

Protection Connection

Protective Services Training Institute of Texas ♦ Linking research, training & practice for PRS staff

Prepare and Testify for Court

A lawyer's role is to assertively represent a client's best interests. PRS staff also have a professional obligation to serve the best interests of their clients. The presentation of opposing sides, while being the basis of our legal system, may leave you as a PRS professional feeling angry and frustrated. It sometimes appears that opposing counsel treats you as an adversary while defending individuals who put others at risk.

As you work to serve the best interests of clients, consider this advice: being thoroughly prepared for your day in court will help you do the best possible job for your client and make the process easier for you.

Understand Legal Perspectives

Understanding the adversarial philosophy and roles that parties play in court is an important first step in preparation. The premise is that the presentation of strongly opposing points of view will most likely arrive at the truth of the situation. Your role in testifying is to provide facts, not to interpret facts or be an advocate.

Reporting of abuse cases has increased—and so has the organization of groups who advocate for those who feel unfairly accused. Increasingly vigorous legal strategies make court appearance even more stressful for PRS staff.

Among the strategies defense lawyers might use are: casting doubt on truthfulness or competence of a client's testimony, raising doubt about adequacy of services, questioning your credentials, questioning your ability to draw inferences from client statements made to you, trying to lead you into discussion of unsubstantiated diagnoses, and measuring your practice activities with clients and families against recognized standards.

Prepare the Case

Before testifying in court, you should talk to your PRS attorney about relevant state laws, become familiar with how they are typically interpreted in local courts, know the liability associated with your actions, and know the agency's guidelines on client confidentiality—under what circumstances you must release information and how to communicate these actions to clients. Talk to your supervisor or agency legal counsel for their insights.

Make sure that your documentation is current, thorough, accurate, specific, and fact-based. Read through all of it before testifying, and memorize the most important

points. Provide details. Instead of saying Joey was dressed inappropriately, state, "It was 40 degrees and Joey was wearing shorts, no shirt, and no shoes." To assist with recalling details, you can take your court report to the stand.

Determine what kinds of information should be provided to the lawyer and brought with you to the trial. If your client is a child, the child's lawyer likely will need a witness list with contact information and whether or not a subpoena will be necessary; the type of information each witness can give; copies of medical exams, psychiatric reports, and testing; appropriate documentation such as safety plans; and pictures and other concrete evidence.

Prepare for Court Appearances

Before testifying, arrange a meeting with the prosecutor to get an idea of the questions that will be asked by both sides. Also ask for advice about how you can be the most helpful. Let the prosecutor know if you have already testified at another time about the same case—the prosecutor will want to obtain your prior testimony.

Most importantly, know your case.

Continued on back page



Gain Confidence by Taking Risks

Building confidence requires that you venture outside your comfort zone. Try these tactics:

- ♦ **Confront a fear.** Using anxiety as an excuse not to do something reinforces a low self-image. Instead of saying "I'm scared of testifying", prepare yourself and do it! Treat fears as temporary conditions you can overcome rather than permanent roadblocks.
- ♦ **Push yourself.** Accept tough assignments and go beyond what you know. Explore disciplines that advance your skills and talents.
- ♦ **Finish what you start.** Tackle your to-do list without delay or complaints. You'll feel more in control when you avoid procrastination.



Source: *Communication Briefings*, Nov. 2000, p3.

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2003

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Avoid Backaches

The American Physical Therapy Association offers these tips to avoid an aching back:

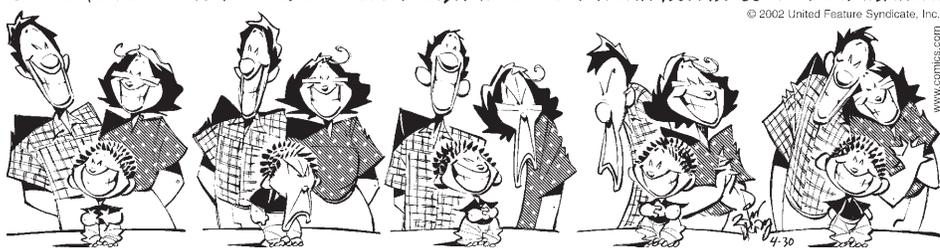
- ◆ If possible, break up items into smaller loads—they're less likely to strain the back and will be easier on arm and shoulder muscles.
- ◆ When lifting, keep feet shoulder-width apart.
- ◆ Keep the lower back in its normal arched position and bring the load as close to the body as possible.
- ◆ Lift with the legs, not the back, and bend at the knees.
- ◆ Exercise and stretch regularly—this keeps muscles limber while decreasing stress.
- ◆ Avoid overeating and weight gain—5 to 10 pound of excess weight can put a strain on your back.



If you injure your back, see a licensed physical therapist or doctor because even a minor back injury, if left untreated, can progress to a chronic condition.

Source: *ideas unlimited*, Mar. 2002, p11.

TODAY'S FORECAST CALLS FOR MOSTLY SMILEY FACES, WITH SCATTERED FROWN FLURRIES BUT NO ACCUMULATION.



Source: *Comics Plus!* May/June 2002. Reprinted by permission of United Media.

Fight Burnout

It's hard to be effective when you're burnt out. Here's what to look for, and what to do:

- ◆ **Fatigue/exhaustion.** If you're worn out and tired, assess how much rest and exercise you get. Schedule enough time in your day to take care of yourself physically.
- ◆ **Emotional exhaustion.** If you don't have your usual enthusiasm or drive, take a break to replenish your emotional reserves. If you can't take a lengthy vacation, spend time away from work doing enjoyable things—listen to music, be outdoors, visit a museum, or participate in a hobby.
- ◆ **Isolation from other people.** If you're not paying attention to the accomplishments of those around you, make a point to look for their positive achievements. Praise them for their work contributions.
- ◆ **Feelings of being unappreciated.** If your own efforts aren't recognized or appreciated, your personal morale will suffer. Look for ways to share news of your contributions with others.
- ◆ **Obsession.** If you're too focused on a single project or area of your work, take a break and do something different to restore your balance.



Source: *Positive Leadership*, Apr. 2002, p3.

Small Changes Add Up

Studies show that small lifestyle changes may prevent diabetes. Among 500 people considered "pre-diabetic," half were given advice about diet and exercise; half were not.

- ◆ Three years later, most of the "advised" group lost 8-10 pounds and only 11 percent became diabetic.
- ◆ Most of the second group lost only 1-2 pounds, and 23 percent became diabetic.

These findings suggest that even minimum effort can have maximum results.

Source: *TOP Health*, Aug. 2001.

Breakfast of Champions

As many as 60% of adults and up to 25% of children eat or drink nothing before going off to work or school.

People often skip breakfast because they worry about being late or they want to lose weight. Consider what we know:



- ◆ **Skip breakfast, gain weight.** Omitting breakfast can add pounds—you'll have hunger pangs before lunch and may snack on things less healthy. Your body also reacts as if there's no food available, so when you do finally eat, you don't burn calories—you store them as fat.

- ◆ **Breakfast for better schoolwork.** Test scores, concentration, and memory aren't as good, nor are children as happy or well-adjusted, when they habitually avoid breakfast. That's because the brain needs glucose to function well, and fasting deprives the brain of energy.



- ◆ **Morning is the time to fuel up.** The ideal food to provide energy without making you fat is complex carbohydrates, such as whole grain cereals—it provides fiber and nutrients. You also need protein such as in plain yogurt, low-fat milk, soy milk, low-fat cheese, or peanut butter. No more than 3-4 eggs a week are okay.



- ◆ **A healthy breakfast—and one that's not.** The best breakfast is orange juice, grapefruit juice or fresh fruit, whole-wheat toast, and a bowl of hot or cold non-sugared cereal with tea, coffee, low-fat milk, or plain yogurt.



The prototype of a bad breakfast includes fatty sweets such as donuts or cinnamon rolls and salty meats such as bacon, ham, or sausage. Such breakfasts can lead to diabetes, hypertension, obesity, and hardening of the arteries.

Source: *Breakfast, for a Healthier Life* by Dr. I. Rosenfeld in *Parade Magazine*, Nov. 11, 2001, p12-13.



Practice Tips

Avoid Distractions

At times we all have difficulty staying focused on our work. If you're easily distracted, here are tips that can help:

- ◆ **Take notes.** If your mind wanders during meetings or long conversations, take notes to focus on the topic of discussion.
- ◆ **Mark your place.** Whenever you are interrupted, write a word or phrase on a sticky note that will mark exactly where you left off.
- ◆ **Reward yourself.** Don't procrastinate by getting another cup of coffee, checking your e-mail, or visiting with a co-worker. Use these tasks as rewards for finishing less pleasant tasks at hand.



Source: *Managing People at Work*, Dec. 1999, p6.

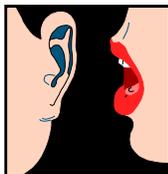
Always take a job that is too big for you.

— Harry Emerson Fosdick

Reduce Gossip

Gossip may be common in the workplace, but it's rarely helpful. Rumors can ruin reputations and hurt feelings. To reduce it:

- ◆ **Change the subject.** When you hear gossip, redirect the conversation.
- ◆ **Offer alternative views.** To counteract criticism, suggest other perspectives to the "negative" behaviors.
- ◆ **Deal in facts.** Don't pass along destructive news given informally. Respond to rumors with accurate information.
- ◆ **Be circumspect about your personal life.** Be cautious in the information you share. Confide only in those you trust.
- ◆ **Maintain boundaries.** Don't provide gossip, and don't listen to it.



Source: Adapted from *The Office Professional*, Jan. 2000, p1.

Impress without Bragging

Here are four ways to communicate how well you're doing without looking like a self-promoter:

- ◆ **Update regularly on projects and tasks.** It shows that you're on top of things.
- ◆ **Praise work of others.** Share credit and acknowledge assistance.
- ◆ **Announce goals and track progress.** Keep a chart or worksheet—and include deadlines met and work completed.
- ◆ **Show how your accomplishments matter.** If you received a positive letter, saved money, or found a new way to do things, be sure others understand its impact.

Source: *Communication Briefings*, Mar. 2002, p1.

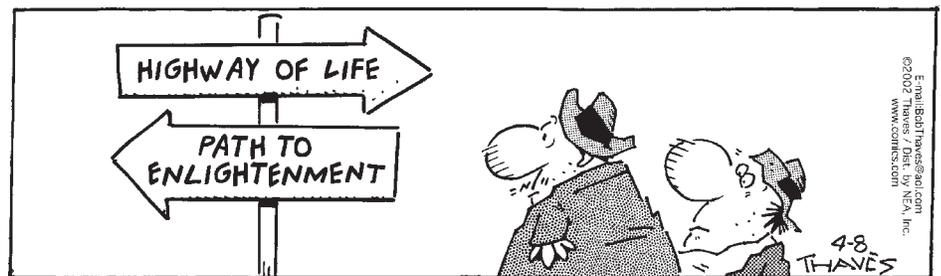
Work toward your own Mastery

Do you ever feel like you're a passenger in life rather than the one behind the wheel? If so, develop a sense of personal mastery to guide your work and to clarify what you want and where you are in relation to what you want. People with a strong sense of mastery share many characteristics. Emulate their success with these guidelines:

- ◆ **Develop a strong sense of purpose.** Know the purpose behind your goals and visions.
- ◆ **See reality as an ally—not an enemy.** Discover how you can use where you are now to get where you want to be. Mastery is a journey, not a destination.
- ◆ **Learn how to work with rather than resist change.** If you feel like a victim, you give up control of your life.
- ◆ **Be inquisitive.** View reality more clearly and honestly by asking questions to learn more about life and yourself.
- ◆ **Stay connected to others.** See yourself as part of a larger creative process.
- ◆ **Live in a continual learning mode.** Be open to new learning.



Source: *The Motivational Manager*, Nov. 1998, p4.



Source: *Comics Plus!* May/June 2002. Reprinted by permission of United Media.

Advice for Leaders

The best leaders are those who care about their people. Consider these suggestions:

- ◆ **Listen to your people.** Ask their opinions, and pay attention to their concerns. If you're busy, schedule time for them later.
- ◆ **Don't let anyone abuse them.** If you expect staff to stand by you, stand up for them and protect them from being bullied or humiliated.
- ◆ **Don't let others pay for your mistakes.** Weak leaders blame others for not doing their job. As leader, support staff to fulfill their duties.
- ◆ **Help out in tough times.** Don't hide in your office while others struggle to get work done. Be visible, be involved, and do what you can to help staff succeed.
- ◆ **You'll succeed because you care.** Respect yourself and others to advance your career.



Source: *Positive Leadership*, Jan. 2002, p10.



Bookstop & Journal Highlights

Preparing and presenting expert testimony in child abuse litigation: A guide for expert witnesses and attorneys (1997) by

P. Stern, amazon.com, used & new from \$25.17.

This basic book discusses the needs for expert testimony, who the experts are, how to prepare and present testimony, how to handle cross-examination, how to cross-examine “irresponsible” experts, and medical and mental health professionals as experts.

continued from p. 1

Review your case prior to court. Be ready to list your credentials, education, experience and training and answer questions about how you prepared for court.

Testifying Do’s and Don’ts

Consider the following tips as you testify:

- ◆ Always give truthful testimony—any “stretch of the truth” destroys your credibility.
- ◆ Listen carefully to each question, answer one at a time, and answer only the question that was asked.
- ◆ Wait until the lawyer has completely asked the question at hand—being too eager to answer may lead you to misunderstand the question or to be seen as an advocate.
- ◆ Think through your answers before attempting to respond. If you don’t understand the question, ask for clarification before responding.
- ◆ A lawyer’s tactic may be, “Earlier you said X, now you are saying Y. Which time were you lying?” Think: Did you really say X? Are you saying Y? Were you just confused? Clear it up.
- ◆ Dress and act professionally at all times. Answer politely and non-defensively. Speak in a professional manner about all parties involved in the case.
- ◆ Speak in a clear and calm voice, and make sure the jury can hear you.
- ◆ Avoid professional jargon or acronyms.
- ◆ Stop talking immediately when an

objection is made.

- ◆ Don’t justify or explain your answer or give unsolicited information. When being cross-examined, if you feel that you must explain an answer you’ve given, ask permission to do so. However, do so only when you feel confident, not when you feel defensive. If permission isn’t granted, your client’s attorney can ask you to explain the answer on re-direct examination. Then your questions are coming from a position of strength.
- ◆ If you don’t know the answer to a question, don’t guess—merely say you don’t know.
- ◆ If answering a question with a yes/no answer will misrepresent your answer, state this fact.
- ◆ If asked a question that begins with “isn’t it possible”, do not speculate and do not say “anything is possible”—stick to the facts of the case.
- ◆ When opposing counsel uses phrases such as “help me to understand”, resist the urge to elaborate — merely answer the question as briefly and specifically as possible.
- ◆ If asked for inferences or conclusions, support them based on accepted practice standards and professional literature. Consider being certified as an expert witness if that would be helpful.
- ◆ If asked to draw a link between a client’s behavior and the abuse, be as specific as possible about statements made by

The mid-career tune-up: 10 new habits for keeping your edge in today’s fast-paced workplace (2000) by W.A. Salmon & R.T. Salmon, amazon.com, used & new from \$6.90.

Conflicts are a natural part of human interaction. This book offers suggestions to handle disagreements effectively, including identifying sources of conflict, describing its effects, deciding if it’s worth addressing, planning your approach to others, discussing your concerns and taking time, and seeking alternatives that lead to win-wins.

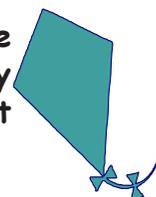
the client or timing of the behaviors that strengthen the link between the behavior and the abuse. (e.g., when child hits teddy bear, he says, “That’s what Daddy does to bad children.”)

- ◆ Do not discuss ideas about questionable theories, nor make your own diagnoses. Refer to your supervisor and/or PRS attorney for guidance on if and/or how to present psychological information.
- ◆ Know if you are allowed to remain in the courtroom to listen to other witnesses and whether you may talk with them outside of court.
- ◆ Don’t reveal the identity of the complainant unless you are ordered to do so by the judge.

Sources: *CPS Practice Notes*, School of Social Work, University of North Carolina, Chapel Hill. *Navigating the adversarial system & Prepare yourself to meet the defense* (Spring 1995) and *Preparing for your day in court* (August 2000). *The child witness: Legal issues and dilemmas* by N.W. Perry & L.S. Wrightsman. Newbury Park, CA: Sage, 1991. PSTI workshop: *Terrified of testifying? Catatonic over court?: Legal intervention in child abuse cases* by N.R. DeWees & C.B. McKenzie. Page Koehlert, PRS Staff Attorney.

True courage is like a kite—a contrary wind raises it higher.

-John Petit-Senn



Not everything that is faced can be changed, but nothing can be changed until it is faced.



— James Baldwin

Protection Connection is published quarterly by the Protective Services Training Institute of Texas. The Institute supports PRS staff, whose mission is to protect the unprotected (children, elderly, and people with disabilities) from abuse, neglect, and exploitation. It enhances agency services through competency-based training, staff certification, and university-agency collaboration. The Institute is a partnership between the Texas Department of Protective and Regulatory Services and Schools of Social Work at The University of Texas at Arlington, The University of Texas at Austin, and the University of Houston.

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Director's Desk

by Marcia Sanderson

Starting a New Year—Our Thirteenth!

For those of us who think in terms of fiscal years, September always represents “beginning again,” with a variety of new and old tasks before us. This year, the Institute will provide several new training programs, while we continue our workshop offerings in support of your professional development needs and certification requirements.



Continuing Efforts

Most of our training for specialists and supervisors will continue to be one-day workshops. We will deliver 33 days of APS workshops, 23 days for CCL, 66 days for new CPS specialists, 233 days for CPS in general, and 63 days of PRS workshops that are relevant to more than one program.

For supervisors and managers, we will continue offering supervisor certification training (24 sessions) and Covey's *4 Roles of Leadership* (13 sessions, with assistance from PRS trainers).

And, of course, we will continue administering the certification programs for specialists and supervisors.

New Training

The Institute will begin providing *CPS/CCL Supervisor Management* training, conducted by PDD in the past. We will deliver six sessions of Part 1 and six sessions of Part 2.

In support of the PRS Tomorrow program, we will provide 22 one-day sessions in the Advanced Leadership category. Topics will include cultural diversity, generational issues, teams, and ethics. These classes will be for those who have already attended *4 Roles of Leadership*.

Check our website, www.utexas.edu/ssw/psti, to read the new workshop descriptions and to find training in your area.

Changes

After the next issue of the *Protection Connection*, which will be sent out as usual, the newsletter will evolve into an online format offering CEU credit. Watch for more information about this transition in the fall issue.

Last time I wrote, I shared the news that Jolyn Mikow, our associate training director, would be leaving us. As it turns out, her new position is with the University of Houston Graduate School of Social Work, and fortunately she will continue to work with us as a trainer in the coming year.

We also reported that Jennifer Davidson would be our acting training director for the next while. Instead, Jennifer has moved to Scotland to pursue new career opportunities. We have put a variety of interim structures in place to ensure the continuity of our training functions while we recruit new staff to carry us forward.

As yet another year begins, we look forward to these changes and challenges. We hope you'll find a lot to like about the PSTI training you attend this year.

PSTI Supervisor Training

The Institute's courses for new supervisors are each 1½ days long. You can attend the workshops in any order once you've completed your required program-specific training for new supervisors. To register, contact Laurie Gonzales at (512) 471-5274 or L.gonzales@mail.utexas.edu.

Developing Worker Risk-Based Competency (CPS & SWI only)

Arlington	December 15–16, June 10–11
Austin	November 12–13
Houston	February 18–19
San Antonio	July 14–15

Developing PRS Worker Competency (APS, CCL, SWI, PEI)

Arlington	February 4–5
Austin	August 4–5

Leadership: Empowering Yourself & Others (all programs)

Arlington	October 28–29, April 7–8
Austin	March 4–5, July 8–9
Houston	August 2–3
San Antonio	January 14–15

Supervising Individuals with Diverse Needs (all programs)

Arlington	September 10–11, March 24–25
Austin	January 8–9, May 12–13
Houston	June 3–4
San Antonio	October 8–9

What's Happening In This Family? (CPS only)

Arlington	November 13–14, May 19–20
Austin	September 10–11
Houston	December 4–5
San Antonio	April 1–2



APS

- ✦ Common Chronic Diseases Affecting the Elderly
- ✦ Transcending Terror in Testifying: APS in the Legal System

CCL

- ✦ Applying Principles of Child Development to Activities of Children
- ✦ Improving Childcare Through Child Focused Investigations

CPS

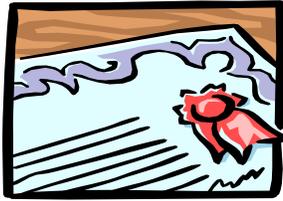
- ✦ Ice Cold & Red Hot: The Effects of Trauma and Neglect on Neurodevelopment
- ✦ It's All in the Family: Family Group Conferencing in CPS
- ✦ Wraparound Services for Children with Disabilities

Advanced Leadership

- ✦ Beyond Listening to the Employee
- ✦ Generational Issues in Supervision:
When Baby Boomers, Gen-Xers and Gen-Yers Collide
- ✦ Leading a Diverse Workforce

Certification

REFORM



Visit the Institute website to download the most recent version of guides and application forms. Questions? Call the Certification Office! CPS: (817) 272-5429 or (817) 272-2527 APS, CCL or SWI: (817) 272-3553 or (817) 272-5355

- ! If your address has changed or you've changed positions, please notify the certification office.
- ! Please do not submit training attendance certificates for training listed on your PRS training transcript. For training not listed on the transcript, please submit a copy of your training certificate, not the original.
- ! We've been working on the PSTI certification web page to make it easier for you to navigate. We hope to have the new version posted in October. Visit the site at www.utexas.edu/ssw/psti (click on "Certification").
- ! When the new version of the certification website is unveiled, we will begin posting the quarterly certification statistics report there. Administrators needing this information should obtain it from the website. If you need special administrative statistics related to certification, please submit your request to Jane Norwood, PRS PDD Director.

Specialists

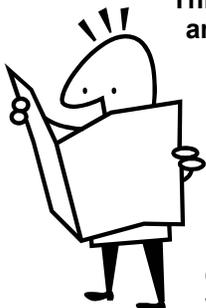
- ! Please remember to submit a copy of your BSD completion certificate when you apply for specialist certification or advanced specialist certification. If you cannot find your BSD certificate, you may submit a letter from your supervisor verifying your graduation date.
- Certified APS Specialists (active): **194**; Advanced: **61**
- Certified CCL Specialists (active): **96**; Advanced: **37**
- Certified CPS Specialists (active): **1,594**; Advanced: **787**
- Certified SWI Specialists (active): **71**; Advanced: **7**

Supervisors

- Certified APS Supervisors (active): **47**
- Certified CCL Supervisors (active): **25**
- Certified CPS Supervisors (active): **406**
- Certified SWI Supervisors (active): **8**



This is the next-to-last *Protection Connection* and *Institute Insider* you will receive...



No, your subscription isn't expiring! The fall issue will be printed and mailed as usual, but starting with our winter issue, the newsletter will be converted to an online version. By reading the lead article and completing a short quiz, you'll earn CEU credit that can be applied toward your training requirements!

Did you know that you can register for PSTI's APS and CCL workshops on the PDD Intranet?



Meet Our Trainers

Introducing... Steve Adams

Stephan Adams, Psy.D., LMSW-ACP, of New Braunfels, has trained with the Institute for several years. His workshops include *ADHD Kids=Power Kids*, *Dealing with Oppositional Defiant Disorder and Other Behavior Disorders*, and *Anxiety, Anger, Stress and Depression in Children*.

What career path led to being a PSTI trainer?

I grew up in Ohio and got my undergraduate degree in botany from Miami University in Oxford, Ohio. After a stint in the Air Force, I obtained my M.S.W. from Our Lady of the Lake University in San Antonio. I directed a 24-bed child and adolescent residential treatment center for three years in Colorado, and went on to work for an alternative school and counseling center there for a while. Since I moved back to Texas, I've developed a program called Positive Power Kids for schools to use with children with attention-deficit/hyperactivity disorder. I started as a PSTI trainer based on my expertise in that area. Since then I've finished my doctorate in psychology, and have written a new school-based program called True Tower Kids for children who've suffered significant trauma. (For more information, visit www.positivepowerkids.com.)



What do you bring from your education, work, and life experience to the training you deliver?

As I mention in my workshops, I am a survivor of serious childhood trauma. I've had a lot of help from others to recover from it. And for most of my professional life, I've worked with troubled kids and kids from poor families—I truly identify with them, like brothers and sisters. I understand their extreme needs, and the challenges they present in a worker's caseload. I try to see the divine spark in every person, and I am an optimist about believing that these children can overcome their problems.

What do you get out of presenting training?

I learn a lot from preparing for training, and I learn even more from the participants when I present. I always thank the staff who come to my workshop. I know they can't be in this line of work for the money! It takes real courage and caring to do what they do. When I first started as a trainer, I was nervous and shy. But I overcame that because I hope the message I have will help them understand kids who are like I was.