boys and 75% of girls in juvenile detention have at least one psychiatric disorder.
- The frequency and severity of emotional problems among children in foster care seem to be strongly related to their history of deprivation, neglect and abuse, and the lack of security and permanence in their lives.
- More than 80% of children in foster care have developmental, emotional or behavioral problems.
- Children whose families do not receive appropriate treatment for alcohol and other drug abuse are more likely to end up in foster care, remain in foster care longer and reenter foster care once they have returned home than children whose families do receive treatment.

Child Welfare League of America, www.cwla.org.

Tyrone's Story

Imagine you have just been assigned as the CASA/GAL volunteer in the case of 10-year-old Tyrone. You read in his case file that he has been previously assessed by several different mental health professionals, and the diagnoses range from attention-deficit/hyperactivity disorder (ADHD) to post-traumatic stress disorder (PTSD) to depression. Tyrone was removed from his mother's care when a neighbor called CPS to report that Tyrone had been alone in the home for three days. Tyrone's mother is addicted to methamphetamine and has been inconsistent in her visits.

Tyrone has been in the system for two years and was just removed from his third foster care placement. He was removed at the request of the foster parents because he was found stealing from the foster family's biological children, he has been verbally aggressive, and he recently hit one of the children in an argument over a video game. Since his removal Tyrone was diagnosed with oppositional defiant disorder (ODD), and the psychiatrist wants to prescribe Ritalin.

During a visit with Tyrone he explains to you that the last time he saw his mother two months ago, she assured him that she had a new job and an apartment and that he would be coming to live with her very soon. Tyrone had been trying to get himself kicked out of the foster home so that he could go home to live with his mother. You realize that no one else has this piece of information.



Nurturing Your Child's Mental Health

1. As a parent, you are responsible for your child's physical safety and emotional well-being. There is no right way to raise a child. Parenting styles vary, but all caregivers should agree on expectations for your child.
2. Many good books are available in libraries or at bookstores on developmental stages, constructive problem solving, discipline styles and other parenting skills. The following suggestions are not meant to be complete.
3. Do your best to provide a safe home and community for your child, as well as nutritious meals, regular health check-ups, immunizations and exercise. Be aware of stages in child development so you don't expect too much or too little from your child.
4. Encourage your child to express his or her feelings, and respect those feelings. Let your child know that everyone experiences pain, fear, anger and anxiety. Try to learn the source of these feelings. Help your child express anger positively, without resorting to violence.
5. Promote mutual respect and trust. Keep your voice level down—even when you don't agree. Keep communication channels open.
6. Listen to your child. Use words and examples your child can understand. Encourage questions. Provide comfort and assurance. Be honest. Focus on the positives. Express your willingness to talk about any subject.
7. Are you setting a good example? Look at your own problem-solving and coping skills. Seek help if your child's feelings or behaviors overwhelm you or if you are unable to control your own frustration or anger.
8. Encourage your child's talents and accept limitations. Set goals based on the child's abilities and interests—not someone else's expectations. Don't compare your child's abilities to those of other children.
9. Celebrate accomplishments. Appreciate the uniqueness of your child. Spend time regularly with your child.
10. Foster your child's independence and self-worth. Help your child deal with life's ups and downs. Show confidence in your child's ability to handle problems and tackle new experiences.
11. Discipline constructively, fairly and consistently. (Discipline is a form of teaching, not physical punishment.) All children and families are different; learn what is effective for your child. Show approval for positive behaviors. Help your child learn from his or her mistakes.
12. Love unconditionally. Teach the value of apologies, cooperation, patience, forgiveness and consideration for others. Do not expect to be perfect; parenting is a difficult job.

US Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Mental Health Services, www.mentalhealth.org.



Advocacy 201:

When Parents Relapse During Substance Abuse Recovery

OBJECTIVES

By the end of this lesson, volunteers will be able to . . .

- ✓ Identify the stages of change to increase awareness of appropriate intervention strategies
- ✓ Develop an interview plan to monitor a parent's progress toward addressing substance abuse issues
- ✓ Assess future learning needs to become more effective advocates on behalf of children and families where substance abuse is involved

ADVANCE PREP

- Before facilitating this session, ask volunteers to review the information on substance abuse in Chapter 5, Unit 1 of the *National CASA Association Volunteer Training Curriculum* (pages V5-4 – V5-13).
- Before facilitating this session, also ask participants to look at the website of the Addiction Project (www.hbo.com/addiction), produced by HBO in partnership with the Robert Wood Johnson Foundation, the National Institute on Drug Abuse and the National Institute on Alcohol Abuse and Alcoholism (for Activity 3).

SUPPLIES

Flipchart and markers

Handouts

- What the Child Experiences (for Activity 1)
- Stages of Change (for Activity 2)
- Treatment Is Over. Now What If a Relapse Happens? (for Activity 3)
- Relapse Case Scenarios (for Activity 4)

AUDIENCE NOTE

While this lesson will offer important knowledge to any new or experienced volunteer, it will be particularly useful for volunteers who are currently assigned to a case involving parental substance abuse. CASA/GAL volunteers are responsible not only for reporting the facts, but also for being as knowledgeable as possible in order to provide appropriate recommendations to the court.

ESTIMATED TIME
1 hour and 15 minutes



Activity 1: How A Child Experiences Recovery

10 minutes

Anchor

Visual | Auditory

Distribute the What the Child Experiences handout, and ask volunteers to read it. This material appears in the substance abuse section of the core volunteer curriculum.

Ask participants to think about a case they have now or have had previously in which a substance-abusing parent was doing well in his or her recovery treatment. Instruct them to share with a partner what they observed the child's experience to be. How was it different from the experience described in the handout? How was it the same?

In the large group, ask volunteers to share some of their observations.

Activity 2: Stages of Recovery

10 minutes

Content

Visual | Auditory

Distribute the Stages of Change handout, and present the information in it to participants. Point out that this session will focus on relapse and its implications for CASA/GAL volunteer advocacy.

Activity 3: Treatment Is Over. Now What If A Relapse Happens?

25 minutes

Content | Application

Visual | Kinesthetic

Distribute the article "Treatment Is Over. Now What If a Relapse Happens?" and ask participants to read it.

Divide participants into small groups for this activity, and give them each a flipchart and markers. Using what they learned in the article and from the HBO Addiction Project website they reviewed prior to the session, participants are to design an interview guide for a CASA/GAL volunteer to use with one of the following people in a case involving parental substance abuse: the parent's substance abuse therapist, a close friend/neighbor of the parent, the parent's AA/NA sponsor, the child or the child's teacher. In addition to interview questions, participants should be sure to include a list of records the volunteer should review and the things he or she should observe, especially on a home visit. Ask the groups to write their guides on a flipchart.

Go through each group's interview guide in the large group.

Activity 4: Relapse Case Scenarios

15 minutes

Application Visual | Auditory | Kinesthetic

Distribute the Relapse Case Scenarios handout. Ask participants to pair up, read the case scenarios and answer the questions that follow the scenarios. When participants are finished, review their responses to all of the questions in the large group.

Activity 5: Looking Forward

10 minutes

Future Use

Visua | Auditory

Ask volunteers to take a moment to reflect on what they have learned during this session and answer the following questions:

- What would your “words of wisdom” be for a CASA/GAL volunteer assigned to her first case involving parental substance abuse?
- What additional topics or information would you find helpful in your own advocacy on behalf of children whose parents are recovering from substance abuse addiction?

Write participants’ responses on a flipchart.

Closing: 5 minutes

Ask participants if they have any remaining questions. Tell them how they can get support as they work on cases involving parental substance abuse.



What the Child Experiences

From a child's perspective, a parent's substance abuse is usually characterized by the following:

- **Broken Promises**
Parents may break their promises to go somewhere with the family, do something with the children, not drink that day, or not get high on some occasion. The children grow up thinking they are not loved or important enough for their parents to keep their promises.
- **Inconsistency & Unpredictability**
Rules and limits may seem to change constantly, and parents may be loving one moment and abusive the next.
- **Shame & Humiliation**
Alcohol or drugs may take over and suddenly turn an otherwise lovely parent into a loathsome embarrassment.
- **Tension & Fear**
Because the children of substance-abusing parents never know what will happen next, they typically feel unsafe at home, the environment in which they should feel most protected.
- **Paralyzing Guilt & an Unwarranted Sense of Responsibility**
Many children think they cause their parents' behavior. Part of the disease is to blame someone else for it, and the children grow up thinking that if they were better students, more obedient, neater, more reliable, or nicer to their siblings, their parents would not use alcohol/drugs.
- **Anger & Hurt**
Children may feel neglected, mistreated, and less important in their parents' lives than the alcohol or drugs. They grow up with a profound sense of abandonment.
- **Loneliness & Isolation**
Because the family denies or hides the problem and often will not even discuss it among themselves, the children, with no one to talk to about the most important thing in their lives, think they are the only ones with this problem.
- **Lying as a Way of Life**
Children may feel they have to constantly cover for the failure of the parent, or account for his/her deviant behavior.
- **Feeling Responsible**
Often children feel that it is their job to organize and run the home and care for younger siblings.
- **Feeling Obligated**
Children feel they must hide the problem from authorities in order to protect the parent.

Adapted from *When Your Parent Drinks Too Much: A Book for Teenagers*,
Eric Ryerson, New York: Facts on File, 1985.

Children in substance-abusing families need help to address these issues and begin to heal their wounds. The CASA/GAL volunteer can advocate for thorough assessment and treatment by a provider who has expertise in working with substance abuse issues.



Stages of Change

Recovery from any addiction requires the addict to engage in a process to change his or her behavior. Addiction-recovery treatment practitioners rely on carefully researched stages of change in order to match interventions with the addict's level of readiness. The stages of change describe a person's motivational readiness or progress toward modifying the problem behavior.

James Prochaska and Carlo DiClemente developed the following model of the stages of change, which is widely used in substance abuse treatment.

Stage of Change	Characteristics
Pre-Contemplation	The person is not considering change, often because he or she does not perceive a problem or a need to change.
Contemplation	The person may seesaw ambivalently between changing and remaining the same, perhaps weighing the costs and benefits as in a decisional balance.
Preparation	The person is clear that a change is needed and is getting ready or considering what to do.
Action	The person has identified one or more steps to take and begins implementation.
Maintenance	The person sustains change.
Relapse	Relapse is a normal part of the change process, in that most people do not maintain change on their first try and cycle through the states several times before achieving stable change.



Treatment Is Over. Now What If a Relapse Happens?

by A. Thomas McLellan

SUMMARY

- Some of the most challenging aspects of recovery occur after treatment is over, because recovered people frequently suffer relapses.
- Family preparation for the post-treatment period can help minimize the damage and disappointment of a relapse.

Even effectively treated people with addictions will confront unexpected situations after they leave a treatment program and return to their home environment. These situations may produce intense periods of craving to re-use alcohol and other drugs. Lapse, defined as re-use of alcohol or drugs at least once following treatment, occurs in at least 50% of those who complete treatment. The most dangerous period for lapse is the first three to six months after completion of formal treatment. Relapse, defined as return to excessive or problematic use, is less common, occurring in approximately 20–30% of those who complete formal care in the prior year.

It is critical that patients, their families and friends prepare for the possibility of lapse and relapse. The preparation should include early detection of a lapse and establishment of steps to keep that problem from becoming a full-blown relapse. Two sets of activities can reduce the likelihood of relapse and reduce the severity if it does occur.

TREATMENT-RELATED PREPARATION

A good addiction treatment program prepares patients to:

- Recognize they have a problem that will require continued management and monitoring
- Learn and practice some of the fundamental skills needed to recognize and overcome the urge to use or drink when these situations emerge
- Be engaged in a continuing care program such as AA and receive regular monitoring of substance use through urine screening or breathalyzer
- Receive periodic phone calls or in-home visits following care to monitor their recovery

These generic elements of effective planning during treatment are among the best clinical practices available to forestall lapse. This planning should involve families so they can better understand the treatment issues, be prepared to support the recovery plan and be aware of signs of lapse.

POST-TREATMENT PREPARATION

To prevent and contain relapse the family should agree to fully participate in planned continuing care activities. Families and all concerned others can take five helpful steps:

1. Have copies of the continuing care plan prominently displayed to reduce ambiguity and promote full communication and response.
2. Early in formal treatment, ask the family member in treatment to describe in writing some of the very early signs and behaviors that may lead to his or her lapse and relapse. For example, he or she might write something like “I will begin hanging out with my friend Jimmy,” “I will not do my homework” or “I will





Treatment Is Over. Now What If a Relapse Happens? *(continued)*

stop attending AA meetings.” As the family member undergoes continuing care, regularly refer to these written descriptions to monitor the recovery process.

3. During formal treatment, as the individual thinks about relapse scenarios, ask what he or she thinks should be done when early relapse signs emerge. Use these words to develop a contract that includes an action plan the family will follow when any of these signs surface. For example, he or she might write, “Take my cash and credit cards,” or “Increase the urine screens.” Be prepared—before the relapse happens—to take the type of actions contracted.
4. Receive and display the results of post-treatment urine screens. Discuss any positive results openly and honestly.
5. Monitor and support changes that are consistent with a drug-free lifestyle. In other words “catch him doing something good” and then support it appropriately.

The Addiction Project,
www.hbo.com/addiction/aftercare/48_what_if_a_relapse_happens.html.
Accessed May 11, 2008.

Relapse Case Scenarios

SCENARIO 1

Mitchell (age 9), Mikayla (age 7½) and Jacki (age 6) have been in foster care in the Collins home for the past 10 months. A younger sibling, Anthony, was placed in a foster home that specializes in working with infants born addicted to cocaine. Recently, Jacki was diagnosed with fetal alcohol spectrum disorder (FASD).

The children's mother, Mary Jones, has been working diligently on her case plan for the past six months. She completed in-patient treatment and then moved to a halfway house, where she has been living while looking for a job and housing for herself and the children. She has been visiting her three older children weekly at the foster home and has seen Anthony every two weeks at supervised visits. Mary has found a small apartment that she can move into in two weeks. At the court hearing next week she intends to ask the judge to return her children to her care as soon as she moves into her new apartment.

Jason, the CASA/GAL volunteer for the children, has been impressed with Mary's commitment to working on her cocaine and alcohol addictions. He believes Mary has made great strides in treatment and has observed how attached the three older children are to their mother. Anthony seems most attached to the foster mother; he becomes very quiet or cries and clings to the foster mother whenever Mary visits.

Last week Mary skipped both her urinalysis (UA) appointments; she said she had the flu and was too sick to go out. She also missed her visits without calling to cancel. Jason has just learned from the social worker that Mary's UA from three days ago came back positive for alcohol use and that Mary did not appear for her UA scheduled today. The foster mother reported to the social worker that Mary had seemed "out of it" and "depressed" on the visit earlier in the week.

1. What are Jason's next steps?

2. What are some possible reasons for Mary's behavior?

3. What factors should he take into consideration when deciding what to recommend at the court hearing next week?



Relapse Case Scenarios *(continued)*

SCENARIO 2

Rochelle Gray, age 12, spent 10 days in foster care after her mother was arrested for cocaine possession. Because there had been two previous similar incidents, a child protection case was opened. Rochelle was initially very upset with her mother and told her CASA/GAL volunteer, Andrea, that her mother “always gets smashed” when she goes out with a certain group of friends who are a “bad influence.”

It’s been two months since Rochelle returned home to live with her mother after her stay in foster care. Andrea has visited Rochelle at school twice and at home twice. According to Rochelle, everything has been fine. The school counselor reports a drop in Rochelle’s grades and that she sometimes falls asleep in class. Mrs. Gray was not at home either time Andrea visited because she was working late. According to the social worker, Mrs. Gray has done everything required in her case plan, and the social worker is planning to ask for dismissal of the case.

This morning, Andrea received a call from the social worker informing her that Mrs. Gray had been picked up in a drug raid at a suburban motel the previous evening and held overnight in jail. Mrs. Gray was now back at home and it was unclear whether she was going to be charged with anything. However, she had failed a sobriety test given at the jail. The social worker called the school and learned that Rochelle was in class.

Substance Abuse

1. What are the next steps Andrea should take?

2. What are some possible reasons for Rochelle’s behavior?

3. What is in the best interest of Rochelle at this point?

4. Would the recommendation be different if Rochelle were age 3? How?

Testimony 201:

Testifying in a Contested Setting (Part 1 of 3)

OBJECTIVES

By the end of this lesson, volunteers will be able to . . .

- ✓ Describe the functions of the judge, the questioning attorney, the cross-examining attorney and the witness in an abuse/neglect court hearing
- ✓ List one or more actions they will take in order to prepare to provide testimony at a hearing

ADVANCE PREP

- Choose a 5-minute scene from a movie or television show that depicts a courtroom setting in which a witness is questioned. You might consider such films as *The Accused*, *Big Daddy*, *A Few Good Men*, *Kramer vs. Kramer*, *My Cousin Vinny* or *Philadelphia* or such TV shows as *Law and Order* or *Judging Amy* (for Activity 1).

SUPPLIES

Flipchart and markers (for Activity 3)

Movie clip (for Activity 1)

TV and VCR or DVD player (for Activity 1)

Handouts

- Testifying in an Adversarial Court Proceeding (for Activity 2)

SCHEDULING NOTE

It may work well to present Parts 1 and 2 of this lesson consecutively on the same day and follow up with Part 3 in a subsequent session.

ESTIMATED TIME

35 minutes



Activity 1: Courtroom Scene

10 minutes

Anchor

Visual | Auditory

Show the video clip depicting a courtroom testimony scene in a popular movie or television show. Point out that courtroom scenes in movies and television shows are often a little more dramatic than those that CASA/GAL volunteers experience in real life. However, the focus of this activity is not on the drama involved but on the performance of the witness as he or she answers questions.

In the large group, ask participants to respond to the following questions:

- How did the clip match your own experiences or expectations regarding testimony?
- What did the witness do that was effective?
- What did the witness do that was ineffective?



Activity 2: Testifying in an Adversarial Court Proceeding

15 minutes Content Visual

Distribute the handout, Testifying in an Adversarial Court Proceeding. With your volunteers, review the material by either reading the information to them, having them read it aloud or offering them time to read on their own. Court proceedings will vary from jurisdiction to jurisdiction, so be sure to point out any differences between what is presented in the handout and what happens in your area. Ask volunteers what questions they have about the material.

Activity 3: Next Steps

10 minutes Application | Future Use Visual | Kinesthetic

Divide the class into small groups, and give each group a flipchart and markers. Ask groups to create a list of steps they will take to prepare themselves to testify during a trial. When they are finished, discuss their responses in the large group.

Testifying in an Adversarial Court Proceeding

As a CASA/GAL volunteer, you offer fact-based recommendations in a variety of situations. For many of you, the most daunting of these—but also the most critical—is the adversarial court proceeding. If you are called upon to testify in an adversarial court proceeding, you must be prepared with the facts and skills that will allow you to serve as an effective advocate. Following is an overview that will help you know what to expect in such a situation.

WHAT IS AN ADVERSARIAL COURT PROCEEDING?

An adversarial court proceeding is one in which two or more of the parties to a lawsuit present the court with competing requests. For instance, the child protection agency might request that the parents' rights be terminated, while the parents might request that the children be returned to them and that the lawsuit be ended. In an adversarial court proceeding, all parties have the opportunity to call witnesses who can offer testimony in support of their positions.

HEARINGS AND TRIALS

There are two kinds of adversarial court proceedings: hearings and trials. In a hearing, a judge will listen to testimony and decide issues of law and questions of fact before ruling on the request(s) before the court. The court may hold hearings on a variety of requests from the parties, such as those concerning visitation or placement of the child.

Decisions about parental rights are often made in trials. If a lawsuit goes to trial, it means that previous attempts to resolve the lawsuit have failed because the parties were not able to agree on the outcome. The judge will oversee the trial, deciding any questions of law, such as whether evidence can be admitted, and also ruling on any objections. In some cases, a trial will also include a jury. If a jury is present, they will decide questions of fact, such as who is telling the truth or is more credible, and they will hand down a verdict. If there is no jury, the judge will fulfill these roles.

EACH WITNESS HAS A ROLE

In order to convince the court that a client's position is correct, an attorney must call one or more witnesses who can offer compelling, credible testimony. If no single witness can offer all the testimony required to make the case, the attorney will call different witnesses to support different parts of the argument. To manage time efficiently, an attorney will avoid repetition whenever possible. Therefore, each of the witnesses may testify to only a portion of the facts, and the attorney will be responsible for weaving those portions together to make a strong argument.

WHAT TO EXPECT

If you are to testify on a case, one of the attorneys will notify you that he or she plans to call you as a witness. Whenever possible, you should review with that attorney what kinds of questions you should expect so that you know which part of the argument you are there to support.

If you are called to testify in a highly contested court proceeding or if the case has high public visibility, there may be a large audience. However, as a witness, you might not be allowed to be present while others provide testimony.



Testifying in an Adversarial Court Proceeding *(continued)*

In many jurisdictions, you will enter the courtroom to find the judge sitting on the bench, with each of the parties and their attorneys seated at tables in front. A court reporter, often seated near the judge, will be present to record the proceedings. If there is a jury, its members will be seated together so that they can hear and observe the testimony. A bailiff may also be present to maintain order in the courtroom.

The first time you enter the courtroom, you will be asked to stand before the judge and swear to tell the truth. In some jurisdictions the judge will swear in the witnesses together before the trial starts, but in others each witness will be sworn in individually before giving testimony. When you have been sworn in and it is your time to testify, you will be seated in the witness box so that you may face the parties and the jury.

DIRECT EXAMINATION

The attorney who called you as a witness will ask you a series of questions, typically beginning with those that establish who you are and how you are involved in the case and then moving to those that offer you a chance to relay facts you have gathered. This process is called direct examination. Although you will be asked to answer all questions simply and directly, you will be able to give thorough responses in your own words. You may be concerned that the attorney who has called you as a witness does not ask you all the questions you would like to answer, but don't worry. That attorney most likely will make use of testimony from other witnesses to support other parts of his or her argument.

CROSS-EXAMINATION

After direct examination, attorneys representing other parties will have a chance to question you. This process is called cross-examination. During cross-examination, the other attorneys will try a variety of tactics to discredit or contradict your testimony and to undo the support you have given to the opposing party's case. You should not answer at length and will generally be required to respond "yes" or "no" to questions even if you would prefer to provide a more thorough response. Cross-examination can be a frustrating process and can lead you to feel that your responses have been distorted or misrepresented by the way that the questions were phrased.

REDIRECT

After you have been cross-examined, the attorney who called you as a witness has another chance to question you. This process is called redirect. The attorney will use this opportunity to clear up any misleading or overly limited responses you gave during cross-examination. Again, don't worry if the attorney does not allow you a chance to clear up previous testimony you feel was misrepresented during cross-examination. The attorney must make strategic decisions about which points are important and how they can be presented to the court.

During all phases of questioning, listen carefully to the way that questions are crafted. Don't be afraid to pause and consider your response or ask for clarification of poorly worded questions. "I don't understand the question" is an appropriate response and is preferable to guessing.

In two subsequent workshops, you will learn about direct testimony and cross-examination in more detail and will practice the skills needed to testify effectively.

Testimony 201: Providing Effective Testimony Under Direct Examination (Part 2 of 3)

OBJECTIVES

By the end of this lesson, volunteers will be able to . . .

- ✓ Describe the characteristics and stages of direct testimony
- ✓ Provide clear and fact-based testimony under direct examination

SUPPLIES

Flipchart and markers

Handouts

- Direct Examination (for Activity 2)

Cards

- Direct Examination Role Play (for Activity 3)

Activity 1: Court Reports

10 minutes

Anchor

Auditory | Kinesthetic

Ask participants to think back to their most recent or most memorable court reports. If they have not yet written a court report, they should think back to the court report they wrote as part of the volunteer training curriculum.

Instruct volunteers to pair up and discuss the questions below. You might want to write the questions on a flipchart so volunteers can refer back to them as they talk to each other.

- In terms of organizing and expressing your thoughts in the court report, what came easily?
- What was challenging?
- Did you encounter any surprises during the process?

ESTIMATED TIME

1 hour



Activity 2: Direct Examination

15 minutes

Content

Visual | Auditory

Distribute the Direct Examination handout, and review the information in it by either reading it to participants or asking for volunteers to read it aloud. Court proceedings will vary from jurisdiction to jurisdiction, so be sure to point out any differences between what is presented in the handout and what happens in your area. Ask volunteers what questions they have about the material.



Activity 3: Practice Testimony

25 minutes

Application

Visual | Auditory | Kinesthetic

For this activity, divide participants into groups of three to role-play a direct examination scenario. Distribute one set of the Direct Examination Role Play cards to each group. Participants in each group will rotate roles so that each person gets a chance to play each of the following roles: an attorney directing testimony, a volunteer testifying in a contested setting and an observer. Give groups approximately seven minutes for each role play. Afterward, bring them back to the large group to share what they noticed.

Activity 4: Next Steps

10 minutes

Future Use

Auditory | Kinesthetic

Instruct participants to remain in their trios and discuss how they will prepare for their next direct testimony situation based on what they learned during this lesson.

Invite them to share their responses in the large group.

Direct Examination

Direct examination is performed to elicit evidence in support of an attorney's case. The attorney may start from the beginning and walk through the facts as though he or she were progressing through a conversation. This technique is defined as using "conversational language."

As a CASA/GAL volunteer, remember that you may know a significant amount of detail regarding the case but other parties may be hearing the information for the first time. Try not to over prepare for testimony because you do not want to appear to be answering scripted questions. The testimony should be spontaneous, authentic and fact based.

Direct examination is intended to lay out the facts and the sequence of events to the court (What is your name? Where do you live? What is your job?). In direct examination, the attorney is prohibited from asking leading questions. A leading question is one that suggests the answer or contains the information the questioner is seeking (You were visiting the child on the afternoon of March 3, weren't you?). Ultimately, the judge is the final decision maker when it comes to questioning in the courtroom, but as a general practice, leading questions are not allowed.

During direct examination, you will be allowed to recreate an event and/or tell a story from your CASA/GAL volunteer case. Because many people are visual thinkers, one of the key factors in good direct testimony is the ability to tell a story in a way that the individuals listening can envision the story taking place. For example, you must describe a family's dirty house in a way that paints a picture, so that the individuals within the courtroom can imagine how it looked. Working with your supervisor and the attorney who called you as a witness, you must think about how you want to tell the story and decide what scenes are important parts of the story.

The key components to any story are who, what, where, when, why and how. If you are called to testify, you may want to consider these components as you prepare.

To prepare for direct examination, review the file and go over any key points of the case, which may include names, dates and visitation with the child. It is also essential that you meet with your CASA/GAL volunteer supervisor for additional guidance. It is helpful to outline the facts of the case and develop a timeline.

Certain actions can hinder the outcome of direct testimony. Keep in mind the following guidelines as you prepare to testify:

- **Do not be discourteous to counsel or the court:** As a CASA/GAL volunteer, you already know not to talk back to the judge. Give everyone in the courtroom the same courtesy. You represent your CASA/GAL program.
- **Do not fail to answer questions directly:** Listen carefully before answering the question, and do not answer a question that wasn't asked. It can make you appear evasive as if you have something to hide.
- **Do not try to explain too much:** You have a lot of information regarding the case, but you must try to eliminate extra information and focus on the question asked.
- **Keep it short and avoid repetition:** Keep answers to direct questions fact filled and short. There is no need to repeat an answer several times within one question unless asked to do so.
- **Always tell the truth:** It is your ethical responsibility to be as forthcoming and honest as possible during direct examination.





Direct Examination *(continued)*

LEGAL REQUIREMENTS FOR DIRECT EXAMINATION

Competency of the witness: The first legal requirement is that the witness must be competent to testify. Four factors qualify a witness to be competent: 1) understanding of the nature and obligation of the oath or affirmation to tell the truth, 2) knowledge of the relevant event, 3) recollection or memory of the relevant event and 4) ability to communicate in the common language of the court.

Relevance of the testimony: The second legal requirement of direct testimony is that it must be relevant. Relevant evidence is evidence that has any tendency to make the existence of a fact of consequence to the case more or less probable than it would be without it.

Authenticity of matters of evidence: The third requirement for direct examination is that matters of evidence must be authenticated. Authentication of evidence can be done in a number of ways—for example, by testimony of a witness with knowledge (such as a CASA/GAL volunteer).

Proper evidentiary foundation or predicate for admissibility of the evidence: Certain items of evidence require special admissibility rules, such as hearsay. As a CASA/GAL volunteer, avoid hearsay in direct testimony by testifying only to matters about which you have first-hand knowledge.

Direct Examination Role Play

Copy the following cards and cut apart on the dashed lines.

ATTORNEY ROLE

Based on what you read in the previous activity about direct examination, ask questions of the witness in your role play. The witness will answer questions based on his or her most recent court report or case, or, if the participant does not have a good example to draw from, the case study that you used in the volunteer training curriculum. As the attorney providing direct examination, remember that you are questioning a witness you have called to support your own case. You have worked in advance with this volunteer to prepare for the testimony, and you want the witness to offer effective, fact-based testimony. Remember also to avoid leading questions. The list of questions below will serve in most cases, but you may supplement with your own questions. Before you begin the role play, review the list below and decide if/how you will supplement it.

1. Please state your name for the court.
2. How are you involved in the matter before the court today?
3. How long have you been a CASA/GAL volunteer?
4. What kind of training did you receive?
5. To how many cases have you been assigned?
6. What kind of supervision or support do you receive in this volunteer role?
7. Please describe the activities you've taken as a CASA/GAL volunteer for this child.
8. How many times have you visited the child?
9. How many times have you spoken with the parents in this case?
10. What did the parents tell you about how the children came into care? (The observer in your role play will voice a hearsay objection to this question and then ask the witness how he or she will handle it. After the observer announces that the judge has sustained the objection, move on to the next question.)
11. Please describe the situation outlined in your court report.
12. What recommendations do you have for the court in this case?

WITNESS ROLE

The attorney in your role play will ask you a list of questions, which you should answer based on the case you discussed during Activity 1. Answer the questions as you would in court, by providing concise, accurate and fact-based responses.



Direct Examination Role Play *(continued)*

OBSERVER ROLE

Pay attention as the attorney in your role play asks the witness a series of questions.

At one point, the attorney will ask the witness this question: “What did the parents tell you about how the children came into care?”

When the attorney asks this question, interrupt the response to announce that the parents’ attorney has objected to the question on the basis that it calls for hearsay—that is, it asks the witness to relay someone else’s words or observations. Ask the witness what he or she should do. If necessary, remind the witness that when objections are voiced, the witness should wait until the judge rules on the objection. After this conversation, announce that the judge sustained the objection and that the witness should not answer the question.

After the role play is complete, lead the following discussion in your trio:

- What went well?
- What felt comfortable or easy?
- What could the witness do differently next time?
- What questions do you have?

Testimony

201:

Providing Effective Testimony Under Cross-Examination (Part 3 of 3)

OBJECTIVES

By the end of this lesson, volunteers will be able to . . .

- ✓ Describe the components of cross-examination
- ✓ Distinguish leading questions from open-ended questions
- ✓ Provide effective testimony under cross-examination

SUPPLIES

Flipchart and markers

Handouts

- Cross-Examination (for Activity 2)

Cards

- Cross-Examination Role Play (for Activity 3)

Activity 1: Testing Preferences

10 minutes

Anchor

Auditory | Kinesthetic

Ask volunteers to think back to their experiences taking tests and exams in school or in other settings. Do they prefer true/false, multiple-choice or essay questions? Have them to turn to a partner and explain why. Invite a few participants to share their responses in the large group.

This activity is intended to help participants identify their preferred style of self-expression. The rest of this lesson will allow them to identify the ways that cross-examination limits a witness's ability to elaborate or simply to choose a satisfactory response. In facilitating the large-group discussion, ask participants why they have their preferences and what that says about how they prefer to provide information.

ESTIMATED TIME

1 hour and 10 minutes



Activity 2: Cross-Examination

15 minutes

Content

Visual | Auditory

Distribute the Cross-Examination handout, and review the information in it by either reading it to participants or asking volunteers to read it aloud. Court proceedings will vary from jurisdiction to jurisdiction, so be sure to point out any differences between what is presented in the handout and what happens in your area. Ask volunteers what questions they have about the material.



Activity 3: Practice Testimony

25 minutes

Application

Visual | Auditory | Kinesthetic

For this activity, divide participants into groups of three to role-play a cross-examination scenario. Distribute one set of the Cross-Examination Role Play cards to each group. Participants in each group will rotate roles so that each person gets a chance to play each of the following roles: an attorney cross-examining a witness, a volunteer testifying in a contested setting and an observer. Give groups approximately seven minutes for each role play. Afterward, bring them back to the large group to share what they noticed.

Activity 4:

10 minutes

Future Use

Auditory | Kinesthetic

Instruct participants to remain in their trios and discuss how what they learned during this session will change their approach to information gathering prior to a contested setting. How will it change their approach to cross-examination?

Invite them to share their responses in the large group.

Closing: 10 minutes

Ask participants if they have unanswered questions about any aspect of testifying in a contested setting. Tell them how they can get support as they prepare to testify in a case.

Cross-Examination

Testimony begins with direct examination; each attorney questions his or her own witnesses to lay out the facts and the sequence of events to the court. After direct examination, a witness is subject to cross-examination by the opposing attorney. Remember that cross-examination is designed to impeach, or discredit, the witness and to expose any weaknesses in the testimony. It involves closed questions that generally require a yes or no answer. More complete, explanatory answers are usually not allowed. Leading questions (which suggest an answer by the very form in which they are asked) are permitted on cross-examination. For example, the opposing attorney might ask, “Isn’t it true that you never even met Darrell’s grandmother?” when Darrell’s grandmother is incarcerated three states away and can’t be much of a resource. This kind of questioning can be frustrating—like the true/false tests we alluded to earlier—because it does not permit the witness to provide complete information.

You may find that cross-examination, because of its adversarial nature, is often the most uncomfortable part of testimony. Typically, the opposing attorney tries to cast doubt on you personally and/or some element of your previous testimony. Personal examples might include your qualifications to serve in the role of the child’s advocate, facts about your personal life (e.g., “At age 23, aren’t you a little young to be making decisions about a child’s life?”) and suggestions that your judgment and recommendations are clouded by bias. Case-related challenges might include inadequacies in your investigation, facts you did not know, facts you did not consider in forming your opinion and misinterpretation of information.

Two strategies can help you provide effective testimony on cross-examination (and minimize pre-trial jitters). One is not to take the cross-examination questions personally. Remember that opposing attorneys are merely doing their job. All lawyers, regardless of their personal feelings, must zealously represent their clients. Legal ethics require them to do everything in their power, within the limits of the law, to accomplish their clients’ goals. If you view cross-examination as a personal attack, then you will seem defensive and unprofessional to the judge.

The second strategy is good pre-trial preparation. During this session, you will learn what kinds of questions to expect on cross-examination and how to respond to them. Then you’ll have the opportunity to practice those responses in a safe environment so you can face cross-examination with confidence.

When conducting a cross-examination, attorneys have specific intentions in mind. They are trained to ask certain types of questions and to use certain styles to elicit the answers they want. Knowing these strategies in general and relating them to the case at hand can help you be better prepared.

INTENT OF QUESTIONS COMMONLY USED IN CROSS-EXAMINATION

To show prejudice or bias: Opposing counsel may try to discredit you as a witness by insinuating that you are biased or hostile toward his or her client. For example, the attorney may suggest that because the parent was uncooperative, you are holding a grudge. Such suggestions should be met with the truth. CASA/GAL volunteers are used to dealing with uncooperative people. If this is true for you, you should simply explain that your personal feelings about the parent did not influence your recommendations. Opposing counsel may also attempt to show bias by asking you to read aloud from your court report. If your report contains observable facts rather than generalizations, conclusions and judgments, it will be difficult for the opposing attorney to use it to demonstrate bias or prejudice.

To show inexperience: The opposing attorney may try to impeach you as a witness by challenging your ability to perform your job. If you are a new volunteer, opposing counsel might draw attention to your lack of experience. The attorney might also highlight your lack of work-related education. You should be honest and



Cross-Examination *(continued)*

neither exaggerate nor minimize your training, experience and qualifications. Remember that as a CASA/GAL volunteer, you have been appointed by the court to be the eyes and ears of the judge, not an expert witness. The judge is well aware of your status and your role. You are there to testify to the facts—what you did, saw and heard—and then to tie them clearly to your recommendations. Give an opinion only when asked for one.

To show inconsistency: Another tactic an attorney might use to discredit you as a witness is to find previous statements you made (e.g., from the court report) that are inconsistent with your testimony. In that situation, the opposing attorney might ask, “Were you lying then or are you lying now?” The attorney who called you to testify can always rehabilitate your testimony on redirect examination by showing that the earlier statements were taken out of context or based upon less information than your current testimony. The opposing attorney may also try to show that you are inconsistent by repeatedly asking you the same question, phrasing it differently each time, in hopes that you will contradict yourself. The attorney who called you may object to these questions as having been asked and answered.

To show poor judgment or practice: You should recognize that there may be honest differences of opinion, based upon the same facts. The opposing attorney may try to get you to admit that the parent’s view has some merit or that you overlooked some important facts in your investigation. You should try to avoid conceding a point (e.g., saying “That’s possible”). Instead, you should stick to the facts and let the judge decide whose position is correct.

TYPES OF QUESTIONS COMMONLY USED IN CROSS-EXAMINATION

Leading question: Leading questions suggest by their wording that the answer should be either yes or no. They often start with “Isn’t it true that...?” Usually, as a witness you will be allowed to explain an answer only when stating “yes” or “no” would be misleading. If this is the case, you should begin your response by saying, “That question requires an explanation,” rather than answering “yes” and then trying to explain. Frequently, the opposing attorney will insist on a yes or no answer and interrupt your attempt to explain. While it may vary some depending on jurisdiction, judges generally allow attorneys a fair amount of latitude in structuring cross-examination. You should not worry if you are not permitted to explain. The other attorney can still repair the damage on redirect examination, when a complete answer can be given. Interrupting your answers is probably the opposing attorney’s favorite weapon, and he or she will rarely ask a question on cross-examination that does not lead you to answer with an abrupt yes or no. Remember that the judge sees this technique every day and knows the rules of the game.

Rapid-fire questions: The opposing attorney may ask a string of leading questions in rapid succession, hoping to confuse or upset you. Since each question requires an answer, you have equal control over the pace. As with any question, pause to think about it before answering.

Compound question: The opposing attorney may ask you a question that contains multiple questions. For example, “You saw the father come to the visit late and yell at his older son? Isn’t that true?” This should prompt an objection by the other attorney. If the attorney does not object, however, you should tell the opposing attorney that you do not understand the question and that it requires a two-part answer. You do not have to answer any questions that are in compound form.

Cross-Examination *(continued)*

STYLES OF QUESTIONING COMMONLY USED IN CROSS-EXAMINATION

Badgering the witness: This tactic, in which the attorney stands close to your face and shouts, is almost never permitted in courtrooms anymore. However, it is likely that you will experience some uncomfortable moments on the stand when facing an opposing attorney who is working diligently to prove his or her case.

Lulling the witness: The attorney gives you a false sense of security by being overly friendly and familiar.

Staring at the witness: After you have answered a question, the attorney pauses and stares at you, as if expecting you to say more.

Remain calm if the opposing attorney uses any of these styles, and focus on your reason for being in court, which is to give testimony. There should be an objection if opposing counsel's manner becomes too belligerent or disruptive.

If the attorney who called you as a witness feels that rebuttal is necessary, redirect examination may be conducted but will be limited to those issues raised on cross-examination. At this time, you can clear up or elaborate on any issues that you did not have a chance to explain on cross-examination. Finally, any issues raised on redirect may be addressed by re-cross-examination of the witness.



Cross-Examination Role Play

Copy the following cards and cut apart on the dashed lines.

ATTORNEY ROLE

Based on what you read in the previous activity about direct examination, ask questions of the witness in your role play. The witness will answer questions based on his or her most recent court report or case, or, if the participant does not have a good example to draw from, the case study that you used in the volunteer training curriculum. Remember that, as the attorney providing cross-examination, you are questioning a witness you would like to discredit. It is permissible to ask leading questions. The list of questions below will serve in most cases, but you may supplement with your own questions. Before you begin the role play, review the list below and decide if/how you will supplement it.

1. Being a CASA/GAL advocate is a volunteer job for you, correct?
2. As a CASA/GAL volunteer, you've focused primarily on the child, is that correct?
3. So the parents have received less of your focus, correct?
4. It's fair to say that you haven't given more than 15 hours a month to this case since it was assigned to you, correct?
5. Did you not feel that the case was worth more time?
6. You have been to the parents' house only about three times, is that correct?
7. You didn't feel that the parents deserved more consideration than that, correct?
8. Given that you've put in so little time and have been to the house only three times, do you really feel that you are qualified to make such a recommendation?
9. You gave this same recommendation more than two months ago in a staffing at the child protection agency, correct?
10. Then you had already made up your mind about this case long before it was over, correct?

WITNESS ROLE

The attorney in your role play will ask you a list of questions, which you should answer based on your most recent case or the case used in your volunteer training class. Answer the questions as you would in court, by providing concise, accurate and fact-based responses. For the purposes of this activity, assume that the factual assertions made by the cross-examining attorney are true: that you have put in an average of 15 hours per month on the case, that you have visited the parents' home three times and that you made a similar recommendation at a meeting several months ago.



Cross-Examination Role Play *(continued)*

OBSERVER ROLE

Pay attention as the attorney in your role play asks the witness a series of questions.

After the role play is complete, lead the following discussion in your trio:

- What went well?
- What felt comfortable or easy?
- What could the witness do differently next time?
- What questions do you have?