

Volume 5, Number 3 • August 2000

Children's Services Practice Notes is a newsletter for North Carolina's child welfare workers produced four times a year by the North Carolina Division of Social Services and the N.C. Family and Children's Resource Program, part of the Jordan Institute for Families and the School of Social Work at the University of North Carolina at Chapel Hill.

In summarizing recent research, we try to give you new ideas for refining your practice. However, this publication is not intended to replace child welfare training, regular supervision, or peer consultation—only to enhance them.

Let us hear from you!

If you would like to comment about something that appears in this or any other issue of *Children's Services Practice Notes*, please do so! Address your comments to:

John McMahan
Jordan Institute for Families
UNC-CH School of Social Work
Chapel Hill, NC 27599-3550
State Courier Number: 17-61-04
E-mail: johnmcmahan@mindspring.com

Newsletter Staff

Lane Cooke, MSW, Advisor
John McMahan, MA, Writer/Editor
Joy Noel Baumgartner, Writer
Julie Daul, Writer

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PREPARING FOR YOUR DAY IN COURT

The day breaks bright and sunny, but you're in a black mood. Why? You're going to court and you're left cold by the thought that every decision you've made regarding this family will be scrutinized. The thought of the parents' stern attorney attempting to impeach your judgment and undermine your credibility makes you feel ill. And you are frightened by the prospect that you might be held personally liable if things go wrong.

Although appearing in court may never be the equivalent of a day off, understanding the court system and ways to protect yourself from liability suits can keep a court appearance from ruining your day.

THE ADVERSARIAL SYSTEM

The United States has decided that by presenting strongly opposing points of view in a courtroom setting, the truth is likely to emerge. This is the basis of the legal system.

Lawyers in this system are required by their own code of ethics to "zealously represent their client's wishes and interests." By this code, a lawyer cannot do what *she* believes to be best if that differs from what her client thinks is best.

This philosophical and ethical foundation puts the opposing counsel's behavior in a different light. When a social worker asks, "How can this lawyer defend these parents when this family situation is so harmful to this child?" the answer is simple: it's the lawyer's job. If

she did not question every decision the social worker made, every interviewing technique, and every personal bias, Johnny's parents would be getting less than what every citizen of the United States is entitled to—a competent and zealous defense.

ENHANCING YOUR TESTIMONY

Of course, understanding this is small comfort when you're on the stand. What you need to know then (actually long before then) is how to give convincing, credible testimony. To help you with this, *Practice Notes* consulted Ilene B. Nelson, head of North Carolina's guardian ad litem program, and Wayne Hadler, a practicing attorney. Both Nelson and Hadler have MSW and JD degrees, as well as years of experience with court appearances. They had the following suggestions for improving your testimony.

Dress appropriately. It is essential you wear professional attire in the courtroom. Specifically, women should wear a dress or skirt and men should wear a suit and tie. A social worker of either gender would do well to remember that the courtroom is the "home of the judge."

Make your testimony fact-based and nonconclusive. In *cont. page 2*



Are you sure you're ready for court?

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other words, clearly state what you saw, heard, and smelled. Do not offer conclusions about what these facts mean. The facts should speak for themselves.

Base your testimony on solid written documentation. If you are testifying to things you remember that are not well-documented you will be more vulnerable during cross-examination. Your documentation should be specific and fact-based. For example, rather than describing an apartment as “filthy,” say “the house had trash covering the floor, beer cans on the counter, and smelled strongly of urine.” Using words like “filthy” and “dirty” gives an opposing attorney an opportunity to question your own standards of cleanliness. A more objective description allows others to make judgements based on their own values, rather than questioning yours.

Understand that your written documentation will determine what you are asked about in court. Therefore it needs

to be clear and specific. It should be clear what is fact and what is opinion, so that a reader can easily see the relationship between the facts portion, the opinion portion, and the treatment plan portion.

Consider becoming qualified as an expert witness. If you need to describe specific child behaviors and make inferences about what they mean, discuss becoming qualified as an expert witness with your DSS attorney. In the legal sense, an expert is someone who knows more than the average person about a given subject. They are, in fact, the only witnesses allowed to give opinions on what they have seen. Qualifying as an expert witness does not require multiple advanced degrees; years of experience and specialized training in a particular area may be enough. However, becoming qualified as an expert increases the likelihood that your testimony will be questioned by the opposing counsel.

Prepare to discuss thoroughly your qualifications, schooling, experience, and specialized training. Review your resume to remember what you learned through various positions. For instance, if you worked in substance abuse treatment, you might be much more aware of situations in which substance abuse is a problem than others encountering the same situations. Also, keep a record of all the conferences and training you attend so you can explain where you gained your skills and knowledge.

Know what to do when attorneys cite research studies. Whether or not you are qualified as an expert, attorneys for parents may attempt to use the professional literature to discredit you. Social workers are generally very busy and it is difficult to keep abreast of every study that comes out. When you are asked a question about a study that you are unfamiliar with, say so. If you are asked about Dr. Ph.D.’s study that shows why anatomical dolls are too suggestive, you should state, “I am not familiar with Dr. Ph.D.’s study. However, if you’ll show it to me I will read it and respond to your question.” It is possible that the statements cited are being taken out of context or that they do not apply to the situation at hand. Another response might be, “I am not familiar with Dr. Ph.D.’s study. However, I base my interviewing with anatomical dolls on the work of Drs. Boat and Everson, who are widely recognized in this field.”

All of this is to say that, while nobody has to be familiar with every piece of professional literature, practitioners should be able to discuss why they choose the interventions and techniques they use. Being able to name and discuss the work relevant to your techniques is important to being a credible witness and a competent social worker.

WHO'S WHO IN JUVENILE COURT				
	Interests	Balances to Strike	Role	Training
Child welfare social worker/DSS attorney	Child protection for all abused and neglected children in county	Desire to reunify family versus desire to keep child safe/achieve timely permanency	Investigator, service provider	Educational and/or DSS training and ongoing supervision
Guardian ad Litem/GAL attorney	Representing interests and wishes for a specific child	Virgorous advocacy for client versus cooperation with other agency constraints	Advocates for child only (is not equipped to provide services)	Volunteer training and ongoing supervision
Parents/ Parents' attorney	Representing the parents' wishes with regard to their children	Zealous client advocacy versus best interest of child and family	Advocate for parents	Varies widely; most represent parents as part of a more general practice

Be thoroughly prepared prior to court. Make sure you have the right child and family in mind. Review your notes and discuss the case with your supervisor and the agency attorney. You may want to consider taking to court only those documents you know you will need. Some believe that bringing an entire file to court increases the chances that the court may order you to turn over additional documentation to the parent's attorney. In some ways, this is a moot point—if the court wants certain information revealed, the judge can order you to answer questions or to produce the file. When deciding what documentation to bring to court it is best to do what your agency attorney recommends.

Meet with your agency attorney well ahead of time. It is imperative that you collaborate with your attorney to ensure that the attorney's questions are clear and that you can answer them clearly. Also, make sure you know how to respond to the attorney's questions in such a way that only the necessary information is provided to the court. Never disclose more than what is relevant and essential to the case. Working well with the DSS lawyer can help you ensure you are serving as your client's best possible advocate (Hadler).

Speak in a straightforward manner. Although your colleagues may know just what you mean by "RAD" or "flight of ideas," a judge may not. Communicate your ideas without using jargon: "Mrs. Jones went quickly from one subject to another, even though the subjects did not seem to be logically related. I would bring up Sherry's strange school behav-

ior and she would respond by discussing her childhood in Georgia. This made the interview difficult."

LIABILITY

In addition to worrying about proper dress, conduct, and preparation of materials, you must consider the subject of liability. Unfortunately, the possibility of the average social worker coming under fire for a claim of malpractice is very real (Reamer, 1995). Although the assumption is that any social worker who goes to court to represent a client would do so with proper respect for social work values and standards of care, problems occur.

According to the National Association of Social Workers (NASW), 634 malpractice claims were filed against NASW members between 1969 and 1990, though not all were substantiated (Reamer, 1995). Malpractice claims generally fell into two broad categories:

1. **Misfeasance** or **malfeasance claims** asserted that the social worker carried out his or her duties improperly or in a fashion inconsistent with the profession's standard of care (Reamer, 1995).
2. **Nonfeasance claims** asserted that social workers did not carry out the duties expected of them by professional standards (Reamer, 1995).

One way to distinguish between these two categories of malpractice is that **misfeasance** is getting in trouble for things you did, while **nonfeasance** is getting in trouble for what you didn't do (e.g., visit a client at a prescribed time). Acts of misfeasance are the most common type of malpractice acts among NASW members (Reamer, 1995).

The liability situation for public child welfare workers in North Carolina is not quite so grim, however. Under the

ruling reached in the N.C. Court of Appeals case *Hobbs v. DHR* (135 N.C. App. 412 [1999]), DSS social workers were found to be public officers. As such, they are not liable for mere negligence in the performance of their duties. Based on this ruling, to recover damages against a DSS worker, a plaintiff would need to demonstrate that the worker's actions or inactions were either corrupt, malicious, or somehow outside and beyond the scope of the worker's duties.

Confidentiality. Much of the concern about liability involves breaching the confidentiality that exists between clients and social workers, and this concern is justified when the court views client records. Although clients should have been made aware of the possibility that records can be subpoenaed as evidence in a court case, it is generally the social worker's responsibility to try to keep records secret. When the court gives the social worker no choice but to allow records to be viewed by the court, the worker must explain this to the client. Sometimes clients voluntarily allow their records to become part of their court cases, which **cont. page 8**



WANT TO KNOW MORE?

- Attend the N.C. Division of Social Services' "Legal Aspects of Child Welfare in North Carolina." Consult your agency's current child welfare training calendar for class times and registration information.
- For books about malpractice and liability issues, consult Reamer's *Social Work Malpractice and Liability: Strategies for Prevention* (1996, Columbia Univ. Press) or Besharov's *The Vulnerable Social Worker* (1985, NASW Press).

THE NORTH CAROLINA COURT IMPROVEMENT PROJECT

What Some Courts Are Doing to Achieve Timely Permanence for Foster Children

Things sometimes happen in court that keep children in foster care longer than they need to be. Lawyers don't show. Parents appear, only to ask for a court-appointed attorney. The court is asked, after a child has been in foster care for 18 months, "What about the father?" Parents who have been absent or disinterested suddenly appear in the "eleventh hour," saying they want their children back. These things can result in continuances.

These kinds of delays help explain why, in 1992–93, the median length of stay in foster care in North Carolina was 18.4 months (544 days). Because of the way child welfare was practiced in departments of social services (DSS's) and processed by the courts, some kids were literally growing up in foster care.



Judges and others in the court system have begun to see the part they play in what happens to foster children.

A CLIMATE OF REFORM

Since that time, many North Carolina DSS's have worked very hard to turn this situation around. Through their involvement in initiatives such as *Families for Kids* and *Challenge for Children*, DSS's have made significant changes in the way they do business, both internally and in their interactions with other parts of the child welfare system.

Judges, attorneys, and others in the court system also recognized what was happening to foster children. Concerned about the negative affect judicial procedures had on children—up to one-third of the waiting time for child welfare cases is spent on procedure—the federal government launched an initiative. Adopted in North Carolina as the Court Improvement Project (CIP), this initiative focused on tightening up administrative judicial procedures to reduce the length of foster care stays.

THE NC COURT IMPROVEMENT PROJECT

The CIP was adopted by five of North Carolina's 39 district courts. District 20 (Anson, Richmond, Stanly and Union Counties) and District 25 (Burke, Caldwell Catawba), are currently involved in four-year (1997–2001) pilot projects called "Model Court Rules and Case Management." These projects have been implemented in order to determine the effectiveness of using model court judges and judge-supervised case managers as a way of increasing greater permanence for children and families. Mini-grant projects on "Case Management, Court Rules and Training" are also

currently being implemented in Districts 8 (Greene, Lenoir and Wayne Counties), 16B (Robeson County), and 19C (Rowan County). These district courts have received funding for two years to identify problems, system weaknesses, and other barriers to achieving permanence for children. Advisory committees and multidisciplinary training are incorporated into the projects. The following outcomes are expected in each jurisdiction:

- Having judges assign cases so that any time a family appears in court their case is heard by the same judge (referred to as "one judge, one family")
- Holding conferences the day after a petition is filed ("day one conferences") and having early substantive hearings
- Conducting pre-adjudication and pre-hearing conferences
- Conducting earlier diligent searches, giving orders to parents at time of hearing
- Appointing a lawyer for parents when the petition is filed

THE 20TH JUDICIAL DISTRICT

Under the leadership of chief district court judge, Ronald W. Burris, the court that serves Anson, Richmond, Stanly, and Union Counties (20th Judicial District) has made many procedural changes as part of its involvement in the CIP.

One step Burris took to reduce the continuances that lead to longer foster care stays was to make juvenile court a **court of priority** in his district. Prior to this, if a lawyer representing a parent wished, she could tell the court she could not attend a court date and the case would be continued. Now that juvenile court is the court of priority, lawyers in the 20th judicial district who fail to show up to represent their clients could be charged with contempt of court (Hall, 2000).

To further reduce continuances, parents in the 20th judicial district no longer need to request a court-appointed attorney. "Since the majority are entitled to an attorney, we automatically assign them one the day the case is filed," explains Martha Sue Hall, an administrator for the CIP in the 20th judicial district (Hall, 2000). The number of continuances has also been reduced by specific administrative changes. For example, before anyone leaves the courtroom, the date of the next hearing is set, as are timeframes for summaries. All parties who must be present at the next hearing are served notice at this time; this takes the burden of delivering these notices off the sheriff's department.

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In an effort to encourage collaboration and to ensure that all concerned parties get the information relevant to a case, Burris also made **day one conferences** mandatory. Occurring the day after a petition is filed and every time a nonsecure petition is filed, day one conferences bring a wide range of people to the table. In addition to the usual parties (attorneys, DSS, parents) these meetings are sometimes attended by representatives from the schools, GAL, public health, mental health, law enforcement, and many others.

Every conference occurs at the same time and place (e.g., 2 p.m. at the courthouse) and covers the same issues: placement (why the child was removed, where the child should be placed), visitation issues, services being provided to the family and child, paternity of the child, and whether someone is paying child support.

Martha Sue Hall personally testifies to the effectiveness of these changes. She notes that 18 months into the CIP the average time a child spent in foster care in the 20th judicial district was 583 days. One year later, the length of stay had been reduced to 263 days. “The secret,” she says, “is no continuances” (Hall, 2000).

ELSEWHERE IN NORTH CAROLINA

Three years into the project, Lana Dial, state-level coordinator of the CIP, already sees positive changes. In the CIP districts, Dial sees more conversations between DSS and court staff, more pre-trial and review meetings, increased efficiency in the use of court time, and judges who are more involved in court proceedings than ever before.

Dial also notes that although the judicial system is still adversarial, there is a new team approach toward the goal of permanence for children. As a result, child welfare workers in the five CIP districts are more likely to discuss with judges their recommendations for children. “Now everyone feels accountable for the time children spend in foster care,” Dial says.

Parents’ attorneys have been the last to get on board with the improvement efforts, Dial admits, but this doesn’t surprise her—traditionally they have not been trusted within the court process simply because they represent the parents. Increasingly, though, judges are trying to increase parent attorney compensation. Better compensation would serve both as a reward for difficult work and an incentive to attract higher quality lawyers for parents.

IMPROVE YOUR WORK WITH THE COURTS

Suggestions for supervisors:

- To get people to the meetings, give specifics—people are more likely to show up at meetings when specific changes are being discussed that impact their work directly
- Emphasize to staff that court changes require collaboration—a team effort
- Remember that resolution of the child’s life is the primary motivation and focus for all

Suggestions for social workers:

- Be prepared when you go
- Know how to testify
- Have the appropriate paperwork ready
- Be responsible
- Keep a good image: Your image counts—it reflects upon your agency

THE CIP AND CHILD AND FAMILY OUTCOMES

Although the evaluation results are not yet in, there are anecdotal reports of CIP initiatives that have helped children and families. Reduced continuances, more respect for children and families, and better decision-making processes are some of the reported changes. Better decision-making processes reflects a commitment to deal with tough cases **today**, preventing a cycle of court involvement known as the “revolving door.”

Earlier access to services for children and families is another very important change. In the past, DSS has been forced to make petitions simply to get access to resources (i.e., mental health services). Judicial resources are being saved because agencies are now giving services to children and families up front, without the pressure from the courts. Judges are also becoming less patient with unpreparedness in juvenile proceedings where juvenile court is a priority.

An evaluation of the effectiveness of these funded demonstration projects is currently underway. Ray Kirk and Diane Griffith, from the Jordan Institute for Families at the UNC-Chapel Hill School of Social Work, will publish the evaluation results later this year. ♦

References

- Dial, L. (2000). Personal communication. February 2000.
- Hall, M. S. (2000, March). Court improvement: What “we” can do! Workshop presented at the annual N.C. Division of Social Services Children’s Services Conference, Charlotte, NC.
- Kirk, R. (2000). Personal communication. February 2000.

INTERVIEW WITH DISTRICT COURT JUDGE GARY S. CASH

Judges have a tremendous impact on social workers and the families and children they serve. In the course of



"I'm trying to get people to modify their behavior in a positive way."

—Gary S. Cash, N.C.
28th Judicial District

their daily work they make decisions about whether it is safe for a child to remain in her home, what course of treatment a parent needs to follow, or what steps DSS must take to support families.

In order to do their jobs well, child welfare social workers need to understand what judges expect of them and how judges see their own role

in child welfare matters.

Yet the place they occupy in the courtroom, the rules and procedures of the court, their stern black robes—all these give judges an air of unapproachability.

To help you get a better sense of a judge's perspective, *Practice Notes* interviewed District Court Judge Gary S. Cash. A native of Oxford, NC, Cash received a law degree from UNC-Chapel Hill in 1976. After practicing law for ten years, he was appointed to be a district court judge in the 28th Judicial District, which serves Buncombe County.

PN: Can you talk for a minute about your philosophy and your goals for families and children?

I think I became involved in practicing law because I grew up with the philosophy that you felt best by helping other people. What gives me purpose in what I do is feeling that maybe there's a chance of helping a family resolve whatever conflicts there are so maybe they can move on with their lives.

This can certainly be passed down philosophically to helping kids, or help-

ing [parents] understand that if you want to have the kids in your home and not be placed in foster care you've got to deal with these problems—your substance abuse, your propensity to lose control of your temper.

I've always believed that if you can show people that you respect them and are concerned about them, though you feel they may need to have some consequences for poor behavior—that's more productive in modifying their behavior. Whereas if you approach them as a judge in terms of "you're bad and you deserve to be punished," the response you get is not too good. You don't necessarily modify their behavior. Most often you make them angry back at you.

When I reflect upon it that's exactly what I'm trying to do, to get people to modify their behavior in a positive way. That tends to work very well in juvenile court and domestic court, because families still have to continue to work together. The best situation that you can create, from where I sit, is where parents have to communicate. In most cases when I get the case, that's what's stopped.

PN: What are your expectations of social workers in your court?

I think quite often, and it's not just social workers, most witnesses think their job is to give their opinion.

From a judicial standpoint, what I'm looking for is not whether the social worker was concerned. That's an opinion, a state of mind. What I'm interested in is what the social worker saw. I need them to be my eyes and ears, I need that information.

What I don't want is the issue of whether the social worker was concerned. That's not admissible evidence anyway. If I made a finding where the

social worker believed the Mom committed abuse, that finding is going to be ruled out by the court of appeals.

So I think the two most important things for social workers to remember are to review the notes or review the file, if you can, before coming to court—not necessarily bring it with you but review it—so you remember what you saw and heard. Then, focus on just being a factual witness as opposed to giving opinion testimony.

PN: Are there different expectations for guardians ad litem? Are they supposed to refrain from giving opinion, too?

The role of the guardian is normally the same as the social worker's—what did I see, what did I hear.

Additionally, neglect and dependency cases are divided into two phases, an **adjudication** and a **disposition** phase. The rules are different in those phases. You have to do adjudication before you can get to disposition, so if you determine as a judge that a child has been neglected, then you move to deciding what to do about it, the dispositional phase.

During the adjudication phase, the rules of evidence apply. I can only hear, unless you're qualified as an expert, what you heard, what you saw—factual testimony. And that would include testimony from the guardian.

When one gets to disposition, then the rules of evidence do not apply, and a lay person such as a guardian can state an opinion.

PN: What about the issue of foster parents appearing in court?

To foster parents I would say this: don't feel like you've got to be hidden. If you want to come to court, come to court. There may be an opportunity for you to say something in open court, to a judge. **cont. page 7**

That's happened before. When we've gotten to the dispositional phase the foster parent just raises their hand and says "I'd like to say something." Judge: "Who are you?" Foster parent: "I'm a foster parent." Judge: "Sure, what do you want to say?"

PN: Has the *Families for Kids* initiative affected what happens in the judicial process or outcomes for families and children in Buncombe County?

I think certainly over the past five years the concept that the Kellogg foundation began to talk about a long time ago—fewer moves for kids, faster final resolutions of placement issues—has become ingrained in all of us. That general approach has been effective. The new juvenile code has addressed that in some respects. I think all in all, that initiative and other initiatives have made us more mindful to move things on, and we are probably better as a system in terms of addressing those issues.

PN: What is the best thing about being a judge?

The job is really about helping people. Just the resolution of a dispute helps people emotionally let go and move on to a different place. So even if you determine that a child has been neglected, it helps parents understand, "Okay, that's been determined. I'm not going to fight against that anymore. Now I'm going to move to the next stage, and that is, how am I going to get my kids back?"

That's really what I try to do, and I think that's the trend nationally and what judges focus on—"Let's move through adjudication. Let's get down to disposition. What does the department want these folks to do to get their kids back? Tell me the things. I'll structure them. We'll try to make it workable

so the parents don't get overburdened. Do them, and let's get your kids back." That can be real healing, I think.

PN: What is the hardest part about being a judge?

I think the hardest part is probably not knowing the truth. They don't teach us how to tell if people lie. We certainly don't have crystal balls, never have had. So you're using your best logic, and certainly your feelings, to try to determine where you think the truth may be. Determining the truth is an elusive process that can be quite frustrating. It would be wonderful to *know* what's the truth.

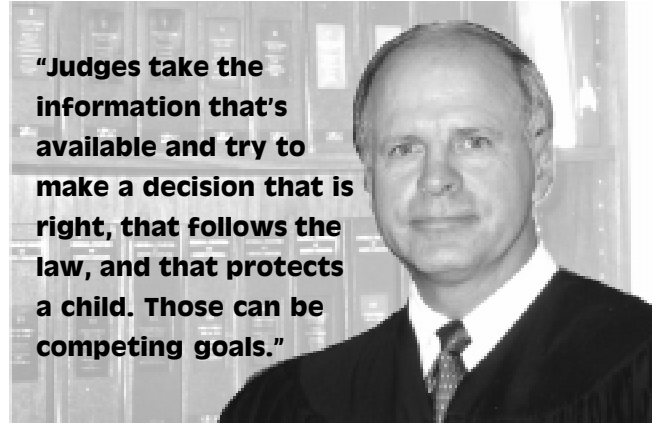
[Not knowing] can be pretty frustrating, particularly in the serious DSS cases involving sex abuse. Most often, we don't know. We'll have a child medical examiner's report that's inconclusive, and we've got a little child whose credibility issues are, are there, and you've got a parent who's denying that he or she ever molested the child. And we've got a department [of social services] that as a matter of child safety has taken the position that "a child has made these statements, and we therefore are going to conclude this child was abused."

So judges take the information that's available and try to make a decision that is right, that follows the law, and that protects a child. And those can be competing goals. To know the truth would be a wonderful thing.

PN: Is there anything else you'd like to say to child welfare social workers or foster parents?

What one will get sometimes is an inquiry from a social worker or a foster parent or another person: "Judge, I'm really concerned about what Judge So-and-So is doing in these cases.

"Judges take the information that's available and try to make a decision that is right, that follows the law, and that protects a child. Those can be competing goals."



I mean, he or she is not listening, or they're not reading the file—I've heard that—or they're being punitive, or being condescending to parents—a number of concerns. How do you address that? I'm afraid to go talk to that person because that may prejudice that judge against us when we're in court again if we say what we feel."

Write a letter. You don't have to sign your name, it can be anonymous. If you do that I think you need to explain why it's anonymous—you're writing it because you're concerned and you're afraid that you, the writer, will have to appear in court in front of that judge, and you're concerned that this letter may bias the judge towards you in the future, but you have these concerns.

People are wary, I think, of having personal discussions with judges. To some extent I think that's justified. We certainly don't want to talk about cases with people. And it is difficult to talk with judges, just because of their position, about their personalities.

But feedback is always good. We need to know, because we do operate so independently, that we're doing something that we can't see. We may elect to do it anyway if it's pointed out, but there's nothing wrong with you, as a person who has been in a courtroom a number of times, communicating your concerns. ♦

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requires social workers to obtain signed statements of client release (Hadler, 2000).

Social workers' concerns about liability can be allayed if they are vigilant about preventing the need for malpractice claims. They must make a concerted effort to increase their own awareness of liability laws, and they should understand the concepts of **negligence** and **malpractice** (Reamer, 1995). Because most social work programs do not formally address the issue of liability, social workers should seek out information about the risks they take in practice.

What agencies can do. It is important for agencies who employ social workers to provide them with necessary information to know how to prevent claims of malpractice (Reamer, 1995). This type of preventative measure will benefit individual social workers and strengthen the agency as a whole.

CONCLUSION

Despite the challenges involved, representing a client in the courtroom can prove to be a valuable and extremely rewarding experience. Court provides social workers an opportunity to give the judge the information he or she needs to reach a decision that represents the best interests of chil-

dren and their families. This social work values into practice in a very powerful way.

If the social worker is aware of potential liability, properly prepared to answer questions, and able to substantiate testimony with pertinent examples from social work theory, he or she should succeed in the courtroom. ♦

Significant portions of this article were adapted from Mimi Chapman's "Navigating the adversarial system," which appeared in CPS Practice Notes Newsletter, Vol. 2, No. 3 (1995).

References

- Bernstein, B. F. (1977). The social worker as expert witness. *Social Casework, 58*, 412-417.
- Chapman, M. (1995). Navigating the adversarial system. *CPS Practice Notes Newsletter, 2*(3), 1-6.
- Hadler, W. R. (2000, March 1). *Personal communication*. Durham, NC.
- Nelson, I. (1995, March). *Personal communication*. Raleigh, NC.
- Reamer, F. G. (1995). Malpractice claims against social workers: First facts. *Social Work, 40*(5), 595-601.



Court gives you a chance to give the judge the information he or she needs to reach a decision that is in the best interests of children and their families.

IN THIS ISSUE: THE COURTS AND CHILD WELFARE

Family & Children's Resource Program
Jordan Institute for Families
UNC-School of Social Work
Campus Box 3550
Chapel Hill, NC 27599-3550
State Courier # 17-61-04