

Tips for Parents (and others) appearing as witnesses in Family Cases.

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What about your evidence? Coaching a witness (rehearsing questions and answers) is not permitted. But there is nothing wrong with explaining to a witness how things work, and how best to get your message across.

What happens

The witness (you) goes to the witness box (it might be a box you stand or sit in or it might be a table). You swear an oath (religious promise) or you affirm (same thing but no God). **You are promising to tell the truth - make sure you do.**

Don't refer to notes unless the judge has agreed that you can.

You will be asked to confirm that any statements you have prepared are true. You'll be taken to each page in the court bundle to check and identify the documents. Make sure you have re-read them before you give evidence. If you spot any errors, let your lawyer know in advance and say you want to correct something at this point.

You will probably be asked some questions to update the court of anything important that has happened since your last statement, any change in your position or to expand on anything missed out of your statements (if the judge agrees). This is called "**Examination in chief**".

The other lawyers will now be able to ask you questions in turn. This is called **cross examination**. At the end your lawyer will have a brief chance to ask you a few more questions dealing with anything unexpected that has cropped up. This is called **re-examination**. Often your lawyer will not ask anything, so don't worry if this doesn't happen.

The judge may ask questions throughout, at the end (and they may then ask the lawyers if they have extra questions as a result) or not at all.

Giving your evidence

Answer all the questions.

If you don't understand the question, say so.

If you forgot the question, say so.

If you don't know the answer say you don't know the answer.

Answer the question you are asked straightforwardly, honestly and simply.

Don't answer the question you wish you had been asked, answer the one you have been asked.

Don't disagree just because they are the lawyer for the "other side". Don't get cross.

Keep calm. Talk slowly. Take a breath. The judge has to take a note so you need to go slow enough for them to write / type.

Don't ask questions in reply. The lawyer will just say "I'm not here to answer questions and that's just annoying for everyone. Their job is to ask questions. Your job at the moment is to answer them if you can."

Stick to what you did, said or saw – sometimes people are so busy trying to show they didn't do something (like punching their ex for example) by making clever points about the weaknesses in the evidence against them (she didn't report it, nobody saw it) that they forget to actually say what happened – "that's not true" or "that didn't happen" or "this is what happened" is far more helpful to a judge than "if that happened she would have reported it / shown someone a bruise".

Watch the judge. Directing your answer to the judge will be less stressful than looking at the social worker or your ex or the lawyer asking you horrid questions. It will also help you make sure they are keeping up, will help the judge assess your evidence, and will help you assess their reaction.

If you need a break because you are upset or you need a wee or you feel sick – say so

If you need help with finding a page say so.

If you have problems reading, hearing or understanding certain words say so.

If you are intimidated by the behaviour of someone in court (for example an ex is staring at you) – **say so.**

Try not to swear – but if you are explaining what you or someone else said on a particular occasion that's fine (e.g. "He told me to fuck off").

Tell it like it is. Don't sugar coat. Be frank and honest.

One last thing : Sometimes there will be a break in your evidence. You will be warned by your lawyer and / or the judge that you must not speak to anyone about our evidence in this break. It's better that you don't spend time over any lunch break with someone else so that noone can accuse you of discussing your evidence with them.