

TRIAL NOTEBOOK

November 2013

CASE NAME: _____

TRIAL DATE: _____

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A. CASE INFORMATION SHEET

1. Style of case
2. Names, addresses, phone and fax numbers, bar numbers, e-mail addresses for
Presiding Judge (*If Associate Judge, also list Referral 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 Caseworker
CPS Supervisor

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2. Termination Grounds Checklist
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4. Trial Objections Checklist
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6. Case Citations and Notes applicable to the case - use SECTION 5
TERMINATION GROUNDS, caselaw

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2. Live pleadings: *i.e. Amended Petition; Responsive pleadings*
3. Superseded pleadings – maintain separately organized by numbered index
pages corresponding with the pleading index

D. 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 slip cover
behind sub tab for sponsoring witness or in a separate folder labeled by
sponsoring witness.
3. Executed information release form

E. VOIR DIRE

1. Outline
2. Panel Seating Chart
3. See sample Voir Dire in SECTION 11 TOOLS, Jury Trials

F. PROPOSED JURY CHARGE

1. Give the original to the Judge and copies to all attorneys
2. Diskette copy of charge for any subsequent changes
3. See sample Jury Charge in SECTION 11 TOOLS, Jury Trials

G. OPENING STATEMENT & CLOSING ARGUMENT

1. Outline of opening statement and possible closing arguments
2. Sub-tab for adding trial notes for closing argument

H. WITNESSES

1. Witness List
 - a. Include address, phone numbers where witness can be reached at any time
 - b. Date witness was served
 - c. Date notified of approximate day and time of testimony (*note if witness has any scheduling conflicts that must be dealt with*)
 - d. Date witness designated in response to discovery
 - e. Date witness' records were provided to counsel
2. Sub-tab for each witness
 - a. Outline/summary of expected testimony including if the witness can testify regarding "best interest"
 - b. Curriculum Vitae
 - c. Notes from pre-trial interview of witness
 - d. Documentation pertinent to witness' testimony
Example:
 - i. Narratives
 - ii. Counseling reports
 - iii. Psychologicals
 - e. Exhibits to be entered into evidence through witness

I. TRIAL LOGS

1. Sub-tab for each parent
 - a. Sub-tab by type of log
CPS History: Intakes and Investigations
Criminal History
Employment/Sources of Income
Child Support
Visitation
Services Provided
Housing/Home Visitations
Relationships

J. VITAL STATISTICS

1. Sub-tab for each child
 - a. Birth certificate
 - b. Social security number
 - c. Paternity Registry Check or other relevant paternity information
 - d. Court of Continuing Exclusive Jurisdiction Check

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2. Sub-tab for each Record Affidavit
 - a. Notice of Filing Records Affidavits

b. Date of Notice or filing of Business Records Affidavits

L. PSYCHOLOGICALS & PSYCHIATRIC EVALUATIONS

1. Sub-tab by name

M. MEDICAL RECORDS

1. Sub-tab by name

N. CRIMINAL RECORDS

1. Certified copies of convictions
2. Copies of law enforcement reports

O. 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

A. CASE INFORMATION SHEET

CAUSE NO. _____

IN THE INTEREST OF
(NAME OF CHILD/REN),
CHILD

§
§
§
§
§

IN THE DISTRICT COURT OF
_____ COUNTY, TEXAS
_____ JUDICIAL DISTRICT

Associate Judge

NAME
Address line 1.
Address line 2.
Office: Phone number
Fax: Phone number

Court Coordinator for Associate Judge

NAME
Address line 1.
Address line 2.
Office: Phone number
Fax: Phone number

District Judge

NAME
Address line 1.
Address line 2.
Office: Phone number
Fax: Phone number

Court Coordinator for District Judge

NAME
Address line 1.
Address line 2.
Office: Phone number
Fax: Phone number

District Clerk

NAME
Address line 1.
Address line 2.
Office: Phone number
Fax: Phone number

CPS Caseworker/ CPS Supervisor

NAMES
Address line 1.
Address line 2.
Office: Phone numbers
Fax: Phone number

Attorney for Mother, Jane Doe

NAME
Address line 1.
Address line 2.
State Bar No.:
Office: Phone number
Fax: Phone number
E-Mail Address:

Attorney for Father, John Doe

NAME
Address line 1.
Address line 2.
State Bar No.:
Office: Phone number
Fax: Phone number
E-Mail Address:

Attorney ad Litem for the Child(ren)

NAME
Address line 1.
Address line 2.
State Bar No.:
Office: Phone number
Fax: Phone number
E-Mail Address:

Guardian ad Litem for the Child(ren)

NAME
Address line 1.
Address line 2.
State Bar No.:
Office: Phone number
Fax: Phone number
E-Mail Address:

B. NOTEBOOK ESSENTIALS

1. Termination Trial Preparation Checklist

Task	Task Complete Yes/No	Date Task Complete	Date Task Supplemented
TMC Granted			
Adversary Hearing			
Status Hearing			
Last Review Hearing			
Next Review Hearing			
Amend Pet. w/ additional Grounds			
Dismissal Date			
Extended Dismissal Date			
Mediation			
Pre-Trial Setting			
Preferential Trial Setting (Jury/Bench)			
Citations:			
Mother			
Presumed father			
Alleged father			
Unknown Father (???)			
Diligent Search			
Continuing Jurisdiction Check			
Paternity Registry Check			
Paternity Testing			
Criminal Histories			
Mother			
Father			
ICWA Applies			
Immigration Issues			
Home Studies			
DFPS Responses to Discovery Requests			
Discovery Requests Sent by DFPS			
RECORDS	Requested	Received	Filed with Notice
Criminal			
Medical			
Psychological			
Counseling Reports			
Visitation notes			
Parenting			
School			
Foster Parent Notes/Reports/Assessments			
Drug/Alcohol Assessments/Reports			

2. Termination Grounds Checklist

Texas Family Code § 161.001 (1) Involuntary Termination of Parent-child Relationship

- (A): Voluntarily left child alone or w/ another (*not a parent*) + expressed intent not to return.
- (B): Voluntarily left child alone or w/ another (*not a parent*) + w/out expressing intent to return + w/out providing adequate support + remained away 3+ months.
- (C): Voluntarily left child alone or w/ another (*even with a parent*) + w/out providing adequate support + remained away 6+ months.
- (D): Knowingly placed or allowed + child to remain in conditions or surroundings + which endanger+ physical or emotional well being of child.
- (E): Engaged in conduct or knowingly placed child w/ persons who engaged in conduct+ which endangers+ physical or emotional well being of child.
- (F): Failed to support child+ in accordance w/ ability+ during one year + ending w/in 6 months of filing of petition. (Calculate time periods.)
- (G): Abandoned child without identifying or furnishing means of identification+ identity cannot be ascertained by reasonable diligence.
- (H): Voluntarily, with *knowledge of pregnancy* + abandoned mother beginning during pregnancy + through birth + failed to provide adequate support or medical care before birth + remained apart from child or failed to support child since birth.
- (I): Contumaciously refused to submit+ to reasonable + lawful order of a court+ under subchapter D, chapter 261.
- (J): Been major cause of +

child not enrolled in school+
as required by Education Code + OR
child's absence fr/ home+
w/out consent of parents or guardian +
substantial length of time or w/out intent to return.

- (K): Executed unrevoked or irrevocable +
affidavit of relinquishment.
- (L): Convicted, probation or deferred adjudication+
criminally responsible+
for *death or serious injury* of child+
(murder; capital murder; manslaughter; indecency w/ child; assault; sexual assault;
aggravated assault; aggravated sexual assault; injury to child; abandoning or endangering
child; prohibited sexual conduct; sexual performance by child; possession or promotion
of child porn.)
- (M): Parent/child relationship terminated +
re: another child +
based on (D) or (E) or substantial equivalent.
- (N): Constructively abandoned child +
in care or of DPRS or "authorized agency" +
not less than 6 months +
reasonable efforts to return child +
no regular visitation or significant contact +
demonstrated inability to provide child with safe environment.
- (O): Failed to comply w/ provisions of court order +
specifically establishing actions necessary +
for parent to obtain return of child +
in DFRS care at least 9 months +
due to removal from the parent for abuse or neglect.
(Calculate time periods.)
- (P): Used controlled substance +
defined by §481 Health & Safety Code +
in manner that endangered +
health or safety of child +
failed to complete court ordered treatment OR continued use.
- (Q): Knowingly engaged in criminal conduct +
resulting in conviction +
confinement or imprisonment +
for at least 2 years from date of filing of petition.
(Calculate time periods.)
- (R): Cause of child born addicted +
to alcohol OR controlled substance +

other than legally obtained prescription as per §261.001

- (S): Voluntarily delivered child +
to designated emergency infant care provider +
without expressing intent to return.
(Baby Moses.)
- (T): Convicted of
the murder of other parent of child OR
criminal attempt to commit murder of other parent of child OR
criminal solicitation to commit murder of other parent of child.

Texas Family Code § 161.002 Termination of Rights of Alleged Biological Father

- (1) After being served with citation+
he does not timely file an admission of paternity or a counterclaim for
paternity.
- (2) He has failed to register with the Paternity Registry+
his identity and location are unknown or
his identity is known, but he cannot be located.
(Termination does not require personal service of citation or citation by publication).
- (3) He has registered with the Paternity Registry+
DFPS has exercised due diligence to locate alleged father, but
service of process has been unsuccessful.

Texas Family Code § 161.003 Involuntary Termination: Inability to Care for Child

Mental or emotional illness, or mental deficiency+
Renders parent unable to provide for+
Physical, emotional, and mental needs of the child+
In all reasonable probability+
Will continue to render parent unable to provide for child's needs+
Until 18th birthday of child.

3. Best Interest Checklist

TFC 153.002: Best Interest of child

Always **primary consideration** in determining conservatorship, possession, and access.

TFC 263.307: Factors designated in determining best interest

Holley v. Adams, 544 S. W. 2d 367 (Tex. 1976)

Non-exclusive list of factors to consider, including

- Desires of child;
- Emotional and physical needs of child now & future;
- Emotional & physical danger now & future;
- Parental abilities;
- Programs available to assist parents;
- Plans for the child by individuals seeking custody or agency;
- Stability of home or proposed placement;
- Acts or omissions of parent indicating relationship is not proper one; and
- Any excuse for acts or omissions.

Suggestions for proving Best Interest

Foster Parent Testimony :

Typical day with the child:

Meetings/appointments they attend with or for the child.

Training/classes they have attended.

Special needs of child and how they meet them.

How child was before and now.

If child wants to stay with them vs. go home.

Future plans for child: considering adoption?

Psychologist, Therapist, or Adoption Specialist's Testimony:

Permanency-what it means for this child.

Low success rate of non-adoptive homes vs. permanent placement.

Effects of changes in placement to this child

“Attachment Disorder”-behaviors now & future behavioral problems child may have if not addressed.

Detrimental effect on child of continued contact with parent.

Psychological effect of “closure” on the healing process.

4. Trial Objections Checklist

OBJECTIONS TO FORM OF THE QUESTION

Ambiguous/Vague	TRE 611(a)	Creates undue delay	TRE 403; 611(a)
Asked & Answered	TRE 403; 611	Harassing witness	TRE 403; 611(a)
Argumentative	TRE 611(a)	Leading/Suggestive	TRE 403; 611(c)
Assumes facts not in evidence	TRE 403; 611	Misleading	TRE 403; 611(a)
Calls for Narrative	TRE 403; 611(a)	Misquoting witness	TRE 403; 611(a)
Calls for Speculation	TRE 403; 611(a)	Overbroad	TRE 403; 611(a)
Compound	TRE 611(a)	Unfairly prejudicial	TRE 403
Confusing	TRE 611(a)	Unintelligible	TRE 403; 611(a)

OBJECTIONS TO THE FORM OF THE ANSWER

Narrative	TRE 611(a)	Lack of personal knowledge	TRE 602
Nonresponsive	TRE 611	Volunteered	TRE 403, 611(a)
<i>Move to strike!</i>			

GENERAL OBJECTIONS

Authentication insufficient	TRE 901	Inconsistent with pleadings	TCP 66, 67
Best Evidence	TRE 1002, 1003	Irrelevant	TRE 401, 402
Bolstering	TRE 607-610	Misleading	TRE 403
Cumulative	TRE 403	Probative vs. Prejudice	TRE 403
Confuses the issue	TRE 403	Privileged	TRE 503
Improper predicate	TRE 602-3, 701,-2, 901-2		
Irrelevant	TRE 401, 402		

HEARSAY

Statement made outside court, offered to prove the truth of the matter asserted.

NOT HEARSAY

Prior inconsistent statements	TRE 801(e)(1)	Deposition	TRE 801(3)(3)
Admission by party opponent	TRE 801(e)(2)		

EXCEPTIONS: AVAILABILITY OF DECLARANT IMMATERIAL

Present sense impression	TRE 803(1)	Excited Utterance	TRE 803(2)
Existing men/emo/phys cond.	TRE 803(3)	Medical diagnosis/treatment	TRE 803(4)
Recorded recollection	TRE 803(5)	Business/medical records	TRE 803(6)
Absence of entry of record	TRE 803(7)	Public records/reports	TRE 803(8)
Records of vital stats	TRE 803(9)	Absence of public record/entry	TRE 803(10)
Records of religious orgs	TRE 803(11)	Marriages/Baptisms & similar	TRE 803(12)
Family records	TRE 803(13)	Property records	TRE 803(14)
Statements in property docs	TRE 803(15)	Statements in ancient docs	TRE 803(16)
Market rpts Commercial pubs	TRE 803(17)	Learned treatises	TRE 803(18)
Reputation fam/pers. history	TRE 803(19)	Rep. boundaries/history	TRE 803(20)
Reputation as to character	TRE 803(21)	Previous conviction	TRE 803(22)
Jdgmt re: pers/fam/hist/bound	TRE 803(23)	Statement against interest	TRE 804(24)

EXCEPTIONS: DECLARANT UNAVAILABLE

Former testimony	TRE 804(b)(1)	Dying declaration	TRE 804(b)(2)
Personal history	TRE 804(b)(3)		

OBJECTIONS TO EXPERT TESTIMONY/OPINIONS

Expert is not qualified	<i>TRE 702</i>
Theory/technique not reliable or valid	<i>TRE 702</i>
Not relevant	<i>TRE 702</i>
Based upon insufficient facts or data	<i>TRE 703, 705</i>

QUALIFYING YOUR EXPERT

TRE 702:

Qualified by knowledge, skill, experience, training, or education+
Testimony assists trier of fact in understanding evidence or determining a fact in issue;
Relevant and reliable.

▣ Robinson Factors: 923 S.W.2d 556, 557 (Tex 1995)

Extent to which theory underlying the expert's testimony has been tested;
Extent to which the technique relies upon the subjective interpretation of the expert;
Whether the theory has been subjected to peer review and/or publication
Technique's potential rate of error;
Whether the underlying theory or technique has been generally accepted as valid by the relevant scientific community; and
Non-judicial uses which have been made of the theory.

Objections based simply on Rule 702 & *Daubert* alone are in effect general objections to improper predicate and do not adequately inform the TCT of any specific complaint upon which it is to rule.
Bird v. State, 692 --- 65, 70 (TCRA 1985); *Gregory v. State*, 56 [3] 164, 182 (Houston 14th 2001 pdr);
Scherl v. State, 7 [3] 650 (Texarkana 1999 pdr); *GTE Mobilnet of South Texas Ltd. Partnership v. Pascouet*, 61 [3] 599 (Houston 14th 2001 rev.den)

IMPEACHMENT

Credibility of witness can be attacked by any party, including one who called witness.	<i>TRE 607</i>
Impeachment by reputation.	<i>TRE 608(a)</i>
Impeachment by specific instances of conduct.	<i>TRE 608(b)</i>
Impeachment based on prior conviction.	<i>TRE 609</i>
Impeachment based on prior inconsistent statement.	<i>TRE 613(a)</i>
Impeachment based on bias.	<i>TRE 613(b)</i>

EXHIBITS

Confuses the issues	<i>TRE 403</i>	Cumulative	<i>TRE 403</i>
Evidence speaks for itself	<i>TRE 403</i>	Improper predicate	<i>TRE 901, 902</i>
Lack of Authentication	<i>TRE 901, 902</i>	Irrelevant	<i>TRE 401, 402</i>

5. Predicate Checklist

BUSINESS/ MEDICAL RECORDS {TRE 803(6)}

Are you a custodian of the records or are you otherwise familiar with the records contained in Exhibit #1? **HOW?**

Records made in the ordinary course of business?

Made by persons with personal knowledge (or from information transmitted by them)?

Made at or near the time of the occurrence?

DIAGRAMS/ CHARTS/ DRAWINGS/ TIMELINES

Did you participate in the preparation of Exhibit #2? (if applicable)

Are you familiar with the information as it's presented in Exhibit #2? **HOW?**

Does it contain information generally used and relied upon by persons in your profession or occupation? (if applicable)

Is this a fair and accurate representation of the underlying information?

Will Exhibit #2 assist the judge/jury's comprehension of the evidence?

PHOTOGRAPHS

Are you familiar with the person/location/objects shown in Exhibit #3? **HOW?**

Is this a fair and accurate depiction?

VIDEOTAPES/ AUDIOTAPES

Are you familiar with what is shown/heard in Exhibit #4? **HOW?**

Was the recording device capable of making an accurate recording?

Was the operator of the device competent?

Have there been any changes, additions or deletions made?

Who is shown and/or speaking in Exhibit #4?

Is it a fair and accurate recording?

PHYSICAL EVIDENCE/ TANGIBLE OBJECTS

Are you familiar with Exhibit #5? **HOW?**

Are there any identifying or distinguishing marks on it?

Is Exhibit #5 in the same condition as it was when you previously observed it?

Describe where Exhibit #5 has been since last in your custody. Who has had access to the exhibit?

SIGNATURES/ WRITINGS/ DRAWINGS

Are you familiar with Jane Doe's handwriting/signature? **HOW?**

Do you recognize the handwriting/signature contained in Exhibit #6?

Were you present when Exhibit #6 was made?

Whose handwriting/signature is it?

COMPUTER GRAPHICS/ ANIMATION/ PRINTOUTS

Did you participate in the preparation of Exhibit #9? (if applicable)

Are you familiar with the information as it's presented in Exhibit #9? **HOW?**

Is the underlying data included in Exhibit #9 fair and accurate?

What procedures were utilized for input, output, and processing of the underlying data?

Is Exhibit #9 a fair and accurate depiction/representation of the information presented?

X-RAYS

Are you familiar with this exhibit or what is shown in Exhibit #7? **HOW?**

Was Exhibit #7 made by a qualified technician or physician? **Who? When? Where?**

What proof is there that Exhibit #7 is the Jane Doe's ex-ray?

Does Exhibit #7 fairly and accurately show the condition of Jane Doe's arm/leg/whatever at the time the ex-ray was made?

What is your background, education, training which qualifies you for your profession/occupation? (provide as much information as possible to establish the expertise of the witness)

Are you familiar with the underlying scientific theories and/or the general reliability of the instrumentation and/or procedures used? **HOW?**

Are the underlying theories and/or the instrumentation and/or procedures generally accepted as reliable?

Was the instrument in good working condition? (if applicable)

Was the testing procedure and/or the instrument administered by a qualified individual?

Were the proper procedures followed when the test was conducted/evaluated?

Are there any safeguards or cross-checks that are utilized in the testing procedure to better insure accurate results? (if applicable)

Were the results of the testing procedures evaluated by a qualified individual?

SUMMARIES

Did you participate in the preparation of Exhibit #8? (if applicable)

Is the information contained in Exhibit #8 gleaned from records that you are familiar with?

HOW?

Are these records voluminous such that their presentation in court in their entirety would be impractical and/or of limited benefit to the jury/judge? Would Exhibit #8 thereby assist the judge/jury in determining facts at issue in this case?

Have these records been previously made available to opposing counsel for examination?

Is the information presented in this summary a fair and accurate compilation of the underlying records and/or data?

PRIOR INCONSISTENT STATEMENT {TRE 613(a)}

On 1/1/02, in Caseworker Doe's office, did you make the following statement to Doe and Supervisor Smith?

If admits statement, STOP HERE. If denies statement you may put on witness and any admissible documentation to prove it.

PRESENT RECOLLECTION REFRESHED/ PAST RECOLLECTION RECORDED {TRE 611; 803(5)}

Is there a record or other document, which would refresh your memory regarding the incident Mr. Icantrecall?

Please read Exhibit #10 to yourself. Has that helped to refresh your recollection? IF YES, ask witness to testify to recollection and STOP. IF NO, ask: Is Exhibit #10 a record you made or adopted when this was fresh in your memory?

Does Exhibit #10 accurately reflect your prior knowledge?

At this time is your recollection insufficient for you to testify regarding this matter fully & accurately? Please read the exhibit to the judge/jury.

NOTE: if this is your witness, you can't introduce exhibit. If not your witness, you can (if you need to).

6. Case Citations and Notes

Use SECTION 5 TERMINATION GROUNDS, Case Law as a reference for applicable cases.

C. PLEADINGS

1. Pleading Index

“Case name”

	Document Name	Signature Date	File Date	Date Served	Comments
1.	Order for Protection Original Petition Petitioner’s Affidavit Citation & Notice, Respondent Mother Citation & Notice, Respondent Father #2 Citation, Respondent Father #1				
2.	Paternity Registry Check, <i>Name of Children</i> Ct of Jurisdiction Check, <i>Name of Children</i>				
3.	First Amended Original Petition Citation, Respondent Father #1 Citation, Respondent Mother Citation, Respondent Father #2				
4.	Respondent’s Original Answer Order Appt Attorney ad Litem, <i>Name</i>				
5.	Notice of Lead Atty, <i>Litigating Atty</i>				
6.	Permanency Hearing Order, hrg 1-28-01 Permanency Plan & Progress Report Hrg Notice Ltr from Litigating Atty, w/fax confirmation pages – w/green cards				
7.					
8.					

2. Live Pleadings

Copies of amended petition and responsive pleadings under this sub-tab

3. Superseded Pleadings

Copies of superseded pleadings maintained separately organized by numbered index pages corresponding with the pleadings index under this sub-tab.

D. EXHIBITS

1. Exhibit List

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

2. Exhibits and Business Records Affidavit

Keep each exhibit and business records affidavit behind this sub tab or in a separate folder labeled by sponsoring witness

3. Executed Information Release Form

AUTHORIZATION FOR RELEASE OF INFORMATION

THE STATE OF TEXAS §
COUNTY OF _____ §

DATE: _____

This is to authorize any hospital, clinic, physician, doctor, psychologist, psychiatrist, counselor, therapist, or other person or organization who has provided services to _____ at any time, to make full disclosure regarding any services provided, including but not limited to: true and accurate copies of any and all notes, records, photographs, X-rays, correspondence, and reports prepared in the course and scope of all services provided. Such disclosures are to be made to any official representative employed by or associated with the Texas Department of Family and Protective Services who requests the aforementioned information and documentation.

This notice, or a photostatic copy thereof, may be exhibited as proof of my consent.

I hereby waive any evidentiary privilege that may exist between myself and any person or entity disclosing information pursuant to this release.

{signature of parent}

SUBSCRIBED AND SWORN TO before me, the undersigned notary public, on this _____ day of _____, _____.

Notary Public, State of Texas

E. VOIR DIRE

1. Outline

2. Panel Seating Chart

3. Voir Dire

Voir Dire under this sub-tab

See sample Voir Dire in SECTION 11 TOOLS, Jury Trials

F. PROPOSED JURY CHARGE

- 1. Give original to Judge and copies to all attorneys**
- 2. Diskette copy of charge for any subsequent changes**
- 3. See sample Jury charges in SECTION 11 TOOLS, Jury Trials**
Jury charge under this sub-tab.

G. OPENING STATEMENT & CLOSING ARGUMENT

- 1. Outline of opening statement and possible closing argument under this sub-tab.**
- 2. Sub-tab for adding trial notes for closing argument**

H. WITNESSES

1. Witness List

{List all prospective witnesses who have relevant information to prove up one or more grounds for termination and best interest factors regarding each child}

Name:

If the witness has an honorary title, such as “Dr.” or “Rev.”, use it.

Address:

Physical address including zip. If the witness must be served in person, be sure you give street information rather than a post office box and include suite or floor #.

Phone:

Numbers the attorney can utilize to contact the witness at any time. Provide all phone numbers including office, home, cell, and pager.

Role:

Whether the witness is a relative, a therapist, a neighbor, an investigative worker, etc.

Date served:

Date witness was served with subpoena by the sheriff, or otherwise.

Date and time expected to testify:

Date and time witness is expected to testify.

Notified:

Date & time witness notified regarding when to appear at the Courthouse to testify.

Discovery:

Date witness and supporting documentation disclosed to defense counsel in response discovery request.

Expert designation:

Date of “Designation of Expert Witnesses”

Credentials/Curricula vitae:

Witness’ credentials qualifying them as an expert witness including length of employment with CPS.

Comments: If the witness has information that is not included in the case record, i.e., observations, remarks heard from parents, no counseling notes in file, record their expected testimony here. Also note anything unusual about the witness, i.e., does not support agency recommendation, unusual demeanor, is only available on Tuesday afternoon, etc.

WITNESS LIST

(Case name)

(Page ___ of ___)

NAME

ADDRESS

CITY, STATE, ZIP

ofc #:

home #:

cell – pager #:

CREDENTIALS:

BEST INTEREST TESTIMONY:

COMMENTS:

ROLE:

DATE SERVED:

TESTIFY – date & time:

WITNESS NOTIFIED:

DISCLOSED:

Discovery:

Expert:

NAME

ADDRESS

CITY, STATE, ZIP

ofc #:

home #:

cell – pager #:

CREDENTIALS:

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DISCLOSED:

Discovery:

Expert:

NAME

ADDRESS

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NAME

ADDRESS

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COMMENTS:

ROLE:

DATE SERVED:

TESTIFY – date & time:

WITNESS NOTIFIED:

DISCLOSED:

Discovery:

Expert:

I. TRIAL LOGS

1. Sub-tabs for each parent for each of the following logs

CPS History: Intakes and Investigations

Criminal History

Employment/Sources of Income

Child Support

Visitation

Services Provided

Housing/Home Visitations

Relationships

J. VITAL STATISTICS

1. Sub-tabs for each child

Birth certificate

Social security number

Paternity Registry check or other relevant paternity information

Court of continuing exclusive jurisdiction check

K. RECORDS FILED WITH THE DISTRICT CLERK

1. Records Affidavit Log

Name of Facility	Date mailed affidavit to facility	Date affidavit returned by facility	Date affidavit sent to district clerk	Date notice of filing affidavit mailed to attorneys	Date received file marked copy

2. Sub-tab for each record affidavit

Notice of Filing Records Affidavit

Date of Notice or filing of Business Records Affidavits

L. PSYCHOLOGICALS & PSYCHIATRIC EVALUATIONS

1. Sub-tab by name

M. MEDICAL RECORDS

1. Sub-tab by name

N. CRIMINAL RECORDS

- 1. Certified copies of convictions under this sub-tab**
- 2. Copies of law enforcement reports under this sub-tab**

O. DISCOVERY

1. Discovery log

2. Sub-tab by Attorney/Requestor

Discovery Request to DFPS

FROM: _____, Respondent (*Prepare a log for each Respondent Requesting Discovery*)

No.	Document Name	Date Request Received	Date Discovery Due	Date Discovery Answered	Date of Supplement of Discovery
	1 st Set of Interrogatories				
	Request for Disclosure				
	Request for Admissions				
	Request for Production				

DFPS Discovery Request to Respondent

TO: _____, Respondent (*Prepare a log for each Respondent Requesting Discovery*)

No.	Document Name	Date Request Sent	Date Discovery Due	Date Discovery Answered	Date of Supplement of Discovery
	1 st Set of Interrogatories				
	Request for Disclosure				
	Request for Admissions				
	Request for Production				