How to Build a CPS Trial Notebook

Best Practices and How To's for Child Welfare Lawyers

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1

1

CASE INFORMATION SHEET

1. Style of case

2. Names, ages, dates of birth for all children

3. Names and dates of birth for parents and parties

2

2

CASE INFORMATION SHEET (cont'd)

4. Names, addresses, phone and fax numbers, bar numbers, e-mail addresses for:
   - Presiding Judge
   - Court Coordinator/Administrator
   - District Clerk
   - Attorney ad Litem for the children
   - Guardian ad Litem for the children
   - Respondent's Attorney (set up for each attorney)
   - CPS Caseworkers and Supervisors for each stage of the case (e.g. INV, FBSS, and/or CVS)

3

CASE INFORMATION

1. Cast
   - List of individuals relevant to case whether as a witness or not
   - Contact information
   - Categorize people into relevant sections; e.g. create a section for father's service providers

2. Chronologies
   - Create chronology of relevant dates; detail events; and cross reference to exhibits or other sources
   - Additional chronologies may be helpful, e.g., creating a chronology of all scheduled drug screens and highlighting positive results

4

NOTEBOOK ESSENTIALS

1. Termination trial preparation checklist

2. Termination grounds checklist

3. Best interest checklist

4. Trial objections checklist

5. Predicate checklist

6. Case citations and notes applicable to the case

5

PLEADINGS/ORDERS

1. Pleading Index

2. Pretrial motions

3. Live pleadings: *Amended Petition; Responsive pleadings*

4. Pertinent Orders: *Temporary Order; Scheduling Order*

5. Superseded pleadings – maintain separately

6

EXHIBITS

1. Give a copy of the list to the court reporter and offer to the Judge as well

2. Keep each exhibit and business records affidavit either in plastic slipcover behind sub-tab for sponsoring witness or in a separate folder labeled by sponsoring witness

3. Business Record Log

EXHIBIT LIST

Exhibit #	Description of the Exhibit	Offer	Admit	Sponsoring Witness Notes re: Admissibility

EXHIBIT LIST (cont'd)

- Cause No.
- *Style of case*
- (Parties') Exhibit List

No.	Description	Offered	Agreed	Admitted	Denied

RECORDS AFFIDAVIT LOG

Name of Facility	Date affidavit sent to facility	Date affidavit returned by facility	Date notice of filing affidavit and records mailed to attorneys	Date affidavit is file marked

VOIR DIRE

1. Outline
   - Focus on theme

2. Panel Seating Chart

3. Motion to Reshuffle Panel
   - Prepare but use only in rare circumstances

PROPOSED JURY CHARGE

1. Give the original to the Judge and copies to all attorneys
   - Cross reference with PJC and have PJC cites ready to argue

2. Keep flash drive of the Jury Charge for any subsequent changes

OPENING STATEMENT & CLOSING ARGUMENT

1. Outline of opening statement and possible closing arguments

2. Sub-tab for adding trial notes for closing argument

WITNESSES

1. Witness List
   ◦ Include address, phone numbers where witness can be reached at any time
   ◦ Date witness was served
   ◦ Date notified of approximate day and time of testimony *(note if witness has any scheduling conflicts that must be dealt with)*

2. Sub-tab for each witness
   ◦ Outline/summary of expected testimony including if the witness can testify regarding "best interest"
   ◦ Curriculum Vitae
   ◦ Notes from pre-trial interview of witness
   ◦ Documentation pertinent to witness' testimony i.e. Narratives; Counseling reports; Psychologicals
   ◦ Exhibits to be entered into evidence through witness

WITNESS LIST

Case name   (Page ___ of ___)

NAME   ROLE:
ADDRESS   DATE SERVED:
CITY, STATE, ZIP   TESTIFY – date & time:
ofc #:   WITNESS NOTIFIED:
home #:
cell #:   DISCLOSED:
CREDENTIALS: Discovery:
BEST INTEREST TESTIMONY: Expert:

COMMENTS:

WITNESS SUMMARIES

1. Name: Dr. Brad Miller, PsyD

2. Summary: Dr. Miller will testify that MO is narcissistic and unable to parent

3. Points on direct/X:
   ◦ 15-minute interview w/ MO
   ◦ Administered only Rorschach, no other test performed
   ◦ Doctorate from online college

4. Exhibits needed for examination

TRIAL LOGS

1. SUB-TAB FOR EACH PARENT
   ◦ CPS History: Intakes and Investigations
   ◦ Criminal History
   ◦ Medical records
   ◦ Employment/Sources of Income
   ◦ Child Support
   ◦ Visitation
   ◦ Services Provided *i.e. Psychological/Psychiatric Evaluations; Therapy notes; drug screens*
   ◦ Housing/Home Visitations
   ◦ Relationships

TRIAL LOGS (cont'd)

2. SUB-TAB FOR EACH CHILD
   ◦ Birth certificate
   ◦ Social security number
   ◦ Paternity Registry or other relevant paternity information
   ◦ Court of Continuing Exclusive Jurisdiction Check
   ◦ Hospital records
   ◦ School records
   ◦ Therapy notes

DISCOVERY

1. DISCOVERY LOG

2. SUB–TAB BY ATTORNEY/REQUESTOR
   a. Petitioner propounded
      i. Requests for Discovery
      ii. Response to DFPS' Request for Discovery

   b. Respondent propounded *(prepare for each respondent)*
      i. Request for Discovery
      ii. DFPS' Response to Respondent's Request for Discovery

DISCOVERY LOG

NO.	Document Name	Date Requested Received/ Sent	Date Discovery Due	Date Discovery Answered	Date of Supplement of Discovery
	1st Set of Interrogatories				
	Request for Disclosure				
	Request for Admissions				
	Request for Production				