

## **9.20 Appearance in Court**

**Effective 10/1/80**

### **PURPOSE**

By presenting evidence in court the petitioner seeks:

1. To convince the judge of the truth of his allegations.
  
2. To persuade the judge to grant his petition.

### **PRACTICE STANDARDS**

1. The Department should be represented by legal counsel, especially if the petition is contested. If in doubt, contact Assistant Attorney General.
  
2. Advance preparation will help to assure a just result (see Legal Representation, subsection M).
  
3. Testimony will usually be limited to the direct knowledge of the witness and to statements by others heard by witness and which are not excluded by the hearsay rule.
  - a. Hearsay evidence is admissible only if it falls within an exception to the hearsay rule.
  - b. It is the duty of legal counsel of all parties to cross-examine witnesses to clarify alleged facts.
  - c. Sufficiently experienced persons may qualify as expert witnesses permitted to express professional opinions.
  
4. Informing parents in advance of the content of testimony will:
  - a. Reduce parents' probable feelings of powerlessness.
  - b. Reduce tension in the court room.
  - c. Help to establish the continuing working relationship with the parents.
  
5. The worker will take care to remain objective and will:
  - a. Stress the jeopardy to the child, based on knowledge of child development.
  - b. Weight his testimony carefully so as to avoid words which may appear to be inflammatory or disparaging.