**Rules and Pointers for Trial Testimony**

1. Lawyers should prepare their witnesses for testimony.

2. Lawyers should not ask a question to which they do not know the answer (see #1). Direct and cross-examination is NOT a discovery deposition.

3. When an objection is made, the witness should pause and allow the judge to rule on the objection before answering the question.

4. Witnesses must testify from their own recollection and not while reading from reports during testimony. (See #5)

5. Witness should review documents and reports relevant to their expected testimony. A caseworker or police officer should not have to repeatedly refresh their recollections. Be prepared and know your file/case. Answering "I can't recall" or "I can't remember" is not effective. Avoid this by properly preparing for trial.

6. Refreshing recollection with a document does not mean testifying from the document. If a witness is unable to recall a certain fact or piece of information, the lawyer can refresh the witness' recollection with an identified document. The lawyer hands the document to the witness, the witness reads the documents and, once recollection has been refreshed, the witness puts the documents down or hands it back to the lawyer.

7. Do not take objections or adverse rulings on objections personally. If all professionals are doing their jobs and care about the outcome of the trial, passionate arguments and debates are normal and expected.

8. Be prepared to tell the story – know your case. In abuse/neglect cases, the caseworker has the crucially important job of telling the story of the neglected child. On direct examination, answering questions with only a "yes" and "no" with no further elaboration is not effective testimony. While the manner in which the story is told is often governed by the questions asked by the attorneys, the witness should be prepared and eager to provide a thorough and complete answer to the question. If the witness' response triggers an objection, so be it. The judge will rule accordingly.

9. The child’s out-of-court statement about any allegations of abuse or neglect IS admissible. If the statement is not corroborated and the child is not called to testify, the out-of-court statement cannot be the only evidence used to prove the allegation of neglect or abuse.