

Frequently asked questions

Do I have to give out my address?

It is rare for Foster parents to be asked for their address, but if you are, tell the judge you prefer not to state this in open court.

What kinds of questions will I be asked by the other lawyer?

Cross examination can be wide ranging. It will be relevant to the case. Try not to be defensive. Don't take questions personally. Try to relax and only testify to what you know.

How much time will this take?

Trials can last a long time, so be prepared for a long wait. Ask the Social Worker or lawyer how long you should expect to be at court. Be prepared that it may take longer than anticipated. It might even be delayed or adjourned.

Who pays for relief while I am at court?

Talk to your Child's SW. This should not come out of your relief money.

Can someone come with me for support?

Yes, but please, no children. It also should not be someone who might be called as a witness. Discuss with social worker or counsel ahead of time.

Must I appear if I am called to Court?

Yes. Foster parents are agents of the Director and therefore must attend court as required.

Can I bring my notes to court to refer to ?

Yes. You may ask the judge if you can refer to these, if necessary. Discuss in advance with social worker and lawyer.

Other hints?

- *Wear comfortable clothing.*
- *Bring a snack and a book for while you are outside the courtroom. Put away when inside courtroom..*
- *Bring something to write on, if you have any questions to discuss later.*
- *Remember the children you are helping.*
- *You are a small part of a larger case. Try to see the "big" picture.*
- *If you are feeling rushed or are flustered, take a deep breath and try to slow things down by taking your time.*
- *Keeping accurate records is the best way to be prepared for court. They should be kept current and up to date at all times. Don't use jargon and only state what you know or observed.*

Where Can I get more information?

Talk to the Ministry Counsel ahead of time if you are unsure of anything.

Above information was adapted from the Attorney General Website
<http://www.ag.gov.bc.ca/courts/general/beingawitness.htm#preparing>

This brochure was developed by the Okanagan Foster Parents Association
For more information about this brochure contact

Joan Kirkbride– Foster Parent Coordinator
Phone: (250) 868-9285
E-mail: COKsupport@okfosterparents.org

**When a
Foster Parent
is Called to
Court.....
What you
should know.**



**Okanagan
Foster Parents
Association**

Your role as a witness

You have been called as a witness because you might have important knowledge about a case that could help the court arrive at a correct decision. Being a witness is not difficult. All you need is a general understanding of our justice system, a little preparation, and the willingness to honestly answer questions about your knowledge of the case.

Preparing for court

Appearing as a witness is not difficult, but it does require some preparation:

- Think about the event or events you witnessed. What happened first? What happened next? Try to remember details like dates, times, descriptions, actions and exact words.
- Keep any notes and documents you have about the case. Log books should be photocopied and submitted to the Social Worker at least 30 days prior to trial.
- Bring your notes and documents with you if you speak to a lawyer before the court date, and when you make your actual court appearance. The judge may allow you to refer to your notes while in court.

Keeping accurate records is the best way to be prepared for court.

You may also find it helpful to go to the courthouse sometime before your court date to watch what happens in family court. Most trials are open to the public. Talk to your SW to arrange to see Ministry Counsel if this would be helpful.

The day of the trial

*Check the list of trials in the lobby area of the courthouse to find your particular courtroom.

*Remain outside the courtroom until you are called.

*Do not discuss your evidence with other witnesses.

*Be prepared to wait. The court appreciates that your time is valuable and that a long wait can be inconvenient, but delays do occur. Ask a friend or relative to wait with you, or have a book or magazine ready to help pass the time.

*Leave children at home. Turn off your cell phone, before entering the courtroom.

*Don't park at a meter. Use a lot or parkade, so you won't have to be worrying about plugging the meter.

In the courtroom

You will be called when it is your turn to testify. You will be shown to the witness box at the front of the courtroom.

The court clerk will ask you to swear to tell the truth on a bible or you can request the option to affirm to tell the truth.

You will then be asked to say your name and spell it. Witnesses are not usually asked to state their addresses, but it can happen. If you are asked but prefer not to state your address in public, simply tell this to the judge.

The Ministry lawyer will question you first. The lawyer for the other side will then "cross-examine" by asking you additional questions. The judge may also ask you questions to clarify your evidence.

Judges may be addressed by a polite "Your Honor" .

Giving evidence

As a witness, it is your right to speak in a language you know well. If you find understanding or speaking English difficult, speak to the lawyer or social worker well before the trial. He or she will arrange for an interpreter. (it may take time) In addition:

- Stick to the facts. Only answer what is asked. Keep your answers short.
- Consider each question before you respond.
- If you do not understand a question, ask that it be repeated or rephrased.
- Remember to take your time so you can give a complete answer.
- When answering questions, talk to and look at the judge.
- Be comfortable with silence. You don't need to fill it by talking.
- Don't volunteer more information than what you are asked for.
- Do not guess. If you are not sure about an answer, simply say so.
- Do not repeat what someone else told you unless specifically asked.

- Yes or no answers are fine. Say only what you know. Don't give your opinion unless it is asked for.
- Speak clearly so your evidence can be understood and noted. The microphone in front of you only records your voice — it does not make it louder.
- Always, address the judge. Not the lawyer, not the family.

Witnesses who are well prepared and honestly tell the court what they know have little difficulty answering questions about their evidence. After you have given your evidence and are excused by the court, you are free to leave. If you wish, you may stay in the courtroom provided you are not expected to testify again later in the proceedings.

For more information

If you have any questions about your notice to appear in court, your testimony, or anything else to do with the case, talk with the child's social worker.

1. Observe proper dress code. Dress as if you were going to a job interview.
2. Be there on time. Try to come early to find where you are going.
3. If you are not sure of the answer to a question, say "I don't know". Don't guess!
4. Keep your answers short. Don't volunteer information.
5. Stick to the facts. Tell the truth.
6. Take your time and try to relax.
7. If you don't understand a question, say so and ask for it to be clarified or re-phrased.
8. Be serious, polite and professional at all times.
9. Address the judge when on the witness stand. You don't need to look at the family or lawyers.
9. Talk to the Ministry Counsel and Social Worker ahead of time to see what you will be testifying about.