

Testifying in Court

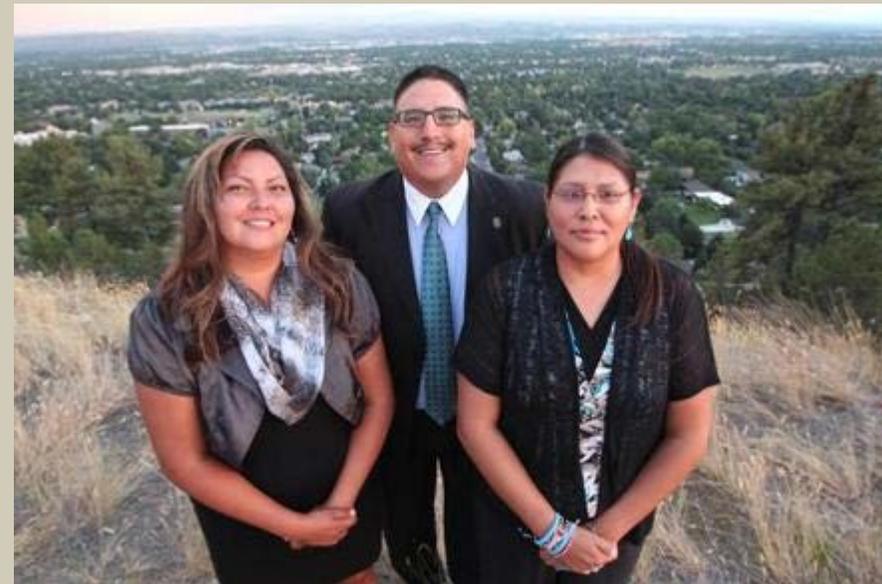
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Outline

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- ▶ Reports to the court
- ▶ Preparing for court
- ▶ A note about the adversarial process
- ▶ Testifying about a case
- ▶ Reasonable efforts
- ▶ Direct examination
- ▶ Cross-examination
- ▶ Strengths Based Perspective
- ▶ Activity





Report to Court Should be Timely

- ▶ Report to court based on tribal code
 - ▶ Timeframe
 - ▶ For initial report/affidavit:
 - ▶ Depends on tribal code: may be between 24-72 hours after removal
 - ▶ For report in preparation for adjudication
 - ▶ Depends on tribal code
 - ▶ Required contents
 - ▶ For initial report/affidavit
 - ▶ Gives just enough information for court to issue order to start things like medication or authority to pay foster care
 - ▶ For report in preparation for adjudication



Report to the court

- ▶ Can include:
 - ▶ Identifying information about the child
 - ▶ Facts
 - ▶ History and background information
 - ▶ Parent's functioning and capacity to parent as assessed by worker
 - ▶ Child's identified needs
 - ▶ Current situation
 - ▶ Efforts to prevent removal
 - ▶ Summary
 - ▶ Recommendations



Handout – Report to Court Template

REPORT TO COURT

DATE: June 27, 2013
Worker: Iris Smith
Title: Child Protection Social Worker
Agency: Northern Cheyenne B.I.A. Social Services

Type of Hearing: CHILD IN NEED OF CARE-COMPLAINT
Type of Referral: EMOTIONAL ABUSE/NEGLECT

I. IDENTIFYING INFORMATION:

CHILD:
DATE OF BIRTH:
CURRENT PLACEMENT: Maternal Kinship Placement
SIBLINGS:

PARENTS:

NAME:	NAME:
DATE OF BIRTH:	DATE OF BIRTH:
MAILING ADDRESS:	MAILING ADDRESS:
PHYSICAL ADDRESS:	PHYSICAL ADDRESS:

II. FACTS:

- A. Initial summary of findings, including evidence, facts and information collected through the investigation and the results of the worker’s professional assessment of the child’s safety.
- B. Chronology of events in detail from receiving report to removal including all contact with parents, child, and other people involved. These contacts include when, by what means, and content of the conversations/actions that took place.
- C. This area includes information pulled from police reports, the initial report and any addendums received.

III. HISTORY AND BACKGROUND INFORMATION:

- A. Previous reports and findings from those reports
- B. Criminal background information if relevant

IV. PARENTS’ FUNCTIONING AND CAPACITY TO PARENT AS ASSESSED BY WORKER

- A. Parent's behaviors observed by worker, others who would be able to testify to them.
 - B. Explaining the parent's ability to meet their own basic needs, not only just the child's.
 - C. Ability to focus on child's needs for the necessary length of time and the ability to reflect, critique and have insight of own abilities to care for child.
 - D. Assessment of parent's interpretation and gauging of what happened (are they taking the accusation serious, are they completely denying it when facts strongly show otherwise?)
- V. CHILD'S IDENTIFIED NEEDS
- A. Where at in cognitive, motor, verbal development, level of supervision needed (i.e. due to age and development of child, she needs constant supervision at all times)
 - B. Illustrate how the parent does or does not match each specific need identified for the individual child. **Connect this piece with the previous section – explaining how the parent's functioning is impacting ability to appropriately parent the child.** (i.e. Information collected in this worker's assessment concludes that the parent's drug use is severely impacting their ability to attuned and meet their child's basic needs, putting the child at risk of harm).
- VI. CURRENT SITUATION
- A. Somewhat redundant, but clearly articulating how the facts presented impact the child's safety (both physical and psychological).
 - B. Justifying why this removal is necessary, what would happen if the child were returned without further intervention by Social Services (be specific).
 - C. Describe parent's willingness to work with and engage with BIA social services to address concerns together. Specifics (avoidant behaviors)
 - D. If requesting TIA for this report, what information needs to be further known to make a determination for further intervention? Parent needs to be interviewed further? UA's pending from lab? If the report is specifically regarding parenting skills, do one or two supervised visits need to occur?
- VII. EFFORTS TO PREVENT REMOVAL
- A. Previous services offered to the family as a result from previous reports
 - B. Actions taken by the agency to prevent removal after report was made. This includes referral to other services, and other services that were providing support. This piece always includes the worker's carrying out of an assessment of the child's safety as an identified effort to prevent removal.
- VIII. SUMMARY
- A. Can be short and to the point but needs to be state, "As a result of this worker's assessment and professional expertise, [the child] is found to be in immediate harm/danger due to... and found that removal and placement with ... was and continues to be necessary until the safety assessment can be fully completed."

IX. RECOMMENDATIONS:

- A. The Above child be made a ward of the Northern Cheyenne Tribal Court.
- B. Care and Supervision of the child be vested with Northern Cheyenne Bureau of Indian Affairs Social Services.
- C. Temporary investigative authority be given to Northern Cheyenne Bureau of Indian Affairs Social Services.
- D. The proper language be added to the court order so that the above named child is in current relative placement, and that be continued with _____ .

The information contained herein is true and correct to the best of my knowledge.

Respectfully submitted,

Iris Smith



Exercise: Report to Court

- ▶ Pick out the language you would include in a report to the court.
 - ▶ What is helpful about this language?
- ▶ Identify three statements that should not appear in a court report or testimony.
 - ▶ What is not helpful about this language?

REPORT TO COURT

DATE: November 2, 2016
Worker: Page Turner
Title: Child Protection Social Worker
Agency: Great Lakes B.I.A. Social Services

I. IDENTIFYING INFORMATION

CHILD: Kevin Light

DATE OF BIRTH: June 16, 2013

CURRENT PLACEMENT: Anita Greg

SIBLINGS: Two older

PARENTS: Beth and Harold Light

II. FACTS

On November 1st Social Services responded to a call reporting domestic violence. When I entered the home, Kevin, the child's father, Harold, along with police officers were present. The child's mother, Beth, had been taken to IHS due to injuries inflicted by Harold. There was an unidentified man passed out on the couch.

This worker attempted to talk with Harold about the situation that lead up to the call to law enforcement. However, Harold was intoxicated and became physically violent with the law enforcement officers. He was arrested and removed from the home.

The law enforcement officer present, Officer Dell, stated that when questioned about the domestic violence incident, Harold reported Kevin was home in the back bedroom. Kevin is 3 years old, is small for his age, has not been adequately fed, and had a diaper that had not been changed in what appeared to be days. My initial observation of Kevin is that he is small for his age. It looks like he has not been adequately fed. His diaper was full of fecal matter and urine and looked like it hadn't been changed in multiple days. Kevin was not wearing any other clothing despite the fact it was below freezing outside. He had scabs covering his arms and legs, some of which were infected.

I placed Kevin with his maternal aunt, Anita Greg.

III. HISTORY AND BACKGROUND INFORMATION

N/A

IV. PARENTS FUNCTIONING AND CAPACITY TO PARENT AS ASSESSED BY WORKER

To date, Beth has not attended any scheduled meetings. She came to one scheduled meeting but was drunk and unable to meaningfully engage in case planning. I am concerned she has a significant substance use problem that would impact her ability to parent. Harold is incarcerated and unable to care for Kevin.

V. CHILD'S IDENTIFIED NEEDS

Kevin's aunt, Anita, states that Kevin is difficult to soothe and has explosive and violent behaviors. She reports that he gets very angry, throws tantrums over small things and throws whatever in within reach when he is told no. at small things and has a hard time regulating his emotions.

VI. CURRENT SITUATION

Kevin is currently placed with Anita in order to prevent further neglect. Social Services continues to believe this is in Kevin's best interest due to the fact that Harold is incarcerated and Beth has not engaged with Social Services and likely has a substance use issue that prevents her from safely parenting Kevin.

VII. EFFORTS TO PREVENT REMOVAL

Social Services has made multiple attempts to meet with Beth in order to begin treatment planning. However, Beth has either not shown up for appointments or came to an appointment after consuming alcohol.

VIII. SUMMARY

As a result of this worker's assessment and professional expertise, Kevin is found to be in immediate harm due to Harold's physical assault on Beth, his subsequent incarceration and Beth's lack of engagement and substance use issues. Further, it is determined that removal and placement of Kevin with Anita was and continues to be necessary until Beth is able to engage in the creation and completion of a treatment plan.

IX. RECOMMENDATIONS

The above child, Kevin Light, be made a ward of the Great Lakes Tribal Court.

Care and supervision of Kevin be vested with Great Lakes Bureau of Indian Affairs Social Services.

Temporary investigative authority be given to Great Lakes Bureau of Indian Affairs Social Services.

The proper language be added to the court order so that the above named child is in current relative placement, and that be continued with Anita.

The information contained herein is true and correct to the best of my knowledge.

Respectfully submitted,

Page Turner

Social Service Worker



Exercise: Share Your Thoughts

- ▶ What makes you uncomfortable about testifying in court?





Preparing for Court

- ▶ Prepare as far in advance as you can
- ▶ Create a cheat sheet
 - ▶ Child's name
 - ▶ Child's birthdate
 - ▶ Date of removal; other key dates
 - ▶ Where the child is current placed
 - ▶ How is the child doing in placement?
 - ▶ Summarize service history
 - ▶ Counseling?
 - ▶ Medical?
 - ▶ Other?
 - ▶ What is the case plan?
 - ▶ What components of the plan has the parent completed?
 - ▶ Not completed?



The Adversarial Process

- ▶ Child welfare proceedings are often adversarial
- ▶ The process is meant to protect all parties by providing a forum to challenge assertions of other parties
- ▶ Familiarizing yourself as much as you can with the process can ease fears and help you feel more comfortable about participating in court





Testimony May Consist Of:

- ▶ Safety concerns
- ▶ Agency efforts to work with the family
- ▶ The permanency goal
- ▶ The family's strengths, needs and progress
- ▶ The child's safety and well-being
- ▶ The child's strengths, needs and progress
- ▶ Appropriateness of placement
- ▶ Changes necessary to the case plan



Testifying About a Case

- ▶ Introduce yourself and explain your qualifications
- ▶ Testify about the facts only
 - ▶ Be objective
 - ▶ Do not draw inferences or conclusions from facts
- ▶ Answer all questions truthfully
- ▶ It's okay to say:
 - ▶ "I don't know" (Provide clarification)
 - ▶ "I don't remember"
- ▶ Don't be afraid to admit if you didn't hear or didn't understand a question²

Active v. Reasonable Efforts

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- ▶ Active Efforts:
 - ▶ 25 C.F.R. § 23.2
 - ▶ Affirmative, active, thorough, and timely efforts to maintain or reunite the child with their family
 - ▶ Case plan should be conducted *in partnership* with Indian child, parents, extended family, and child's tribe
 - ▶ Examples:
 - ▶ Comprehensive assessment of family with focus on safe reunification
 - ▶ Identifying, notifying and inviting child's tribe to participate in providing support and services (family team meetings, permanency planning, and resolution of placement issues)
 - ▶ Considering alternative ways to address the needs of the parents and family if optimum services do not exist or are not available
 - ▶ Providing post re-unification services and monitoring



Reasonable Efforts

- ▶ Case Plan:
 - ▶ What family problems endanger the child?
 - ▶ How did you involve the parents in developing the service plan?
 - ▶ What is the service plan for all family members?
- ▶ Service History:
 - ▶ What is the service and its goals?
 - ▶ When was the service offered to the family?
 - ▶ Did the family agree to participate?
 - ▶ How long was the service provided?
 - ▶ How often was the service provided?
 - ▶ How did you make the service accessible to the family?
 - ▶ Did the family complete the service?
 - ▶ What was the impact of the service on family problems?



Reasonable Efforts

- ▶ Visitation History (if the child has been removed prior to the hearing):
 - ▶ How often was the parent scheduled to visit the child?
 - ▶ How often did the parent visit?
 - ▶ How did you make visiting accessible to the parent?
 - ▶ Was visitation supervised? Who supervises? Why?
 - ▶ Was visitation restricted? When? How? Why?
- ▶ Your Contacts with the Child and Family:
 - ▶ How often did you see or talk to the child? Where?
 - ▶ How often did you contact each parent?

Reasonable/Active Efforts (Courts – Testifying)

Case Plan:

- What family problems endanger the child?
- How did you involve the parents in developing the service plan?
- What is the service plan for all family members?

Service History:

- What is the service and its goals?
- When was the service offered to the family?
- Did the family agree to participate?
- How long was the service provided?
- How often was the service provided?
- How did you make the service accessible to the family?
- Did the family complete the service?
- What was the impact of the service on family problems?

Visitation History (if the child has been removed prior to the hearing):

- How often was the parent scheduled to visit the child?
- How often did the parent visit?
- How did you make visiting accessible to the parent?
- Was visitation supervised? Who supervises? Why?
- Was visitation restricted? When? How? Why?

Your Contacts with the Child and Family:

- How often did you see or talk to the child? Where?
- How often did you contact each parent?



Direct Examination

- ▶ Goal of direct is to get the witness to paint a vivid picture using open ended questions
- ▶ Leading questions are generally not permitted
- ▶ However, leading questions are permissible when used to:
 - ▶ Cover background introductory matters
 - ▶ Cover uncontested matters
 - ▶ Establish a place in time
 - ▶ Examine a hostile or adverse witness (such as on cross exam)
 - ▶ Examine a confused witness
 - ▶ Establish the necessary evidentiary foundations



Cross-Examination

- ▶ Answer each question truthfully to the best of your ability
- ▶ Cross-examining attorney may ask about your qualifications
- ▶ Questions will often require you to only give brief answers
- ▶ Always answer the question that is asked, not the question that you would have preferred had been asked





Cross-Examination

- ▶ Be wary of “trick questions”
- ▶ Cross-exam attorney may be hostile to put you on the defensive
- ▶ Agency attorney should protect you from improper attorney behavior



Testifying in Federal Court

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- ▶ Differences between tribal and federal court:
 - ▶ Purpose of federal court is to adjudicate criminal charges against parent
 - ▶ Parent is represented by a defense attorney

- ▶ What to Expect:
 - ▶ More preparation!
 - ▶ Question and answer format/ less elaboration
 - ▶ Formal environment

Court Etiquette

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- ▶ Be respectful
- ▶ Be aware of your body language
- ▶ Speak loudly and clearly



Baker, D. R. (1998)

Strengths Based Perspective

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- ▶ When discussing the case and parents involved, it's important to use strengths based language when possible
- ▶ Try to frame things so as not to create barriers to engaging parents





Discussion

- ▶ Any other ideas of techniques you might use to help you feel comfortable in court?



COURT SCENARIO

Scenario:

At 3am on November 1st, tribal law enforcement receive an emergency call reporting a woman, Beth, has been badly injured by her partner and is need of assistance. Officers are dispatched to a neighbor's home where Beth fled after being physically assaulted by her partner. Officers enter the home and observe the Beth crying, bleeding from the nose, her left eye is swollen shut and she is holding her left arm close to her chest. Beth appears intoxicated as evidenced by a strong smell of alcohol, slurring of her words and an inability to stand unassisted. Paramedics assess Beth's injuries and discovery significant bruising on her torso consistent with previous trauma. They are concerned she may have suffered broken ribs. The paramedics determine Beth needs to be taken to the emergency room. Beth, visibly upset, states her 3 year old son remains in the home and is very concerned for his safety. When asked about the events leading up to her running from the home and seeking help from the neighbor, Beth stated she and her partner had friends over around 4pm the previous day and her partner was drinking heavily and using meth. The couple began arguing when her partner hit her in the face and then punched her in the stomach multiple times. She feared he would kill her and so ran out the door to the neighbor's home.

Law enforcement officers are dispatched to Beth's home to question her partner, Harold. Harold grants the officers entry. Once inside, law enforcement officers observe a home with trash littered throughout, there is a distinctive smell of urine and an unidentified person is unconscious on the couch. Officers notice a strong smell of marijuana and empty beer cans covering the kitchen counters. When asked about the events leading up to a call to law enforcement, Harold states that Beth began drinking yesterday morning and became violent after she accused him of cheating on her. Harold states he was defending himself against Beth's physical assault on him by lightly pushing her down on the couch. Harold appears intoxicated as evidenced by him stumbling across the room and a heavy smell of alcohol on his breath. When asked about how Beth sustained significant bruising on her torso and swollen eye, Harold becomes combative and attempts to strike a law enforcement officer. He is detained and taken to the local jail. Law enforcement officers call social services to assist with Beth and Harold's three year old son. BIA Social Service workers arrive at the home while law enforcement officers are still inside. Social service workers observe the 3 year old boy, Kevin, in a back bedroom. The child is not wearing clothes despite the cold weather and his diaper is heavy with urine and fecal matter. The child is covered in dirt and what appear to be scabbed over bug bites some of which are bleeding and appear to be infected. He is small for his age and appears malnourished. The child's front teeth appear to be decayed due to prolonged bottle use. The social service workers remove the child from the home and attempt to place him with his maternal grandmother, Gina. Gina states that she currently cares for Beth's two other children (5 and 7) and does not have the resources to care for Kevin. Social Services was unaware that Beth no longer cared for her two older children. They have been in Gina's care for approximately two years. Kevin is placed with Beth's aunt, Anita.

Anita reports that Kevin has a difficult time regulating his emotions. She states Kevin gets very angry and his reactions are often disproportionate to the event that caused his feelings. Anita reports that Kevin often lashes out at her physically and can be difficult to soothe.

Since Kevin was removed from the home, Social Service workers have attempted to meet with Beth and work on a treatment plan. Beth was released from the hospital a few hours after the call to law enforcement. She has since missed two appointments with the social worker assigned to the case. Beth did show up for a third appointment but appeared intoxicated as evidenced by slurred speech and incoherent answers to questions. She states she wants Kevin back and is willing to engage in treatment.

Harold is currently still incarcerated for probation violation and a new charge of assault on a police officer.

MOCK TRIAL SCRIPT

Mock Trial Outline Part I: Establishing credibility Part II: Facts Part III: Recommendations

Judge: Why are we here today?

Tribal Prosecutor (TP): Your honor, this is an adjudicatory hearing to determine the placement of Kevin Light, a Child In Need of Care.

Judge: Ok. Briefly, can you tell me the history of this case?

TP: Yes your honor. Kevin was removed from the care of his parents by social services on January 30th after a domestic violence incident at their home and a finding by the social worker of neglect. The social worker, Paige Turner, is here today to testify about this case.

Judge: Ok. You may proceed with questioning.

ESTABLISHING CREDIBILITY

Tribal Prosecutor (TP): Can you please state your name and occupation for the court?

Social Service Worker (SW): My name is Paige Turner. I am a social worker with Great Lakes Bureau of Indian Affairs.

TP: How long have you been a social worker with Great Lakes?

SW: For about 6 months.

TP: Can you please talk about your credentials? Specifically, your educational and training background?

SW: I have a Bachelors in Social Work from the University of Montana and a Master's in Social Work from the University of South Dakota. I have received training on trauma informed case planning, visitation, trauma screening and differential response. I've also received training on completing investigations and the CFR.

TP: Is this your first job as a social worker?

SW: No. Before working for Great Lakes, I was a social worker for the Blackfeet Tribe. I worked there for 2 years before transferring to Great Lakes.

TP: Are you still within your probationary period?

SW: No.

FACTS

TP: Can you walk us through the point up until removal?

SW: Sure. Our office got a call from law enforcement around 5am on January 30th. Law enforcement had responded to a call who said her neighbor, Beth, had run over to her house after her husband had physically attacked her. When we got there, Beth had been taken to the hospital to be treated for her injuries and Harold along with law enforcement officers were present in the home. There was also an unidentified person in the home passed out on the couch.

TP: What kind of injuries did Beth have?

SW: The police report stated that Beth was really distressed when she ran over to the neighbor's home. It also showed that she was bleeding from her nose and her left eye was swollen shut. She was holding her left arm close to her chest and subsequent medical evaluations showed she had suffered broken ribs.

TP: What else did the medical records show?

SW: The medical records stated that Beth had significant bruising on her torso consistent with previous trauma.

Instructional moment: *This is second hand information, workers only report on what they saw on the affidavit and are not medical staff and cannot report medical conditions. A better response here would be: "Beth looked beat up"*

TP: Ok. So when Beth went over to the neighbor's home she was upset. Tell me a little more about the condition Beth was in.

SW: Sure. So, the police report state that Beth showed signs of intoxication. Specifically, that she smelled of alcohol and was slurring her speech.

Instructional moment: *The more appropriate vocabulary here is: "She was unable to care for the child due to her state of intoxication."*

TP: What was the condition of the home?

Instructional moment: *The prosecutor will focus on the well being and safety of the child and not the condition of the home. A dirty home is not justification for removal the state of the child is and if the mother/father can protect them and keep them from harm.*

SW: The home was unsanitary.

Instructional moment: *More appropriate language may be the use of "disarray" rather than unsanitary. This may also be an opportunity to submit pictures.*

TP: Where was the child?

SW: Kevin was in a back bedroom playing by himself. Besides a diaper he didn't have any clothes on even though it was freezing outside and the inside of the home was likewise cold.

Instructional moment: *It's important to be as precise as you can. Therefore, it would be helpful here to give an example of the temperature (10 below zero). The goal is to bring the judge and prosecutor through a visualization of the situation and extreme weather conditions are a good example. Providing the temperature for inside the home would be helpful also.*

TP: What else did you notice about the child?

SW: Kevin needed medical attention. I observed multiple scabs across his body. It looked like they were old bug bites but they had been scratched open and infected. No one had cleaned or bandaged them. He also appeared really small for his age, like he was malnourished. I asked the parents if he had been treated for this condition.

TP: Isn't it possible that that is just his body type and not necessarily that he was malnourished?

Instructional moment: *This is a leading statement which in general is not allowed on direct examination. However, it is possible that the tribal prosecutor may be sympathetic to the parents which may come out as questioning your judgment. It's important to be ready for this possibility by following this with an objective and confident response.*

SW: It's possible. But he also had rotten front teeth which suggests prolonged use of a bottle. His diaper was also heavy with urine and fecal matter and looked like it hadn't been changed in a day or more. In general, he seemed not well cared for to the point of neglect. At this point I felt that it was in the child's best interest to seek immediate medical attention.

TP: Ok, then what happened?

SW: During our visit with Kevin we asked Kevin's dad, Harold, what had happened the night before. He stated that Kevin's mother, Beth, had become physically violent with him and he tried to defend himself by pushing her down on the couch.

TP: Where was Kevin when all of this was happening?

SW: Harold stated Kevin was in the back bedroom asleep. We tried to ask more questions but Harold became aggressive with the law enforcement officer and had to be detained. He was taken to jail. Because neither parent was able to care for Kevin and because of my assessment of the condition of the home and Kevin, I made the decision to remove Kevin and place him with family. I called Beth's mother first but she stated she could not take care of Kevin because she already cared for Beth's two older children and didn't have room or resources to care for Kevin too.

TP: Was social services aware of the fact that Beth no longer cared for her two older children?

SW: We were not. No reports were made on the previous two children so there was no way for us to know they resided with Beth's mother, Gina.

TP: Ok, so you couldn't place Kevin with Beth's mother. Where do you place him?

SW: We called Beth's aunt, Anita who agreed to care for Kevin.

TP: Why did you only call Beth's side of the family? Why not call someone from Harold's side of the family?

SW: I know Gina and Anita. They are active members in our community and are involved in a lot of community programs. I wasn't familiar with anyone from Harold's side of the family and needed to move quickly in order to place Kevin somewhere safe.

TP: Ok. Can you tell me a little bit about Beth's interaction with Social Services since Kevin was removed?

SW: We scheduled several appointments for Beth to come into the office and discuss the development of a plan for reunification. However, she did not show up for two of the three appointments scheduled. Finally, she did come to the third meeting but was not able to engage meaningfully in case planning because she was intoxicated.

TP: What makes you think she was intoxicated?

SW: She smelled strongly of alcohol, she was slurring her words and when I asked her questions her answers didn't make any sense. She was incoherent.

TP: Any interaction with Kevin's father, Harold?

SW: No. He is currently incarcerated and waiting for a sentencing hearing. He violated probation and has an additional assault on an officer charge so we are not pursuing Harold as a long term placement for Kevin at this point in time.

TP: Ok. So how is Kevin been doing since being placed with Anita?

SW: He has gained weight in the short time he's been placed with her. In general he seems to be doing well but there are some behavioral issues that have come up which seem to likely be due to long term exposure to trauma.

TP: Can you talk a little bit more about that? What makes you think his behaviors are due to trauma?

SW: Sure. Well Anita reports that Kevin has a difficult time regulating his emotions and in particular that he gets very angry at small things. He also lashes out physically and is difficult to soothe. These are well documented responses to childhood trauma. Specifically, children who have experienced trauma often display excessive tempers, exhibit aggressive behavior. Because the incident leading up to removal was a domestic violence episode, it could be that Kevin lashes out physically because he is imitating the traumatic event.

TP: But based on the reports from Harold, it sounds like Kevin was in the back bedroom when this latest incident happened. If he was in the back and not directly exposed to the event, isn't it hard to say this is what is causing his behavior? Couldn't we conclude that it's related to something else?

SW: Even though he may not have directly witnessed the event, he could still hear what was going on including the fact that his mother was in distress and in general that there was violence occurring in close proximity. Research shows that children are incredibly perspective to and impacted by exposure to violence. Given Kevin's behaviors, it seems likely that he has experienced repeated exposure to trauma. Further evaluation is needed to ensure he gets appropriate treatment.

RECOMMENDATIONS

TP: So in your opinion, do you think returning Kevin home to his mother is what is in his best interest?

SW: Not at this time. Its clear Beth wants Kevin home and we want to support that but right now it is our opinion that it is not a safe environment. Given the fact that Beth has yet to engage in treatment planning we're not confident she could safely meet Kevin's needs. Beth needs to complete a chemical dependency evaluation and parenting classes. Kevin also needs evaluated for trauma exposure and referred to appropriate trauma informed treatment. An appropriate visitation schedule will be submitted along with a case plan for both parents.

References

American Bar Association (2013). Center on Children and the Law.

Baker, D. R. (1998). *Iowa Child Welfare Law: A Manual for Social Workers*, 2d ed., 105, 1-8: American Bar Association.

Hamlett, J. (2007). The Art of Testifying in Court. *Children's Services Practice Notes*, 12(4).