



Tips for Testifying in Family Court

Early Intervention staff (Service Coordinators, Developmental Specialists, therapist etc.) can be subpoenaed to testify in court regarding a child being served through the Family Infant Toddler (FIT) Program. The Family Court judge may seek information from you regarding the child's development and the parent's engagement in early intervention activities.

If early intervention staff are subpoenaed to testify, it is likely that the Children Youth & Families Department (CYFD) attorney will meet with you before the hearing and will answer any questions you may have. You may also be required to participate in deposition, where an attorney asks you a series of questions (much like in court) and the whole process is recorded and transcribed.

Here are some tips:

- Answer the questions posed as concisely and clearly as possible
- Respond to the questions asked – do not volunteer other information.
- When reporting on early intervention and the child's developmental progress – avoid jargon and acronyms.
- In your responses Avoid subjective opinions / judgments e.g. "I don't think she is capable of caring for Mark" or "Leonora misses her mother". Stick to observable facts e.g. "Tyler stopped crying when his mother picked him up".
- In your responses avoid value laden phrases e.g. "the house was dirty" and use specific observations "I saw dirty soiled diapers on the floor"
- Do not answer questions if asked about your opinion regarding the best placement for the child, e.g. if asked "do you think Leon should be returned home?" you can answer "I don't feel it is my place to comment on placement options, I'm here to provide information on early intervention services that the child and family receive.
- It is OK to answer questions about how many times the parent missed early intervention sessions and regarding the engagement / participation in the early intervention activities.
- Answer any questions factually about any abuse and / or neglect observed during early intervention sessions e.g. "The older sister opened the door and Mrs. Duran appeared asleep on the couch" or "I observed alcohol in the home on two occasions".
- Prepare for the hearing by reviewing the child's record (assessments, progress notes), as well as your case notes / service logs to refresh your memory on events that occurred and regarding the child's current development. However, you do not need to remember exact dates that events occurred or assessment scores.
- If you don't know the answer – it's OK to "say I don't know" or "I don't recall".
- It is also okay to say that you do not recall anything beyond what is written in the factual notes you wrote for that day.
- Remember - your role is not to be the child's advocate and you should not feel that the child's future depends on your testimony. Your role is simply to report on the early intervention services that have been provided, the development of the child and the engagement / participation of the parent in the early intervention services.