

Preparing for Court and Testimony as a Caseworker

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Types of Hearings

- a. §1022/§1027/§1028
 - i. §1022
 - ii. §1027
 - iii. §1028
 - iv. §1089
- b. Fact-Finding
 - i. Whether or not a child has been neglected
- c. Disposition
 - i. The consequences of the fact-finding

Evidence § 1046

- a. Hearsay v. Non-Hearsay
 - i. **Hearsay** is evidence that is Material (relates to the issues) and Relevant (tends to prove or not prove an issue)
 - ii. **Non-Hearsay** is evidence that is Material (relates to the issues), Relevant (tends to prove or not prove an issue), and Competent (rules of evidence and not hearsay if permitted)
- b. Depends on the type of hearing

Preparing to Testify: Presentation, Knowledge, and Mental State

a. Mentally

- i. Know the facts - the petition, the history
- ii. Dress appropriately
- iii. Bring notes - marked for easy reference
- iv. Review documents that will be offered into evidence
- v. Emotions, anxiety - case is not about you

Preparing to Testify: Presentation, Knowledge, and Mental State

- b. **Physically**
 - i. Dress appropriately - comfortable, professional
 - ii. Sitting, mannerisms - sit back in the chair keeps your chest open which helps with nervousness and breathing
 - iii. Use the bathroom
 - iv. Voice - loud, clear, and slow

Preparing to Testify: Presentation, Knowledge, and Mental State

- c. **Direct Examination**
 - i. Purpose is to develop the story, slow and methodical, must build on each statement until the whole story is told
 - ii. The Questions - Who, What, When, Where, Why, and How?
 - iii. Remember your preparation
 - iv. Refreshing recollection
 - v. Documents in evidence
 - vi. Objections - sustained means do not answer the question; overruled means answer the question

Preparing to Testify: Presentation, Knowledge, and Mental State

- d. **Cross Examination**
 - i. Purpose is to either point out something that you do not know about the story you just told or things that you know about the story that are helpful to their client
 - ii. The Questions - should be yes or no - sometimes gray area
 - iii. Tone of voice
 - iv. Do not explain - keep it simple - yes or no answers when possible
 - v. Emotions, anxiety - this is not about you
 - vi. There is always redirect

Top Ten Tips

1. Be truthful
2. Listen carefully to the question - and wait until the entire question is asked
3. Answer only the question that was asked
4. Take your time - think before answering each question
5. Do not guess at the answer - if you do not know, say you do not know! If you do not remember, say you do not remember!
6. Ask for clarification if you do not understand a question - never attempt to answer a question that you do not really understand
7. Be cooperative, but do not be forced into an inaccurate answer
8. Do not fight with the questioner or show anger or Impatience with the questioner
9. Be consistent!
10. Try to relax on the witness stand

Investigation Progress Notes

*****WARNING*****
CONFIDENTIAL INFORMATION
AUTHORIZED PERSONNEL ONLY

Stacy
Stacy

CASE ID: [REDACTED]
STAGE ID: [REDACTED]

11/22/2022 Event Time: 3:52 PM Duration:
11/22/2022 Dist.Agy: A42 Note Status: Final
Entered By: [REDACTED]

Phone
Collateral Contact
Reporter/Source

ive:

nt to get them. Parents asked her to get kids. MO said she was at rock bottom and asked to get kids. FA snorting them started cooking it, started smoking crack cocaine. Needles involved too and shooting up, not heroin. FA was in brother and shot up and almost lost hand, MO taken to urgent care recently because of shooting up. When they do it a blood clot happens and there's blood spatters around the house. MO said that clean the house. Got kids Saturday morning at 2AM. Violent with each other, FA has multiple women escorts. FA worked for escort service dropping girls off and giving bodyguard. MO got two STDs from them. Has before but he went right back to it. Parents cut off communication with niece online. MO started using harder FA is very far gone, drugs made them manipulative. FA will say whatever they want to hear. MO not in work, MO one and Joint center.

ouse and rebelling against kids, they're getting into stuff. Knives un nieces bedroom floors covered in junk, n kitchen. Kids had no clean clothes, 5yo not in preschool in several weeks, niece gets herself up and gets would go to neighbors to eat dinner. Fridge had only condiments. Downstairs laundry room and FA office, Kids drinking water out of faucet, CH said out of electricity for (two months, not sure if true), has to use

she wanted parents to sign for temp custody, MO refused and said she would get better and come to get how long it would be, source willing to keep them forever. Source has no hope for FA, worried he'll kill himself if he does the fentanyl testing and gets clean needles. MO wasn't doing this until September started, have pesn't know how to manage money. MO wil have \$100 left and spend it on new workout clothes at Lululemon for kids, has almost a shopping addiction. Parents almost evicted, FA got money. Tenants of house are nice they give benefit of doubt. Think they're still 4k behind on rent. Source will provide as long as she needs to for ents at the same time. Both attack each other, there are holes in doors and walls from them fighting and kids up with people in NYC and cooking crack for people, FA thinks he's a Breaking Bad chemist and brags about is the best crack. FA stays with someone in Troy sometimes who does heroin. Feels they both need inpatient get divorced because they're toxic together. Source tried to get FA to do inpatient but he refused.

ist happy to have food since being with source. PGM in Maryland as well and she can help out as well. ath grade. FA says that he doesn't come home for days.

or a while, Madison says not as doctor for over a year.

eg for 11/23
wellfore check
cc Co. PS

44 HW #1
11/23

cc. Co. Swifts
wellfore check
11/23

parents trying
to get kids 11/23

Zoom 11/23
info

11/23 HV #2

MO cell 11/24

Schedule
HV 1/24

HV #1
11/30

to get kids
12/2

MO @ office
12/5

MO AP records
rec'd 12/5

MO calls 24
Screen 12/8

12/13 MO
refuses to do
to
FA St 2021

12/15 MO breaky
plan, refusing to
meet
of [unclear]
25th of [unclear]

12/20 HV, [unclear]
MO marks, both
sober
HV w/ NK
re: both

12/20 rec'd
Screen from
12/5 + cocaine

Adamson Trial Prep - [REDACTED]

Please state your name for the record.

Where are you currently employed?

How long have you worked there?

What is your job title?

Please give us a brief job description.

Is there a time you were assigned a hotline report concerning the respondent?

[Hotline]

Looking at petitioner's 1, when was the report received?

What was the general allegation in the hotline?

What, if anything, did you do initially to investigate?

Who, if anyone, did you speak to?

What, if anything, did the children say when you first spoke with them?

When did you first speak to the respondent?

What, if anything, did respondent say about the children being left alone?

What were the concerns with leaving the children home alone?

What, if any, suggestions did you make to the respondent regarding that?

What was her response?

When, if ever, was there an issue with Tiffany attending school?

Were there any meetings held regarding the suspension?

What, if any, conversation did you have with the respondent about that meeting?

What, if any, plan was there for Tiffany during her suspension?

Who did you talk to about where Tiffany was?

What did he say?

What did the respondent say about why Tiffany wasn't attending?

What, if any, other concerns were discussed with the respondent?

What, did the respondent say about Tiffany's diagnoses and problems?

What, if anything, had you offered to the respondent?

What was her response to those offers?

Have you completed the investigations of the hotline reports?

And what was the outcome of the hotline reports?

[Indication]

Thank you ~~Ms. [redacted]~~ for your time.

Aiken PH – [REDACTED]

Please state your name for the record.

Where are you currently employed?

How long have you worked there?

What is your current job title?

What is your role in working with the respondent?

What is the status of the visiting schedule between the respondent and the child Dakota?

How often are visits occurring?

What, if any, assistance have you provided in facilitating that visitation?

When will overnights begin?

What is the status of the counseling between the respondent and the child Dakota?

How often is the family counseling occurring?

What, if any, services or accommodations were put in place to assist the respondent with attending counseling and appointments?

How often, if at all, has the respondent cancelled or missed appointments or visitation?

What, if any, reasons were offered?

What, if any, services/accommodations were offered to assist the respondent?

GENERAL BACKGROUND

1. What is your name?
 - a. Where are you employed?
 - b. How long have you been employed?
 - c. What is your title?
 - d. How long have you held that title?
 - e. What are your duties?
2. Are you assigned to a case involving the Respondent, Charles McCormick?
3. How long have you been assigned to this case?
4. Describe the Respondent's role in this case – *father of child Ny'arie*
5. Who is the mother of Ny'arie?
6. How old is the child Ny'arie?
 - a. Date of birth?
7. In whose custody is the child Ny'arie? – *DSS*
8. And, if you recall, when did Ny'arie come to be in the custody of DSS? *6/18/2015*
9. Were you involved in the case at that time?
 - a. Are you familiar with the facts of the case prior to your assignment?
 - b. How are you familiar?
10. Has Ny'arie been in the custody of DSS continuously since that period of time?
11. What were the circumstances surrounding the removal or Ny'arie?
 - a. *Child sustained injuries, Mom failed to seek medical treatment and didn't have explanation for injuries, child removed from mom*
 - b. *ASK COURT TO TAKE JUDICIAL NOTICE OF THE: Order on Application for Temporary Removal of Child (After Petition Filed) – dated 6/22/15*
12. And at the time of the removal, where was Ny'arie placed?

13. Where is Ny'arie placed now?
14. At the time of the removal, what, if any, was the Respondent's involvement? *He was incarcerated in Schenectady County Jail*
 - a. Are you aware of whether he was advised that Ny'arie had been removed from his mother's care? *Yes he was*
 - b. How was he advised, if you know? *Joanna Johnson met with him at the Schenectady County Jail on 6/18/15*
 - c. *OFFER CASEWORKER NOTES INTO EVIDENCE*

Contact with the Department & the Child

15. Directing your attention to the relevant time period, which is 6 months preceding the filing of the petition for abandonment, so 7/9/2016 to 1/10/2017:
16. What is your telephone number at the Department?
17. Has that changed at any time since 7/9/16?
18. Where is your office located?
19. Has that address changed since 7/9/16?
20. As of 7/9/2016, where was Charles McCormick residing?
21. As of 1/10/2017, where was Charles McCormick residing?
22. Was Mr. McCormick incarcerated continuously for that six month period?
23. Between 7/9/16 and 1/10/2017, how many times have you spoken on the phone with Mr. McCormick?
 - a. Did you receive any telephone calls from Mr. McCormick during that period of time?
24. During that same period of time did you receive any letters from Mr. McCormick?
 - a. Any emails?
 - b. Did anyone else contact you purportedly on Mr. McCormick's behalf?
25. Have you ever contacted Charles McCormick? How?
 - a. *Sent him permanency hearing reports*

26. How many Permanency Hearings were held between 7/9/16 and 1/10/17? 2
27. Did you prepare reports for both of those hearings?
28. Did you send those reports to Mr. McCormick?
 - a. OFFER REPORTS INTO EVIDENCE
29. What was the date that you sent those reports?
30. Where did you send Mr. McCormick's reports?
31. Did those reports contain information regarding Ny'arie being in foster care?
32. Did those reports contain your contact information?
33. So other than the permanency hearing reports that you mailed to Mr. McCormick, what if any contact, in any form, did you have with Mr. McCormick between July of 2016 and January of 2017?
34. Between 7/9/16 and 1/10/17 how many visits did Charles McCormick have with the child Ny'arie?
 - a. Did Mr. McCormick ever request a visit during that period of time?
 - b. Did Mr. McCormick ever inquire about the well being of the child Ny'arie during the period of time?
35. What if any gifts has Mr. McCormick sent the child Ny'arie?
36. What if any cards or letters has Mr. McCormick sent to the child Ny'arie?
37. To your knowledge, was that the last time Mr. McCormick had contact with the child?

Alava and Davilla (TPR)– ██████████

Please state your name for the record.

Where are you currently employed?

What is your current job title?

What does your job entail (job description)?

Was there a time you were assigned to work with the respondents?

How long have you been working with the respondents?

Who is the child on the case?

How old is he?

Where is he currently?

So, how long has he been in the placement he is in?

Why was Evalastin originally removed?

What are the issues you have been addressing with Mom?

Parenting/Visiting - Princess

How often does the respondent currently have visits with the children?

Has that ever increased or decreased?

Why?

How often when not incarcerated?

Where?

What, if anything, did you do to encourage a bond between mom and Evalastin?

Who is present during the visits now?

How is the respondent's interaction with Evalastin during the visits?

What, if any, direction was provided to the respondent at the visits?

Why was that necessary?

What if any, information or updates would you provide to Mom?

Permanency - Princess

What, if anything, did you do to assist mom in planning for Evalastin's permanency?

Who did you look into?

What were the results?

How often would you speak to Mom?

What would you say to her?

How long has Princess been incarcerated?

In the time you have worked with her, what, if anything, did Mom do to become employed?

In the time you have worked with her, what, if anything, did Mom do to establish a safe and stable home for herself and Evalastin?

In the time you have worked with her, what, if anything, did Mom do to prepare for Evalastin to come home to her?

Mental Health/Substance Abuse - Princess

What was the respondent's mental health diagnoses?

Was treatment recommended for Princess?

What, if anything, did you do to assist Princess with getting treatment?

What other efforts did you make?

In the time that Mom has not been incarcerated, what if any, mental health tx did she attend?

Did she ever fail to attend, in the time she was not incarcerated?

While Mom was incarcerated, what if anything happened, to make you think mom may be mentally unstable?

Substance Abuse - Princess

What, if any, substance abuse issues did Princess have?

What, if anything, did you do to assist Princess with her substance abuse concerns?

In the time that Mom was not incarcerated, what, if any, sub ab tx did she attend?

When, if ever, did she go for screens?

What were the results? Were there screens she missed? How many?

JESUS

When did you begin working with Mr. Davilla?

What are the issues that you were addressing with Mr. Davilla?

Visiting - Jesus

How often does the respondent currently have visits with the children?

Has that ever increased or decreased?

Why?

How often, if ever, would respondent miss visits?

What, if anything, does he say about missing visits?

What, if anything, have you done to encourage a bond between Mr. Davilla and Evalastin?

Who is present during the visits now?

How is the respondent's interaction with Evalastin during the visits?

What, if any, direction was provided to the respondent at the visits?

Why was that necessary?

What if any, information or updates would you provide to Mr. Davilla?

Has the respondent been referred to any type of parenting program?

Did he ever complete the parenting program?

What, if any other opportunities did Mr. Davilla have to see Evalastin?

Would he go to those appointments?

Income/Safe and Stable Housing – Mr. Davilla

Where was Mr. Davilla residing when you took over the case?

How long was he incarcerated?

Then where did he reside?

What, if anything, did you do to assist with Mr. Davilla establishing an income and safe and stable housing?

When, if ever, in the time you worked with him, did Mr. Davilla have a stable income?

At the time you filed the permanent neglect petition, where did he reside?

At that time, did he have a source of income?

DV – Mr. Davilla

What, if anything, did you do to assist Mr. Davilla to address domestic violence concerns?

What happened with that?

What, if anything, did you say to respondent about that?

What, if anything, did he say in response?

Substance Abuse – Mr. Davilla

What, if any, substance abuse issues did Mr. Davilla have?

What, if anything, did you do to assist Mr. Davilla with his substance abuse concerns?

When, if ever, did he go for screens?

What were the results? Were there screens he missed? How many?

Thank you [REDACTED] I have nothing further.