

Utah Attainment Curriculum for Trial Competence (ACTC)

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Center for Persons with Disabilities at
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Facilitator Guide

Introduction

Purpose

The purpose of the Utah Attainment Curriculum for Trial Competence (ACTC) is to assist juvenile defendants attain trial competence. The curriculum was created in response to Utah Statute §78A-6 et seq. which enacts standards and procedures for juvenile competency proceedings, and clarifies duties and responsibilities of the Department of Human Services. The statute states that juvenile defendants can be considered competent to proceed when they can: (a) comprehend and appreciate the charges or allegations; (b) disclose to counsel pertinent facts, events, and state of mind; (c) comprehend and appreciate the range and nature of possible penalties, if applicable, that may be imposed in the proceedings against the minor; (d) engage in reasoned choice of legal strategies and options; (e) understand the adversarial nature of the proceedings; (f) demonstrate appropriate courtroom behavior; and (g) testify relevantly, if applicable. Part 13.78A-6-1302(7)(a-g).

Trainer Role

Your role, as the attainment trainer, is to work one-on-one with juveniles between the ages of 8 and 17, who have been found not competent to stand trial. You will meet with each client 2-3 times per week, in the least restrictive setting, to guide them through the defendant workbook. Your role is limited to working with the client on issues related to attaining trial competence. It is not your responsibility to help your clients with other problems they might be experiencing (e.g., a mental health disorder, educational, or family problems). If you think other issues are getting in the way of your client's progress in the Attainment Program, please bring up this issue with your attainment coordinator. There will be other professionals available to work with clients on these concerns.

Your primary activity is to help your client understand the content and importance of each module presented below. To assess your client's progress, you will administer a pre-test at the beginning of the module and a post-test at completion of the module. It is recommended that you proceed through the manual sequentially. Document the client's progress, or lack thereof, in your notes. If the client does not successfully complete a module after two rechecks, move on to the next module and document. Remember that co-occurring conditions may interfere with your client's progress.

Terms

Throughout the curriculum we refer to juvenile defendants who have been found not competent to proceed as *clients*, the professionals who will work through the curriculum with them as *attainment trainers* or simply, the *trainer*, and the personnel who coordinate and support the *attainment process* as *attainment coordinators*.

Training Modules

The client workbook and the trainers' manual consist of 10 parallel modules covering the same general content areas. The modules focus on conceptually small areas to enhance the learning process. The modules are broken down into sections, and each section is further broken down into the following components:

- 1) Objectives
- 2) Content Overview
- 3) Topics
- 4) Vocabulary
- 5) Sample Activities

Learning Strategies for Juvenile Learners

The abilities to abstract and reason are naturally less developed in juveniles than in adults. Taking this into account, the learning modules are designed around strategies that have been demonstrated to be more effective for juvenile learners (Wolfe, 2001). They include:

- 1) Stories and vignettes
- 2) Metaphor, analogy, and simile
- 3) High impact visuals and graphics
- 4) Simple mnemonics
- 5) Hands-on/simulated learning opportunities
- 6) Increased wait time for processing and assimilation
- 7) Rhythm and rhyme
- 8) Chunking
- 9) Repetition

Knowledge Versus Rational Understanding and Decision-Making

The Dusky standards for trial competence and the draft standards for Utah clearly comprise two types of learning related to the trial process – the accumulation of knowledge *and* the application of that knowledge for decision-making purposes. Juveniles must learn more than just facts about the legal process in order to attain trial competence; they must learn how those facts apply uniquely to them in their particular circumstances.

The difference between a juvenile who attains competence and one who does not will be whether the juvenile can grasp both types of learning. We chose not to separate out these two learning processes in the curriculum modules because doing so would have created a false separation between factual learning and understanding. It is critical, however, that trainers are consistently aware of the difference between knowledge gain, application of knowledge, and rational understanding. As a support and reminder to trainers, we include multiple prompts in both the client and trainer manuals to reflect these differences and to challenge the client to apply what they are learning in each module.

Learning Capacity of Clients

We anticipate that clients who are found not competent to stand trial under the Utah Statute are more likely than not to have intellectual disabilities, learning problems, attention and memory deficits, and social, emotional and behavioral challenges that will be more effectively addressed with a curriculum specifically geared to struggling learners.

Because the learning styles, educational achievement levels, reading levels, and cognitive abilities of the juveniles who will progress through the Utah Attainment Program are dramatically diverse, it will be essential for trainers using these materials to adapt the content based on the capacity of the individual they are working with at any given time.

To help trainers do this, we have included additional guidance, resources, and materials in each module of the trainer's manual to help trainers effectively adapt the curriculum content to better meet the needs of individual clients. Additionally, the client workbook is written at a basic reading level (3rd to 4th grade) and ideas are presented in a straightforward, simple manner to make the content more accessible to a greater number of clients. Finally, although a wide range of activities are built into each module, the trainer has the flexibility to adapt activities to fit the learning style and cognitive capacity of individual clients. Each of the sample activities included in the modules is designed to be made easier or more complex with minor adjustments.

Session Format

It is recommended that attainment trainers meet with their clients, individually, face-to-face, in the least restrictive setting, a minimum of 2 times per week for approximately 60 minutes each session. The training modules are designed to be short and focused. Information and sessions are best presented for this audience in manageable pieces (approximately 7-8 minute segments). Trainers are encouraged to utilize a variety of positive reinforcement strategies to promote and reward compliance and client engagement. While the content of each training module is designed to flow through specific topics in a logical order, trainers should use their best judgment in how to work through each module in order to most effectively meet the needs of individual clients. In some cases, trainers will want to work through the topics in a module in a different order, or repeat a specific activity multiple times in order to ensure that a client understands the concepts addressed by the activity. In other cases, a trainer may wish to work through individual modules multiple times with a client before proceeding to the next module. While flexibility and adaptation within the individual modules are encouraged, as a general rule the 10 modules should be presented sequentially unless the attainment trainer and coordinator have determined that some of the material can be skipped or an alternative order makes more sense in a specific case.

Creating a Productive Training Environment

Attainment training can be an intimidating, uncertain, and even frightening experience for the client, who does not know what to expect from the experience. It is the responsibility of the trainer to create an environment that is welcoming and supportive of the client in order to facilitate a productive learning experience.

Attainment training should take place in the least restrictive environment possible and may include settings such as a private office in a state office building or other public building, a secure juvenile detention setting, or in some cases a client's residence. A trainer will obviously have more control over the training environment in some settings versus others (such as the client's home); however, no matter where the training actually takes place, the trainer should make a concerted effort to create a productive training environment by considering the following:

- Select an appropriate location within the building or residence for the one-on-one training sessions; one that is accessible to the individual and allows for enough personal space that neither person feels “crowded.”
- Minimize distractions such as office clutter, excessive background noise, harsh lighting, and strong odors; all of which can be very distracting to clients for a variety of reasons. If meeting with a client in a residence, minimizing distractions from other family members can become very difficult, but trainers should make a reasonable effort to work with the family to create a space where client learning can take place. This may mean asking for the television, radio, computer, or other electronic devices to be turned off, or asking family members and pets to leave the room.
- Always protect individual confidentiality. This means that you may need to schedule a conference room or other more private office if you typically work in an open area. There are special laws that protect the information that a client shares with their attorney (i.e., Attorney Client Privilege). However, these laws do not extend to other people who are also working with the client such as attainment trainers. Because the communication you have with your clients is not protected by Attorney client privilege it is important that you are careful in how you ask some of the questions in the modules. You should avoid asking clients directly about their charges or what they did to get such charges. When discussing how to tell their story in court you should use examples that are not based on their pending case. As you work with your clients and develop case notes remember that the court may ask you about the content of your conversations with your clients, or the court may ask to review your case notes.
- Be sure to keep your full attention on the individual, reduce or ignore interruptions, and do not multi-task by working on other activities while you are working with a client.
- Take time to build rapport with each client. While trainers will have access to a variety of official reports regarding each individual client, trainers should also take the time to develop a meaningful professional relationship with each individual by learning about the client directly from the client.
- Adapt the training format to meet the needs of the individual, using the recommendations and suggestions for accommodations in each module. This means that you may need to adapt the length of the session, the language level, your presentation style, or the level of detail you provide, etc.
- Work with the client to determine any appropriate accommodations for their learning style and/or disability. For example, you may need to break a module into multiple sessions, depending on an individual’s stamina or attention span, or you may need to review a module multiple times to help them remember key points, etc.
- Make Time: Be sure to schedule adequate time for each training session. There is a lot to be covered in each module. Be sure that you have planned ahead and have all training materials ready to go for each learning activity. If a client is having a difficult

time with a particular concept or is showing signs of fatigue or frustration, it is okay to back off the schedule for the session and regroup for next time. It is more important to go at a reasonable pace for each individual client than to get through the material in each module, in a specific amount of time, no matter what.

- **Cultural and other Diversity Considerations:** Trainers should make every effort to be aware of and sensitive to the unique cultural and diverse background of each client when presenting the training content. Trainers should use professional judgment in adapting module examples and activities in order to make them more culturally relevant to each client. Suggestions and recommendations for adapting activities and examples for cultural relevancy are included in applicable training modules.
- **Flexibility:** Modify exercises as needed to the client's needs. Additional resources should be discussed with attainment coordinator.

Session Notes

After each session, you will complete the Session Notes (see an example form in Appendix A). Session notes should be brief, legally sound, and should make general reference to what was covered in the sessions, but should exclude details related to the client's case and charges. To protect your client's privacy, please only answer what is asked in the template. Please note that at no time should you include any information in your session notes that could be incriminating to the client, including but not limited to: client explanations about what they did, client motivations for their actions, client feelings about their charges, client descriptions of others' actions, and so forth. The attainment trainer is not qualified to report on the client's mental state or other disability related problems. If these arise, the trainer is directed to consult with the attainment coordinator.

Progress Reports

You will be expected to complete a report about your client's progress toward attaining trial competence every 30 days. Please refer to the Attainment Plan template found Appendix B. As with session notes, please carefully avoid any mention of statements made by clients about events, feelings, and motivations associated with the charges against them.

Measuring Progress

There are a number of assessments that have been developed to measure client progress toward attainment of trial competence. Before beginning the curriculum training, clients will take a general pre-test to assess current levels of understanding related to their legal circumstances. As part of each module, there will be a brief pre- and post-test to measure learning for the specific contents of that module. Results of each pre-test will guide the trainer in making decisions about which sections to focus on more heavily in each module. Results of the post-test will guide the trainer to areas that need further coverage and review. Upon completion of all the modules, a general post-test can be administered to assess overall gain of knowledge and rational understanding of the curriculum content.

Session Note: Module One

REVIEW OF LAST SESSION (Brief summary of what client retained):

MODULE OBJECTIVES: The general content and goals of ACT-C; skills and knowledge to aid in understanding the judicial process; and the priority they need to give ACT-C in their life.

CLIENT'S PROGRESS TOWARDS OBJECTIVE (show client participation including progress or lack of progress towards competency):

- ACT-C stands for Utah Attainment Curriculum for “what” Competence?
- Name two skills that you will learn from the ACT-C training that will help you better defend yourself in court.
- Give an example of a skill or talent that you believe you are competent in?
- The doctor decided that this training will help me. True or False?
- I have to complete this program because I am in trouble? True or False
- Name one reason why this should be a high priority in your life.
- This training is for people over the age of 21. True or False?
- I have to be careful about what I say since my trainer can tell my parent(s) or guardian what I said. True or False?
- My trainer will not be able to answer any of my questions. True or False?
- Name three reasons why this information is important to learn.

SESSION SUMMARY:

ATTAINMENT PLAN FOR:

Third District Juvenile Court, Salt Lake County, State of Utah
 Juvenile Court Case Number:

Juvenile Court Judge:

I. ATTAINMENT PLAN: DEPARTMENT OF HUMAN SERVICES (DHS) REVIEW OF SERVICES NEEDED TO ACHIEVE COMPETENCY

a. **List Services or Treatment that the minor is already receiving:**

i. **Competency Related Services:**

ii. **Other Services Minor is Receiving:**

b. **Additional Services that the minor may require to attain competency:**

Competency Issues	Attainment Service Identified	Provider	Expected Competency Outcome
Lack of capacity to understand or engage in behaviors identified in 78A-6-1302 (7)	Competency Attainment Services		Improved capacity to be able to understand in a factual and rational manner competency components listed in 78A-6-1302 (7)
Language/Communication barriers to attaining competency	Services related to hearing impairment and language deficits		Language therapy to help improve communication and understand legal terminology and Court proceedings.
Issues with language due to hearing loss negatively impacting competency	Education, Language, and hearing impairment services		Audiological testing to determine hearing loss impacting language deficits, learning ASL and appropriate behaviors increasing capacity and ability to understand court proceedings and consult with counsel in own defense
Mental Disorder	Appropriate services		Alleviate Symptoms

negatively impacting competency related issues	addressing symptoms related to mental disorder		and increase demeanor and ability to participate in court proceedings
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- c. **Assessment of the parent/custodian/guardian’s ability to provide the recommended treatment or services:**
- d. **Any Special Conditions or Supervision that may be necessary for the safety of the minor or others during the attainment period:**
- e. **The likelihood that the minor will attain competency within a six month period:**

ATTAINMENT PLAN RECOMMENDATIONS

Based on the above, the DHS respectfully submits the following plan for competency attainment:

1. That be ordered to participate in the attainment plan services set forth above, including but not limited to:
 - a. Competency Attainment Services provided by DHS;
 - b. Language and ASL services;
 - c. Appropriate Available Mental Health Services;
2. Other requests that would assist the process:
 - a. To assist in understanding what is going on in the court room it is recommended that one person speak at a time and turn in his direction while addressing the court. It is also recommended that if an amplification system is available through the Court that it be used during court hearings.
 - b. Safety plans be followed by parent/custodian/guardian and/or any placement where minor may reside during the attainment period;
 - c. The parent/custodian/guardian schedule and follow up with all appointments for competency attainment services;
 - d. Case staffing with appropriate parties involved with the court process to identify if he is able to apply concepts related to competency being taught by attainment provider.
 - e. Notify DHS if minor is moved to a different placement during the attainment period;
3. Review hearing in 90 days, as required by law.

Respectfully Submitted this ___day of _____ 2013.

Signature



MODULE 1 GOALS:

To learn about the ACTC training program.

To gain knowledge and skills to better understand court.

For clients to give ACTC training high priority in their life.



Remind your client this is not a test!

Module 1: Why Am I Here? Understanding Attainment for Trial Competence

Title 78A Judiciary and Judicial Administration

Chapter 6 Juvenile Court Act

Section 1302 Procedure -- Standard

Trainer Manual

OVERVIEW

This is what you want your client to learn in Module 1:

1. The general content and goals of the Utah Attainment Curriculum for Trial Competence (ACTC);
 2. General skills and knowledge to aid in understanding the judicial process;
 3. The priority they need to give ACTC in their life.
-

KNOWLEDGE ASSESSMENT

To find out what your client already knows about this area, you must ask them the following questions **BEFORE** you begin the module. To determine how much they learn, you will ask them the same questions after completing the module.

This is not a test and will not be graded! Reassure your client that answering these questions will help you understand how to help them better.

Ask each question *clearly* and *slowly* so your client understands what you are asking. You can repeat each question as many times as the client needs. Ask one question at a time and wait for the answer before moving to the next question.

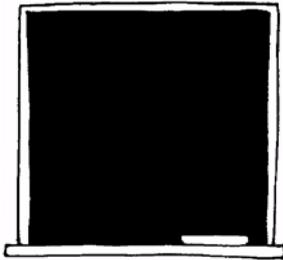
After you read each question, direct your client to:

1. Tell you the answer out loud and/or
2. Write the answer in the space provided on the pre-test handout.

If your client does not know the answer, tell them it is OK. Remind them this is not a test. Reassure them that you will teach them the answer to the



Please pay special attention to any accommodations your client may require for the knowledge, assessment, and presentation of material.



Review client responses with them.

Remind clients that questions they get wrong give you ideas about how to help them.

Use simplified language to teach concepts.

Assess your client's progress regularly with CHECK FOR UNDERSTANDING questions.

Use Practice Exercises to teach difficult concepts.

Work in brief segments.

question later. Move on to the next question.

Repeat this process until you have given your client a chance to answer all the questions. If your client gives you an answer out of order, or does not answer every single question correctly, that is OK. It is more important for the client to understand the main concepts of the material than to be able to answer a certain number of questions correctly. Your client may return to previous questions at any time. When you decide the client has completed the module, please ask them the same questions again to document knowledge gain.

If the client misses questions, please work through the material in the module that addresses these questions. Continue to review the relevant sections in the module until either: 1) the client learns the material and answers the questions correctly, or 2) you have gone through the module three times and the client continues to provide incorrect and incomplete answers.

ASSESSMENT

1. This program will help me get a driver's license. True or False?
2. ACTC stands for Utah Attainment Curriculum for "what" type of Competence?
3. Name two skills that you will learn from the ACTC training that will help you better defend yourself in court.
4. Give an example of a skill or talent that you believe you are competent in.
5. The judge decided that this training will help me. True or False?
6. I have to complete this program because I am in trouble. True or False?
7. Name one reason why this should be a high priority in your life.
8. This training is for people over the age of 21. True or False?
9. I have to be careful about what I say since my trainer can tell my parent(s) or guardian what I said. True or False?
10. My trainer will not be able to answer any of my questions. True or False?
11. Name three reasons why this information is important to learn.

TEACHING INSTRUCTIONS

Step 1: Review your client's responses against "Acceptable Answers to Knowledge Questions", listed below, to determine which answers are correct and which answers are incorrect or incomplete.

Terms and Concepts:



Attainment: An act of achieving or getting something or something that is achieved or acquired.

Evaluation: A determination or diagnosis of something.

Competency: Your skill or ability in a specific field or subject, or being able to do something well or to understand how to assist in your own defense during a trial.

Juvenile Justice System: The balanced and equitable administration of law for youth under 18.

Modules: A unit of education or instruction in which a single topic or a small section of a broad topic is studied for a given period of time.

Skills: A talent or ability that comes from training or practice.

Knowledge: General awareness or possession of information, facts, ideas, truths, or principles.

Step 2: Review your client's responses with them.

Step 3: Show your client the questions they answered correctly and the ones they answered incorrectly or incompletely.

Step 4: Reassure the client you will work together to teach them the correct answers to the questions they missed or need to know more about.

Step 5: Use the information presented below to teach your client about the areas they need to learn about. We recommend you use the simplified language presented below to explain the concepts because your client is more likely to understand the concepts if you explain them this way. If the language seems too simple for your client, you can use more sophisticated language to describe the concepts.

Step 6: After each segment of information, there is a CHECK FOR UNDERSTANDING box. Questions are provided so you can immediately assess if your client is learning the concepts. Use their answers to guide whether you move on or repeat material. If the client successfully completes the questions in the box, move on to the next Content Area. Remember that it is more important for the client to demonstrate an understanding of the concepts addressed by each question than to answer every question correctly. If you feel the client has a good understanding of the concepts, they do not need to answer all or even a certain number of the questions correctly. The questions provided throughout the module are simply an attempt to evaluate how well the client understands the underlying concepts being presented. You will need to use your best judgment about whether the client is ready to move on if they have trouble with specific questions, but you believe that they understand the overall concept addressed by the questions.

Step 7: If the client continues to provide incorrect or incomplete answers after presentation of material, work through the recommended Practice Exercises.

Step 8: Re-check for understanding after the Practice Exercises.

Step 9: If the client persists in being unable to understand the information, note this and move to the next topic.

Step 10: You should work in seven to ten minute segments. After seven to ten minutes of presenting material and asking questions, provide the client with a brief break. Options include having a snack, stretching, doing a relaxation exercise, taking a short walk, enjoying some free conversation with you, and so forth.

CONTENT AREAS

For each Content Area, read the information to your client slowly and clearly. Immediately after giving them the information, ask the questions in the CHECK FOR UNDERSTANDING box. If the client gives you the

Expectations: A confident belief or strong hope that a particular event will happen.

Roles: The characteristic and expected social behavior of an individual.

correct answers for each of the questions, move to the next topic area.

For any incorrect or incomplete answers, review the material you just covered. After reviewing the related material one time, ask them the questions again. At this point, if they continue to have incorrect or incomplete answers, move on to the Practice Exercises. When you have completed the Practice Exercises, ask them the questions in the CHECK FOR UNDERSTANDING box a final time. If they continue to have difficulties, note the sections they are struggling with and move to the next Content Area.

A. *How did I get here?*

You are here because a judge asked a doctor to evaluate you and the doctor decided that you do not know enough about the legal process to appropriately defend yourself in court. This is called a competency evaluation. The word competency means a skill or ability in a specific field or subject that can be done well. In the eyes of the court, competency is the ability to understand what the police are saying about you, what will happen to you, and the information you will need to give to your attorney to help your defense. The judge believes that by participating in this training program, it will help you better understand the court system.

CHECK FOR UNDERSTANDING:

Who said that I have to take this training?

This training will help me learn how to help my attorney. True or False?

Name a skill that you believe you are “competent” in.

This training will help me understand what is going to happen to me after the trial is over. True or False?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following **PRACTICE EXERCISES**.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

How Did I Get Here? (Client Workbook: Module 1 Content Area A)

To begin it will be important to ensure that your client understands the term “competency” since they will be hearing this word throughout their court procedures. Discuss with your client that competency is a skill or ability in a specific field or subject that can be done well. Ask your client what they are experts in. Make a simple list with 2 columns, one identifying your client’s strengths and the other identifying your abilities and strengths. Discuss the differences between your client’s interests and your own.

B. *What does ACTC stand for and how can it help me?*

The ACTC program is a training program that helps young people ages 8-21 to better understand the legal system. The acronym ACTC stands for the “Attainment Curriculum for Trial Competence”. If a person under the age of 21 has violated any federal, state, or local law or municipal ordinance before they turned 18, they may be required to take this training class. It will help you understand the people you will be involved with and who you should and should not talk to if you have questions. You will also learn about how to act in court and what might happen to you because the police believe that you have done something wrong. Sometimes being involved in the legal system is very confusing so you will learn the meaning of new words that you may never have heard before. All of these skills are important when helping with your defense.

CHECK FOR UNDERSTANDING:

This training is for people over the age of 21. True or False?

The ACTC training will teach me about the legal system. True or False?

Name two skills you will learn from the ACTC program.

C. *Program Expectations*

Whenever you learn a new skill you must be willing to put time and effort in to practicing the skill, in order to become competent. It doesn’t matter if you are learning how to snowboard or program your phone; each activity requires certain steps and understanding before you can become perfect. The same can be said about learning the court system. My job, as your trainer, is to help you learn the information as best as you can. We will practice all of the information together so you will be able to understand it better. Here are my three most important responsibilities:

- Teach you the meaning of words and procedures that will help you with your defense.
- To support and guide you through problems and solutions.
- To answer any questions you might have regarding the program

and the court proceedings.

You also have responsibilities that you will need to follow and understand. Even though a judge has determined that you need this training to better defend yourself in court, the information that we are going to learn together may also someday help a friend or a family member. So it's important that we try to learn as much as we can. Your responsibilities are to:

- Be willing to learn and participate in the program.
- Attend all scheduled appointments or call/text me if you are not able to make our appointment together.

CHECK FOR UNDERSTANDING:

Name your responsibilities in this program.

The name of your trainer is ___?

Your trainer will support and guide you through problems and solutions. True or False?

My trainer will not be able to answer any of my questions. True or False?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following **PRACTICE EXERCISES**.

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

What Different People Do! (Client Workbook: Module 1 Area C)

The trainer and client will read a book describing different professions and how people in different professions each have a unique job. The trainer will use this material to help the client understand that the trainer has a unique job and what the nature of that job is. The trainer can use this as a jumping off point to help the client understand that the learner has a unique job too.



PRACTICE EXERCISES

Terms and Concepts:



Active Participation:

The act of taking part in some action or attempt.

ACTC: Competency restoration training provided to juveniles who have been charged with a felony prior to their 18th birthday and do not have the ability to participate in legal proceedings.

Priorities: Something given special attention.

Learning style: An individual's mode of gaining knowledge.

Client: A person who is receiving the benefits.

Trainer: A person who teaches a skill to another person.

D. *Setting Priorities: What's important and what's not?*

As we discussed earlier, one of your responsibilities is to be sure to show up for our learning sessions ready and willing to participate. You can learn the information faster if you make this training a high priority in your life. Let me explain what I mean. Remember how we talked about learning how to snowboard or program our phone? In order to become really good at either skill, we really need to work hard on first learning the skill then practicing it. Now think if we only went snowboarding once a month, how fast do you think you will learn the skill? Might take you several winters to learn how to snowboard, but if you practiced every week, now how long would it take? Much faster. The same will be true with this program.

There are some people and things in your life that are more *important* than other people and things. For example, some adults that know you well like parents, grandparents, or caregivers may be more important than other adults you don't know because they may provide you with things like food, shelter, and affection. A friend from school is more important to you than a person you have never met who lives in another state because you know your friend's name and you do fun things with them. Your favorite things to do are more important to you than some other games because when you do your favorite activities, you feel happy. Some people and things in life are more important than other things. Learning this material is important because it will help you in court. If you can make this an important part of your week, you will learn this important information:

- You will understand what is going to happen to you in court.
- You will learn about the people who work in the court system.
- You will be aware of new places that you might have to visit (court room, attorney's office, judge's chamber).
- You will learn how to talk to your attorney.
- You will learn about what could happen to you after court is done.

CHECK FOR UNDERSTANDING:

Learning this information is "important". True or False?

Name three reasons why this information is important.

This information will help me talk to my attorney. True or False?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following **PRACTICE EXERCISES**.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

What's Important & What's Not? (Client Workbook: Module 1 Content Area D)

Clients will be shown pictures of the persons and things that are often important to people (e.g., parents and other caregivers), friends, pets, hobbies, special interests, education, employment, and so on. The client will be asked to sort the items into different categories depending on how “important” the item is to them in their life. The trainer will teach them that improving their knowledge and understanding of the trial process belongs in the “most important” pile with the other items that they have described as already important in their life. The trainer will give them a picture of the logo for ACTC and expect that they will place it in the important pile. The client must also be able to express *why* ACTC is important (e.g. *it will help me get through court*). It is not important here for the trainer to tell the client what should be important in their life. The critical piece is that ACTC joins the category of whatever the client already thinks is important.

E. Program Logistics/Creating a Learning Contract

Developing a contract is a positive and simple way to ensure that you understand the arrangements that you will need to make in order to participate in the program. This contract will outline when, where, and how often we will meet together. You will be able to take this contract home with you to show your friends and family your commitment to the program. It will also give you important phone numbers in case you need to cancel or reach me for any other reason.

CHECK FOR UNDERSTANDING: (with the contract completed)

What day(s) of the week are we scheduled to meet?

What time will we meet?

Where will we meet?

How long will we meet for each week?

If you can't make it to the training session, you should just wait and talk with me the next week. True or False?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated. After you have completed the PRACTICE EXERCISE, ask your client the questions one final time. If they continue to give incorrect and/or incomplete answers, please note this and move on to the next content area.

Learning Contract Worksheet (Client Workbook: Module 1 Content Area E)

Using the Learning Contract Worksheet found in the Activity section of the client workbook, client and trainer will create an informal contract outlining the logistics of when, where, and how long they will meet weekly as well as anticipated length of attainment program. The client will receive a copy of this worksheet to post somewhere in their home to be reminded of the importance of ACTC in their life.

Use this contract to provide your client with written instructions and confirmation about when, where, and how long you will meet together.

F. Learning Styles

In order for me to teach you all of the information you will need to know in order to help you in court, I first need to know how you learn the best. We all learn differently. Some of us are “auditory” learners, which means we learn the best by listening. Others are “visual” learners, which means we do the very best when we can see the information that needs to be learned. For many of us, we learn both ways, by seeing and hearing. So tell me how do you learn the best? Here are some questions you may want to think about:

- Do you do better with reading a word or looking at a picture or both?
- Do you do better with listening to an explanation of the information than reading the information?
- Does talking about the lesson help you remember or understand

better?

- Do you like to write stories?
- Do you have any time at home to practice?
- Do you need or have anyone that can help you review your lessons?

CHECK FOR UNDERSTANDING:

If you were an auditory learner, you would learn the best by reading the information. True or False?

Who can you ask at home to help you review your lessons?

Tell me two things that will help me teach you this important information.

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following **PRACTICE EXERCISES**.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

What's Your Learning Style? (Client Workbook: Module 1 Area F)

Client and trainer will review this worksheet together which outlines typical learning styles and preferred media for the learning. We anticipate no client will fall neatly into one style category or another, but rather will have a continuum of learning styles which the trainer can take advantage of during attainment training.



STOP: Congratulations -- you have made it through all the content areas for Module 1. Please review Module 1 terms, using the vocabulary card deck provided, **BEFORE** proceeding to the post-test. Your deck for Module 1 will cover the following terms: *attainment, evaluation, ACTC, competency evaluation, client, trainer, ordinance, competent, priority, and contract.*



POST-TEST KNOWLEDGE ASSESSMENT

Please give the following post-test to your client after completing Module 1. If your client answers all of the questions correctly, you may move to Module 2. If your client does not answer all the questions correctly or completely, please return to the content area that relates to those questions. Remember that it is more important for the client to understand the main concepts of the material than to answer a certain number of questions correctly. Ultimately, it will be up to you to decide when your client is ready to move to the next module. If your client does not appear to be gaining the knowledge, despite repetition of material and your best efforts, please consult with your attainment coordinator before moving to the next module.

This is not a test and will not be graded! Reassure your client that answering these questions will help you understand how to help them better.

Instructions:

Ask each question *clearly* and *slowly* so your client understands what you are asking. You can repeat each question as many times as the client needs. Ask one question at a time and wait for the answer before moving to the next question.

After you read each question, direct your client to:

1. Tell you the answer out loud and/or
2. Write the answer in the space provided on the handout.

If your client does not know the answer, tell them it is OK. Remind them this is not a test. Reassure them that you will teach them the answer to the question later. Move on to the next question.

Repeat this process until you have given your client a chance to answer all the questions. If your client gives you an answer out of order, that is OK. Your client may return to previous questions at any time.

If the client misses questions, please work through the material in the module that addresses these questions. Continue to review the relevant sections in the module until either: 1) the client learns the material and answers the questions correctly, or 2) you decide that the client is not going to be able to learn the material. If you believe your client is not making gains, please consult with your attainment coordinator before moving to the next module.

POST-TEST KNOWLEDGE ASSESSMENT

1. This program will help me get a driver's license. True or False?
2. ACTC stands for Utah Attainment Curriculum for "what" type of Competence?
3. Name two skills that you will learn from the ACTC training that will help you better defend yourself in court.
4. Give an example of a skill or talent that you believe you are competent in.
5. The judge decided that this training will help me. True or False?
6. I have to complete this program because I am in trouble. True or False?
7. Name one reason why this should be a high priority in your life.
8. This training is for people over the age of 21. True or False?
9. I have to be careful about what I say since my trainer can tell my parent(s) or guardian what I said. True or False?
10. My trainer will not be able to answer any of my questions. True or False?
11. Name three reasons why this information is important to learn.



ACCEPTABLE ANSWERS TO KNOWLEDGE QUESTIONS

Please use the following answers as a guide to determining whether your client has answered questions correctly and completely.

1. False. This program will help you learn the skills needed to better defend yourself in court.
2. Trial.
3. It will help you understand the people you will be involved with and who you should and should not talk to if you have questions. You will also learn about how to act in court, and what might happen to you because the police believe that you have done something wrong.
4. Any answer as long as the client is demonstrating the understanding of competency.
5. True.
6. False.
7. Following answers acceptable: understand what is going to happen in court, learn about the people who work in the court system, be aware of new places (courtroom, attorney's office, judge's chamber), learn how to talk to my attorney, and learn about what could happen after court is done.

8. False (8-21 years old only).
9. False. All information is confidential and can't be shared with anyone.
10. False. Your trainer is the best person to ask when you have questions.
11. Following answers acceptable: understand what is going to happen in court, learn about the people who work in the court system, be aware of new places (courtroom, attorney's office, judge's chamber), learn how to talk to my attorney, and learn about what could happen after court is done.

Module 2: Lawyers, Defense Attorneys, and Prosecutors

Utah Code Ann. §78A-6-1302(7)(b)

“disclose to counsel pertinent facts, events, or states of mind”

Utah Code Ann. §78A-6-1302(7)(d)

“engage in reasoned choice of legal strategies and options”

Utah Code Ann. §78A-6-1302(7)(e)

“understand the adversarial nature of the proceedings”

Utah Code Ann. §78A-6-1302(7)(g)

“testify relevantly, if applicable”



Module 2: Lawyers, Defense Attorneys, and Prosecutors

Trainer Manual _____

MODULE 2 GOALS:

Who is a defense attorney and what do they do?

Who is a prosecutor and what do they do?

How can the client's defense attorney help them?

OVERVIEW

This is what you want to teach your client in Module 2:

1. The client has a lawyer called a “defense attorney” who is working on their behalf (“on their side”);
 2. The job of the defense attorney is to defend and protect the client to the best of their ability and help them win their case;
 3. The client needs to share the complete truth about their charges and actions with their defense attorney;
 4. The client’s defense attorney cannot tell other people what the client tells him/her (attorney-client privilege);
 5. What the client tells other people about their story is not protected or privileged;
 6. The attorney on the “other side” is called the prosecutor (although they can also be called a “district attorney” or “county attorney”);
 7. The prosecutor is on the side of the community, not on the client’s side.
-



Remind your client this is not a test!

KNOWLEDGE ASSESSMENT

To find out what your client already knows about this area, you must ask them the following questions **BEFORE** you begin the module. To determine how much they learn, you will ask them the same questions after completing the module.

This is not a test and will not be graded! Reassure your client that answering these questions will help you understand how to help them better.

Ask each question *clearly* and *slowly* so your client understands what you are asking. You can repeat each question as many times as the client needs. Ask one question at a time and wait for the answer before moving to the next question.



Please pay special attention to any accommodations your client may require for the knowledge, assessment, and presentation of material.

After you read each question, direct your client to:

1. Tell you the answer out loud and/or
2. Write the answer in the space provided on the pre-test handout.

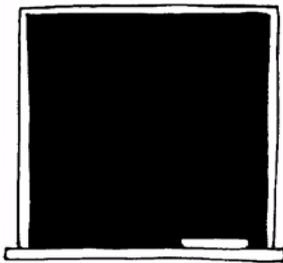
If your client does not know the answer, tell them it is OK. Remind them this is not a test. Reassure them that you will teach them the answer to the question later. Move on to the next question.

Repeat this process until you have given your client a chance to answer all the questions. If your client gives you an answer out of order or does not answer every single question correctly, that is OK. It is more important for the client to understand the main concepts of the material than to be able to answer a certain number of questions correctly. Your client may return to previous questions at any time. When you decide the client has completed the module, please ask them the same questions again to document knowledge gain.

If the client misses questions, please work through the material in the module that addresses these questions. Continue to review the relevant sections in the module until either: 1) the client learns the material and answers the questions correctly, or 2) you have gone through the module three times and the client continues to provide incorrect and incomplete answers.

ASSESSMENT

1. What is your defense attorney's name?
2. What is another word for "attorney"?
3. What is another word for "lawyer"?
4. What is your defense attorney's job?
5. What does your defense attorney do for you?
6. Why do you have a defense attorney?
7. What kinds of things should you tell your defense attorney?
8. If you talk to people other than your defense attorney about your story and charges (like a teacher or probation officer), are those people required by law to keep that information private and confidential?
9. How often can you talk with your defense attorney?
10. Who should you talk to if you want to see your defense attorney?
11. If you tell your defense attorney about what happened, can they tell anyone else?
12. What is attorney-client privilege?
13. What is the job of a prosecutor?



Review client responses with them.

Remind clients that questions they get wrong give you ideas about how to help them.

Use simplified language to teach concepts.

Assess your client's progress regularly with CHECK FOR UNDERSTANDING questions.

Use Practice Exercises to teach difficult concepts.

Work in brief segments.

14. What are two other names for a prosecutor?
15. How is the job of a prosecutor different from the job of your defense attorney?
16. Is the job of the prosecutor to help you win your case?
17. Who helps defend you and protect you in court, the defense attorney or the prosecutor?

TEACHING INSTRUCTIONS

Step 1: Review your client's responses against "Acceptable Answers to Knowledge Questions" listed below to determine which answers are correct and which answers are incorrect or incomplete.

Step 2: Review your client's responses with them.

Step 3: Show your client the questions they answered correctly and the ones they answered incorrectly or incompletely.

Step 4: Reassure the client you will work together to teach them the correct answers to the questions they missed or need to know more about.

Step 5: Use the information presented below to teach your client about the areas they need to learn about. We recommend you use the simplified language presented below to explain the concepts because your client is more likely to understand the concepts if you explain them this way. If the language seems too simple for your client, you can use more sophisticated language to describe the concepts.

Step 6: After each segment of information, there is a CHECK FOR UNDERSTANDING box. Questions are provided so you can immediately assess if your client is learning the concepts. Use their answers to guide whether you move on or repeat material. If the client successfully completes the questions in the box, move on to the next Content Area. Remember that it is more important for the client to demonstrate an understanding of the concepts addressed by each question than to answer every question correctly. If you feel the client has a good understanding of the concepts, they do not need to answer all or even a certain number of the questions correctly. The questions provided throughout the module are simply an attempt to evaluate how well the client understands the underlying concepts being presented. You will need to use your best judgment about whether the client is ready to move on if they have trouble with specific questions, but you believe that they understand the overall concept addressed by the questions.

Step 7: If the client continues to provide incorrect or incomplete answers after presentation of material, work through the recommended practice exercises.

Step 8: Re-check for understanding after the Practice Exercises.

Terms and Concepts:



Defense Attorney: The attorney who is on your side and will help defend you in court. The person who wants the best outcome for you.

Attorney: Another name for a lawyer.

Prosecutor: The attorney who is on the side of the community and working against you and your defense attorney.

District Attorney/County Attorney: Another name for "prosecutor."

Step 9: If the client persists in being unable to understand the information, note this and move to the next topic.

Step 10: You should work in seven to ten minute segments. After seven to ten minutes of presenting material and asking questions, provide the client with a brief break. Options include having a snack, stretching, doing a relaxation exercise, taking a short walk, enjoying some free conversation with you, and so forth.

CONTENT AREAS

For each Content Area, read the information to your client slowly and clearly. Immediately after giving them the information, ask the questions in the CHECK FOR UNDERSTANDING box. If the client gives you the correct answers for each of the questions, move to the next topic area.

For any incorrect or incomplete answers, review the material you just covered. After reviewing the related material one time, ask them the questions again. At this point, if they continue to have incorrect or incomplete answers, move on to the Practice Exercises. When you have completed the Practice Exercises, ask them the questions in the CHECK FOR UNDERSTANDING box a final time. If they continue to have difficulties, note the sections they are struggling with and move to the next Content Area.

A. *Who is a defense attorney?*

A defense attorney is a person who has special education and training to work in the court system. Another name for an attorney is "lawyer." It is important you learn both words (lawyer and attorney). The lawyer who is helping you and defending you is called the *defense attorney*. A defense attorney is different than a Guardian Ad Litem. A Guardian Ad Litem tells the court what they think is best for you. A defense attorney works for you to try and reach a resolution that YOU, the client, wants.

CHECK FOR UNDERSTANDING:

What is a lawyer?

What is another word for "lawyer"?

What is an attorney?

What is another word for "attorney"?

Your defense attorney is trying to help you. True or False?

When we say "lawyer" or "attorney" we mean the same thing. True or False?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

What's in a name? (Client Workbook: Module 2 Content Area A)

Create a list of 8-10 first and last names, including the name of the client's attorney. The other names on the list can be made up or names of celebrities, etc. If the client has trouble picking out their attorney's name from the list, repeat the exercise a few more times with different names. If the client is still having trouble, you might help them develop a rhyme or short story that connects their attorney's name to something they easily remember.

Who is my defense attorney? (Client Workbook: Module 2 Content Area A)

Using the cut-out template provided in the client workbook, please ask your client to write out the first and last name of their attorney and then decorate this "name plate" which they can keep on their desk or wherever convenient. You can ask them to bring it to attainment sessions with them as an ongoing reminder of their attorney's name.

B. General Information About Your Defense Attorney

Your defense attorney's name is _____. Your defense attorney works at _____. You may speak with your defense attorney as often as you would like. If you want to call your defense attorney to tell him or her something, please tell your parent(s) or care provider and they will help you call your attorney. Your defense attorney was hired by your family or appointed by the court. Your defense attorney is the best person to talk to about your case and charges.

Make sure your client knows their attorney's name, where they work, and has a phone number for their attorney! Reassure your client they can meet with their attorney if they have something they would like to talk about! If they don't get a response from their attorney, suggest that they talk to a

parent, Guardian Ad Litem, or attainment trainer for help in contacting their attorney.

CHECK FOR UNDERSTANDING:

- What is your defense attorney's name?
- Where does your defense attorney work?
- How often can you talk with your defense attorney?
- How do you get in touch with your defense attorney?
- Who hired your defense attorney?
- Who is the best person to talk to about your case and charges?
- What is another name for "attorney"?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material one time and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

My Defense Attorney: Who, What, When, and Where (Client Workbook: Module 2 Content Area B)

Working with the client, complete the "My Defense Attorney" information sheet. Help the client fill in the blanks that list the attorney's name, contact information, hours of availability, and the general tasks they can help the client with. The client can be encouraged to keep this form in their workbook and/or make additional copies to keep on the refrigerator or give to parents/guardians.

C. Your Defense Attorney's Job

Your defense attorney is legally appointed to represent you or has been hired by your family. This means it is your defense attorney's job to take your side, represent your wishes in court, and protect you. Think about playing a board game or a video game when there is more than one player. You can also think about a sporting event, like football or soccer. In games and sports there are two sides (or teams) playing "against" each other. Each side is trying to win. That is what is happening in court. Your defense



The defense attorney is on your client's team!

Defense attorneys are trained to protect and defend their clients!

Attorneys give advice and guidance.

attorney is on your side. Sometimes your lawyer and the prosecutor will reach a “plea agreement”, which is not the same as “winning” the case. You will learn about plea agreements in Module 8.

D. On the Same Team

You and your defense attorney are a team. It is your job to work together. You are on the same side. Sometimes you will not want to do what your defense attorney tells you to do. Your defense attorney will only tell you to do things if he or she believes these things will help you. That is why it is so important to listen to your defense attorney and answer their questions honestly and fully. It is very, very important to listen to the advice and ideas your defense attorney gives to you. You always have the choice not to do what your defense attorney says, but you need to think about this carefully.

CHECK FOR UNDERSTANDING:

It is your defense attorney's job to represent you. True or False?

How does your defense attorney represent you?

How is court like a board game, video game, or sporting event?

In court, what is each side trying to do?

You and your attorney are on the same team. True or False?

Your attorney gives you advice and tells you what they think you should do because they want to help you win your case. True or False?

What should you do if you do not want to follow your attorney's advice?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material one time and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

The Matching Game: What is a Defense Attorney? (Client Workbook: Module 2 Content Area D)

On the matching game handout, have the client draw a line from the

Terms and Concepts:



Charges are “True”: The judge has decided that the defendant has done what he or she has been charged with.

Charges are “Not True”: The judge has decided that the defendant has not done what he or she has been charged with.

Attorney-client

Privilege: A legal rule that says that certain information that a client shares with their defense attorney can be kept private and protected from other people.

picture of the defense attorney (have them write in their actual attorney’s name below the picture) to each of the statements in the right side column that match the duties of a defense attorney. To help clients learn to discriminate between the job of the defense attorney and prosecutor, job duties of the prosecutor will also be listed.

The Courtroom Game (Client Workbook: Module 2 Content Area D)

Using the client’s favorite game (e.g. video game, sport, board game), the trainer will compare the game to the court process, which there are two sides, and both sides are trying to win. The trainer will point out that both sides have resources and tools, and try to be as smart and effective as they can to win the game. The trainer should also point out that the defense attorney is on the client’s side and gives advice to the client like the team captain or coach would. The trainer should avoid choosing games that have “good guys” and “bad guys” to reduce the likelihood of clients thinking of the prosecutor as “bad” or “evil”. Better analogies are sports, board games, and more neutral video games.

E. Your Attorney in Court

Whenever you are in court, your defense attorney will be there to help you. It is your defense attorney’s job to defend and protect you in court. The judge has a choice to decide if he or she thinks the charges against you are “true” or “not true”. If the judge says what you have been accused of is “true,” it means the judge believes you have done what you are accused of doing. If your charges are found to be “true”, your defense attorney will ask the judge to only give you the punishment that is best for you (light punishment instead of heavy punishment). Sometimes your attorney will speak for you, which means your attorney will tell your story instead of you telling your story. But many times the judge will ask you to tell your own story. You will probably have to answer lots of questions in court too. If you are confused, scared, or concerned, you can always ask your attorney for help. Your defense attorney works for you!

CHECK FOR UNDERSTANDING:

Your attorney’s job is to help you. True or False?

Whose job is it to convince the court that your charges are “not true”?

If the judge decides your charges are true, what will your defense attorney try to do?

Sometimes your attorney will tell parts of your story to the court. True or False?

Many times you will be asked to tell your story to the court. True or False?

Do you think you will have to answer a lot of questions in court?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material one time and ask the questions again.



F. *Listening to Your Attorney*

Your defense attorney went to a special school to become a lawyer (Law School). In school, they learned about working in the court system. When they were done with school, they had to pass a test. After passing the test, they earned a license to practice law (kind of like needing a license to drive a car, you have to study the rules and pass a test before you can work as a lawyer). Your attorney's special education and experience can help you in court. It is very important to listen to and understand what your attorney tells you because they have education and experience to help you.



G. *Telling Your Story to Your Attorney*

It is very important to tell your defense attorney everything you know and can remember about your charges and what happened that led to those charges. Your attorney has to understand what happened so he or she can defend you in court. It is important to tell your attorney what you did, what you thought, how you felt, and why you think you did what you did (unless you are saying you did not do it). It is very important to be completely honest with your attorney.

CHECK FOR UNDERSTANDING:

Why should you listen to your attorney?

What does it mean that your attorney has a "license" to practice law?

Who knows more about the court system, you or your attorney?

Your attorney is using their education and experience to help you win your case. True or False?

What should you talk with your attorney about?

Why should you tell your attorney everything about what happened related to your charges?

How is your attorney going to use the information you give him or her? For example, are they going to try to use the information to get you punished, or are they going to try to use the information to help you?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material one time and ask the questions again.

- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.

Module 2/ page 10



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

My Attorney is My Friend (Client Workbook: Module 2 Content Area F-G)

Help the client make a list of friends they have in different situations like school, church, in their family, and in the neighborhood. Talk about the things that these friends may help them do and what things they may help their friends do. Discuss how friends are important in all areas of life and how they can help you do what is best for you to be healthy and happy. Impress upon the client how important the defense attorney is in this part of their life. In fact, they are kind of like a “friend” helping them through the court process. Just like a friend at school, at church, or in the neighborhood, their attorney can help through a confusing situation, has their best interests in mind, and will do their best to protect them. They can always turn to their attorney for help with their court case.

Note from an Attorney (Client Workbook: Module 2 Content Area F-G)

Have the client read (or read to the client if appropriate) the following quote from a real attorney who was asked what she/he would want to tell a new juvenile client about the client attorney relationship.

“Your attorney is your best friend in the courtroom and your relationship with your attorney is different than it is with anybody else. But for your attorney to really help you, he or she needs to know what is going on. Be truthful with him or her. Everything that you tell your attorney is private information and your attorney cannot tell that information to anyone else. Your attorney will do the very best they can to help you.”

H. Attorney-Client Privilege

There is a special rule called *attorney-client privilege*. This means that when you tell your defense attorney things, your attorney cannot tell anyone else those things unless you tell your attorney it is okay to tell people. Your attorney is allowed to keep your secrets. Because of this special rule, you can tell your attorney things that will not cause you to get into trouble. Your attorney will listen carefully and decide how to use the information you tell him/her to help you win your case.

I. Telling Your Story to People Other Than Your Attorney

You do not have protected communication privileges with other people in

your life. This means if you talk to your teachers, probation officer, friends, or even your parents about your court case, the prosecutor or judge can ask these people to tell him/her what you said. That is why it is so important to talk to your attorney *before* you decide to talk with someone else. Your attorney can help you decide what could happen depending on who you talk to and what you say. Then you can make a decision about who you want to talk to and what you will tell them. Sometimes your attorney will ask people who are with you to leave the room so your attorney can talk with you alone. This is because if you tell something to your attorney, your lawyer cannot tell anyone, but if you tell something to other people, they can be asked to tell what you told them.

CHECK FOR UNDERSTANDING:

If you talk to your defense attorney about what you said or did, your attorney has to tell your parents/district attorney/judge. True or False?

Attorneys are not allowed to tell other people what their clients tell them. This rule is called: _____.

How come you can tell your attorney something you did that you think was wrong without getting into trouble?

Why does your attorney want to know everything you said and did that relates to your charges?

Who else do you have protected communication with?

If you tell your teacher/probation officer/parents/friends about your case, what could happen?

Can the judge ask your parents to tell them what you say about your charges and case? Why or why not?

If you want to tell someone your story, who should you talk to first? How come?

Your lawyer can tell you who you can and cannot talk to: True or False?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material one time and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in

the client workbook on the pages indicated.

A Special Rule (Client Workbook: Module 2 Content Area H-I)

With the client, brainstorm some common situations where a “special” rule might apply. For example, you have to be 16 years old to get a driver’s license, you have to be 18 to vote, you should not text while driving, you have to be a certain height to ride the rollercoaster, children need to be in a car seat until they are a certain age, etc. Explain that special rules are created to keep people safe or to help things work smoothly, and that attorney-client privilege is just another special rule that is designed to help protect the client in the court process. Because it is a special rule, it only applies in certain situations and they should remember that this rule only works with their defense attorney and no one else they tell their story to.

Confidential Information (Client Workbook: Module 2 Content Area H-I)

Have the client draw a line from the picture of the attorney to the people that attorney can share a client’s confidential information with. (answer= no one).

J. What does the Attainment Trainer Need to Know?

As your attainment trainer, I will not ask you to tell me what you said or did related to your charges. I do not need to know the details of what you are charged with. That is not the job of the attainment trainer. The only person who needs to know what happened is your defense attorney. Remember, if you want to talk with someone besides your attorney about your case, talk with your attorney about it first to get advice.



[NOTE TO TRAINERS: *It is critical that you do not probe your client for information about their charges and court case. This information could be used against them in court. It is not your job to understand what they did or did not do or why. Your job is to focus on helping them understand the judicial process.]*

CHECK FOR UNDERSTANDING:

What do I, as your attainment trainer, need to know about your story?
Who needs to know everything about what you said and did related to your charges? How come?
What is the job of the attainment trainer?

➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material one time and ask the questions again.

→ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Job of Your Attainment Trainer (Client Workbook: Module 2 Content Area J)

Review your general job description with the client. Talk about the qualifications you have to have to do your job, who supervises you, and how they measure whether you are doing a good job or not. Discuss what you like about your job and be sure to emphasize how your role is different from the other people in the juvenile court process, especially their defense attorney. Remind them of the importance of attorney-client privilege when they talk about their case, and how you are not covered by that special rule, and that you are not someone who needs to know about their specific case. Ask them if they have any questions about your job and what you do.

K. Who and what is a prosecutor?

The prosecutor is the lawyer who is representing the community. It is the job of the prosecutor to pursue fair punishments for people who break the law and protect members of the community. They are on the opposite side of the court case from you and your defense lawyer, and are working against you and your lawyer. The prosecutor (also called a district attorney or county attorney) will try to convince the others in the court that the charges against you are true. If the judge decides the charges against you are true (even if you do not believe they are true), the prosecutor will ask the judge to give you the punishment that best protects the community (usually this is a heavier punishment than what your defense attorney wants you to get). The prosecutor is most concerned with protecting community interests and values so that the community feels safe.

CHECK FOR UNDERSTANDING:

What is the job of a prosecutor?

What is another name for a prosecutor?

Who is on your side – the prosecutor or the defense lawyer?

What is another name for a district attorney?

Whose team are you on – the district attorney's or your defense attorney's?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material one time and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

The Matching Game: What is a Prosecutor? (Client Workbook: Module 2 Content Area K)

On the matching game sheet, have the client draw a line from the picture of the prosecutor to each of the statements in the right side column that match the duties of the prosecutor. To help clients learn to discriminate between the job of the prosecutor and defense attorney, job duties of the defense attorney will also be listed.



STOP: Congratulations -- you have made it through all the Content Areas for Module 2. Please review Module 2 terms using the vocabulary card deck provided BEFORE proceeding to the post-test. Your deck for Module 2 will cover the following terms: *attorney, charges are “true”, charges are “not true”, defense attorney, prosecutor, district attorney, county attorney, attorney-client privilege, and lawyer.*



POST-TEST KNOWLEDGE ASSESSMENT

Please give the following post-test to your client after completing Module 2. If your client answers all of the questions correctly, you may move to Module 3. If your client does not answer all the questions correctly or completely, please return to the Content Area that relates to those questions. Remember that it is more important for the client to understand the main concepts of the material than to answer a certain number of questions correctly. Ultimately, it will be up to you to decide when your client is ready to move to the next module. If your client does not appear to be gaining the knowledge, despite repetition of material and your best efforts, please consult with your attainment coordinator before moving to the next module.

This is not a test and will not be graded! Reassure your client that answering these questions will help you understand how to help them

better.

Instructions:

Ask each question *clearly* and *slowly* so your client understands what you are asking. You can repeat each question as many times as the client needs. Ask one question at a time and wait for the answer before moving to the next question.

After you read each question, direct your client to:

1. Tell you the answer out loud and/or
2. Write the answer in the space provided on the handout.

If your client does not know the answer, tell them it is OK. Remind them this is not a test. Reassure them that you will teach them the answer to the question later. Move on to the next question.

Repeat this process until you have given your client a chance to answer all the questions. If your client gives you an answer out of order, that is OK. Your client may return to previous questions at any time.

If the client misses questions, please work through the material in the module that addresses these questions. Continue to review the relevant sections in the module until either: 1) the client learns the material and answers the questions correctly, or 2) you decide that the client is not going to be able to learn the material. If you believe your client is not making gains, please consult with your attainment supervisor before moving to the next module.

Post-Test ASSESSMENT

1. What is your defense attorney's name?
2. What is another word for "attorney"?
3. What is another word for "lawyer"?
4. What is your defense attorney's job?
5. What does your defense attorney do for you?
6. Why do you have a defense attorney?
7. What kinds of things should you tell your defense attorney?
8. If you talk to people other than your defense attorney about your story and charges (like a teacher or a probation officer), are those people required by law to keep that information private and confidential?
9. How often can you talk with your defense attorney?
10. Who should you talk to if you want to see your defense attorney?
11. If you tell your defense attorney about what happened, can they tell anyone else?

12. What is *attorney-client privilege*?
13. What is the job of a prosecutor?
14. What are two other names for a prosecutor?
15. How is the job of a prosecutor different from the job of your defense attorney?
16. Is the job of the prosecutor to help you win your case?
17. Who helps defend you and protect you in court, the defense attorney or the prosecutor?



ACCEPTABLE ANSWERS TO KNOWLEDGE QUESTIONS:

Please use the following answers as a guide to determining whether your client has answered questions correctly and completely.

1. Gives lawyer's first and last name.
2. Lawyer.
3. Attorney.
4. My lawyer's job is to defend me in court; protect me; be on my side; represent my wishes or hopes.
5. My lawyer listens to my story and decides how best to help me; my lawyer talks for me in court or asks me to answer questions in court; my lawyer gives me advice and helps me decide what to do.
6. I have a lawyer because in court there are two sides/teams and each side is trying to win. I have a lawyer because I need someone on my side who knows about laws and courtrooms to help me try to win my case.
7. I should tell my lawyer everything I can remember about what happened, including what I said and what I did. I have to be totally honest with my own lawyer or they cannot help me the best they can.
8. If I tell people other than my lawyer about what I said and did, they do not have to keep it private. It is best to talk with my attorney first, before telling my story to other people. My attorney can give me advice about this.
9. I can talk with my lawyer as often as I need to as long as they agree to see me.
10. If I do not have my own phone and cannot call my lawyer directly, I need to tell someone who is taking care of me (like my parents or another caregiver) that I have something I want to talk to my attorney about. They can help me get in touch with my attorney.
11. My attorney cannot tell anyone else what I tell them. If I tell them my

story, and I believe I did something wrong, they cannot tell anyone else what I have told them. That is why it is safe to tell my story to my lawyer.

12. Attorney-client privilege is when a client can tell something to their lawyer and their lawyer cannot tell anyone else what the client said. It is called “protected communication”.
13. The job of the prosecutor is to protect the community and pursue fair punishments for people who commit crimes.
14. District attorney or County attorney.
15. My defense attorney is on my side and will help tell my story to the judge. The prosecutor is not on my side and is representing the community.
16. No. The job of my defense attorney is to win my case.
17. My defense attorney helps defend and protect me in court.



MODULE 3 GOALS:

Learn why there are two-sides to each court case (trial).

Who are the people in the courtroom and what do they do?

What are general courtroom procedures?



Remind your client this is not a test!

Module 3: The Juvenile Justice System

Utah Code Ann. § 78A-6-1302(7)(e) “*understand the adversarial nature of the proceedings*”

Trainer Manual

OVERVIEW

This is what you want to teach your client in Module 3:

1. That the legal process is two-sided by design.
 2. Trials in juvenile court are called trials both in practice and statute/rule.
 3. At the trial, the client’s defense attorney will tell the client’s side of the story, the prosecutor will tell their side of the story, and the judge will decide which story is the truest.
 4. At the trial, the judge determines whether the charges filed against the client are appropriate and true or not true.
 5. Review with the client the roles of the defense attorney and prosecutor, and introduce additional courtroom personnel and their roles in the courtroom.
 6. Provide a basic overview of the general juvenile court process in order to help them become familiar with what to expect and to reduce their anxiety about participating in their own court proceedings.
-

KNOWLEDGE ASSESSMENT

To find out what your client already knows about this area, you must ask them the following questions **BEFORE** you begin the module. To determine how much they learn, you will ask them the same questions after completing the module.

This is not a test and will not be graded! Reassure your client that answering these questions will help you understand how to help them better.

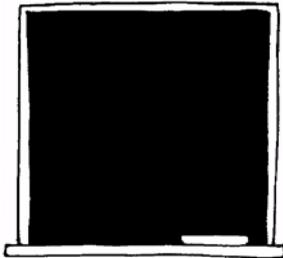
Ask each question *clearly* and *slowly* so your client understands what you are asking. You can repeat each question as many times as the client needs. Ask one question at a time and wait for the answer before moving to the next question.

After you read each question, direct your client to:

1. Tell you the answer out loud and/or



Please pay special attention to any accommodations your client may require for the knowledge, assessment, and presentation of material.



Review client responses with them.

Remind clients that questions they get wrong give you ideas about how to help them.

Use simplified language to teach concepts.

Assess your client's progress regularly with CHECK FOR UNDERSTANDING questions.

Use Practice Exercises to teach difficult concepts.

Work in brief segments.

2. Write the answer in the space provided on the pre-test handout.

If your client does not know the answer, tell them it is OK. Remind them this is not a test. Reassure them that you will teach them the answer to the question later. Move on to the next question.

Repeat this process until you have given your client a chance to answer all the questions. If your client gives you an answer out of order or does not answer every single question correctly, that is OK. It is more important for the client to understand the main concepts of the material than to be able to answer a certain number of questions correctly. Your client may return to previous questions at any time. When you decide the client has completed the module, please ask them the same questions again to document knowledge gain.

If the client misses questions, please work through the material in the module that addresses these questions. Continue to review the relevant sections in the module until either: 1) the client learns the material and answers the questions correctly, or 2) you have gone through the module three times and the client continues to provide incorrect and incomplete answers.

ASSESSMENT

1. What does it mean that the court uses a two-sided process?
2. Whose job is it to help you tell your story in the courtroom?
3. Who decides which side of a story is true in the courtroom?
4. Who is considered the accused in a court case?
5. Who is considered the victim in a court case?
6. Which attorney represents the victim in a court case?
7. What does the probation officer do?
8. What is decided during the arraignment or pre-trial?
9. What happens during a trial?
10. If the charges against you are proven to be “not true”, what will happen?
11. If the charges against you are proven to be “true”, what happens next?
12. During the disposition hearing, who decides what will happen to you?

TEACHING INSTRUCTIONS

Step 1: Review your client's responses against “Acceptable Answers to Knowledge Questions” listed below to determine which answers are correct and which answers are incorrect or incomplete.

Terms and Concepts:



Adversarial: A situation where two groups of people are on opposite sides in a contest; like a football game or a court case.

Adjudication: Is a finding of true or not true by the Judge in juvenile court.

Step 2: Review your client's responses with them.

Step 3: Show your client the questions they answered correctly and the ones they answered incorrectly or incompletely.

Step 4: Reassure the client you will work together to teach them the correct answers to the questions they missed or need to know more about.

Step 5: Use the information presented below to teach your client about the areas they need to learn about. We recommend you use the simplified language presented below to explain the concepts because your client is more likely to understand the concepts if you explain them this way. If the language seems too simple for your client, you can use more sophisticated language to describe the concepts.

Step 6: After each segment of information, there is a CHECK FOR UNDERSTANDING box. Questions are provided so you can immediately assess if your client is learning the concepts. Use their answers to guide whether you move on or repeat material. If the client successfully completes the questions in the box, move on to the next Content Area. Remember that it is more important for the client to demonstrate an understanding of the concepts addressed by each question than to answer every question correctly. If you feel the client has a good understanding of the concepts, they do not need to answer all or even a certain number of the questions correctly. The questions provided throughout the module are simply an attempt to evaluate how well the client understands the underlying concepts being presented. You will need to use your best judgment about whether the client is ready to move on if they have trouble with specific questions, but you believe that they understand the overall concept addressed by the questions.

Step 7: If the client continues to provide incorrect or incomplete answers after presentation of material, work through the recommended Practice Exercises.

Step 8: Re-check for understanding after the Practice Exercises.

Step 9: If the client persists in being unable to understand the information, note this and move to the next topic.

Step 10: You should work in seven to ten minute segments. After seven to ten minutes of presenting material and asking questions, provide the client with a brief break. Options include having a snack, stretching, doing a relaxation exercise, taking a short walk, enjoying some free conversation with you, and so forth.

CONTENT AREAS

For each Content Area, read the information to your client slowly and clearly. Immediately after giving them the information, ask the questions in the CHECK FOR UNDERSTANDING box. If the client gives you the

correct answers for each of the questions, move to the next topic area.

For any incorrect or incomplete answers, review the material you just covered. After reviewing the related material one time, ask them the questions again. At this point, if they continue to have incorrect or incomplete answers, move on to the Practice Exercises. When you have completed the Practice Exercises, ask them the questions in the CHECK FOR UNDERSTANDING box a final time. If they continue to have difficulties, note the sections they are struggling with and move to the next Content Area.

[NOTE TO TRAINERS: *When we use guilty in this module, it means the same as “charges being true” and when we use not guilty, it means the same as the “charges being not true”.]*

A. *What does it mean that the legal process is two-sided by design?*

Every court case has two sides, the client’s side and the prosecution’s side. The prosecution is trying to get the judge to believe their side of the story, and the defense attorney is trying to get the judge to believe the client’s story. Because each side is trying to get the judge to believe them, they are considered adversaries, which is a fancy word for being against each other. This is similar to a football or basketball game. The two teams are against each other. They are adversaries. This is why a court case is sometimes called adversarial, because there are two teams involved and they are arguing against each other.

The most important things about the adversarial (two-sided) nature of court is that both the defense attorney and the prosecutor get to tell the judge their side of the story, even if the stories are different. The judge will then decide what is true based on the facts of these two-sides of the story. The judge is neutral, like a referee, and listens to all sides of the story. It is only at the end of the trial that the judge makes a decision that can lead to either positive or negative consequences for the client.

Remember that not everyone in the courtroom is on the same team. The defense attorney will always be on the client’s team and is their best ally (friend) in the courtroom. The prosecutor is on the opposite team. In the next section we will talk about other people that the client may see in the courtroom, which team they are on, and what their job is.

CHECK FOR UNDERSTANDING:

What do we mean when we say that the court case is two-sided?

Who helps to tell your side of the story in court?

Who tells the other side of the story?

The Judge in your case is like a referee who listens to both sides of a story and then decides what to do. True or False?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

The Courtroom Game

Using the client's favorite game (e.g. video game, sport, board game) the trainer will compare the game to the court process, which there are two-sides, and both sides are trying to win. The trainer will point out that both sides have resources and tools, and try to be as smart and effective as they can to win the game. The trainer should avoid choosing games that have "good guys" and "bad guys" to reduce the likelihood of clients thinking of the prosecutor as "bad" or "evil". Better analogies are sports, board games, and more neutral video games.

B. *What is adjudication?*

Adjudication means to make a finding or decision. A judge makes a decision about whether a charge is true or not true. A juvenile accused of a crime or delinquent act has the following rights in court:

1. The right to appear in person to defend themselves.
2. The right to be represented by a lawyer. If they cannot afford a lawyer, the court will appoint a lawyer.
3. The right to know the state's accusations against them.
4. The right against self-incrimination. (A person cannot be required to answer questions or make statements tending to show guilt and have them used against him or her. The judge cannot assume you are guilty because you do not talk or explain yourself.)
5. The right to a speedy trial and for time to prepare a defense. The court has to tell the client about any court hearings that involve them.
6. The right to tell their side of the story.
7. The right to have witnesses on their behalf and subpoena (to require to come to court) witnesses to appear if necessary.

8. The right to ask questions of the people accusing them.
9. The right to an appeal - to ask a higher court to decide whether or not your judge was right if he or she found you guilty.

C. Purpose of a Trial

If you did not commit the crime or delinquent act you are charged with, or you or your defense attorney believe the prosecutor cannot prove you committed the crime, you can have a trial. You do not have to admit you did something even if you did. It is your right to have a trial. Your defense attorney can help you decide if a trial is a good idea. It is at the trial that the defense attorney and the prosecutor both get to tell their side of the story about what they think the client did or did not do. After listening to everyone tell their side of the story, the judge decides whether the facts told by the prosecutor or the defense attorney are true.

In the juvenile justice system, charges are determined to be true or not true instead of individuals being found guilty or not guilty like in an adult court. During the trial, the prosecutor must prove to the judge that the charges against the client are true beyond a reasonable doubt before guilt is established. This means that it is very clear that the client did commit a crime.

If the judge finds the client to be guilty (the charges are true), the case is usually continued to another day for the judge to make a disposition decision or what should happen to the client (a disposition hearing is similar to a sentencing hearing in adult court). The disposition decision is not always made immediately because the judge may require information about all aspects of the client's background, including prior offenses and personal history, before determining what corrective measures to take with the client.

There is no "tie" in a court case (although a plea agreement, which is talked about in Module 8, may be kind of like a tie). When there is no plea agreement, the judge will either decide that the client is innocent (the charges against you are not true) or that they are guilty (the charges against you are true). We will talk more about what will happen if the judge decides the charges against the client are true or not true in a later module.

Let the client know that due to the confidential nature of juvenile court, and if they are under the age of 14, it is unlikely that there will be spectators in the courtroom. Also, there will not be a jury, like they may have seen on T.V. Let them know that the judge will make the decisions about whether the charges against them are true or not true, and there will likely be very few people in the courtroom with them.

CHECK FOR UNDERSTANDING:

Adjudicatory hearing is another name for what?

What are some of the rights you have in your court case?

What does it mean if the Judge says that they think the charges against you are true?

What does it mean if the Judge thinks the charges are untrue?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following **PRACTICE EXERCISES**.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Know Your Rights Word Search (Client Workbook: Module 3 Content are B-C)

In this exercise, the client will find vocabulary terms that match the rights discussed in this section (e.g., lawyer, witness, subpoena, cross-examine) listed in a word puzzle and then match them to the correct definition.

Part II: Courtroom Personnel

A. People in the Courtroom

Remember that no matter what team people in the courtroom are on, they are each just trying to do their assigned job the best that they can.

Defense Attorney: A defense attorney is the attorney who is on your side and will help defend you in court.

What does the defense attorney do?

- The defense attorney represents and defends you in court.
- The job of the defense attorney is to get the best possible verdict for you, the accused. (Refer back to Module 2 for more detail).

Prosecutor: A prosecuting attorney's job is to protect members of the community from people who break the law.

Terms and Concepts:



Accused: The person accused of committing a crime.

Victim: The person that was hurt by a crime.

Judge: A public officer who is authorized (has permission) to hear and decide who is right, the accused or the victim, in a court case.

Probation Officer: An officer of the court that is in charge of your case throughout the court process. Like a police officer and case manager in one person.

Eyewitness: People who have seen something with their own eyes and can tell the judge what they saw.

Expert Witness: A person who because of education, training, special experience, or skill can give an official opinion on a fact or piece of evidence in a case to help the judge make a better decision about what to do with you.

Character Witness: A person who knows you (the accused) very well

What does the prosecutor do?

- The prosecutor is against you and your defense attorney.
- The job of the prosecuting attorney is to prove that the charges against you are true, and to get a punishment that protects the community and fairly reflects how serious the crime was. (Refer back to Module 2 for more detail).

Accused: The person accused of committing a crime. In this case, the accused refers to the client (accused is the juvenile court term for defendant, which is used in the adult court system). The judge may also refer to the accused as the minor or the juvenile. Make sure they understand that they are the accused in this situation.

What does the accused do?

- The accused works with their defense attorney to make sure that their side of the story is told accurately (truthfully) in order to help the judge make the best decision about their case.

Victim: The person that was hurt by a crime (sometimes there is more than one victim).

What does the victim do?

- The victim works with the prosecutor to make sure that their side of the story is told accurately in order to help the judge make the best decision about the case.

Judge: A public officer who is authorized (has permission) to hear and decide who is right, the accused or the victim, in a court case. The judge is neutral. This means that he or she does not take sides like the defense attorney and the prosecutor. The judge listens to both sides before he or she makes a decision about what should happen to you.

What does the judge do?

- The judge is in charge of everything in the courtroom and makes sure that everyone follows the rules of the court.
- He or she makes sure both sides are treated fairly.
- The judge makes the final decision about what will happen to you after they listen to both sides of the story. This is called the disposition (see page 14 for more about disposition).

Probation Officer: This person is responsible for your case throughout the whole juvenile court process.

What does the probation officer do?

- He or she helps the judge gather information about you and makes recommendations to the judge about what they should do with you if the charges against you are true or not true.
- The probation officer makes sure that you follow the judge's instructions outside of the courtroom, like going to counseling, doing community service, staying away from certain people or places, etc.

who can tell the judge all the good things about you.

Court Clerk: The worker who takes the official notes of what is said and done in the courtroom.

Bailiff: The police officer in the courtroom.

Witnesses: A witness is someone who comes to court and promises to the judge that they will tell the truth about what they know about your court case. There are many kinds of witnesses that might be part of your court case. Some are on your side, some are neutral (not on anyone's side), and some are on the prosecutor's side.

- *Eyewitnesses:* Are people who have seen something with their own eyes and can tell the judge what they saw. They can be on either team.
- *Expert Witnesses:* A person who, because of education, training, special experience, or skill, can give an official opinion on a fact or piece of evidence in a case to help the judge make a better decision. They can be on either team.
- *Character Witnesses:* A person who knows you (the accused) very well who can tell the judge things about you. They are on your team.

Court Clerk: The worker who takes the official notes of what is said and done in the courtroom. They are neutral like the judge.

What does the clerk do?

- The clerk collects, prepares, and keeps all of the paperwork that the judge needs to make a decision.

Bailiff: The police officer in the courtroom. They are neutral, like the judge, unless someone is behaving badly in the courtroom.

What does the bailiff do?

- The bailiff keeps the courtroom secure and everyone in it safe.
- The bailiff may also bring you to and from the courtroom, ask people to leave who should not be there, and help the judge make sure everyone is on their best behavior.

Others (depends on each case):

Guardian Ad Litem (GAL): An attorney appointed by a court to represent the "best interests of the child (juvenile)" or incompetent person during court proceedings. The GAL asks for what is in the child's best interest, for example, staying with grandma instead of mom. A Guardian Ad Litem is often also referred to as the accused's attorney but may or may not ask the Judge for what you want but rather what they think is best.

Caseworkers: Sometimes you (the accused) might already have a caseworker from another state agency like the Division of Services for People with Disabilities (DSPD), the Division of Substance Abuse and Mental Health (DSAMH), Division of Child and Family Services (DCFS), or Juvenile Justice Services (JJS). If you do already have other caseworkers, they may be asked to come to court to help the judge learn more about you and your situation so that the judge can make a better decision about how to help you. They are there to provide the judge with

information about your life, family, concerns, progress, and make recommendations regarding things that may help you, and what a fair punishment might be.

CHECK FOR UNDERSTANDING:

What is the difference between the accused and a victim?

What does a probation officer do?

Who is the policeman in the courtroom?

Whose side is a character witness on?

What is an eyewitness?

What does an expert witness do?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Who Does What? (Client Workbook: Module 3 Content Area Part II-A)

In this matching exercise, have the client participate in a paper version of the matching game in which the client matches the names of court personnel to that person's function. For example, the word "defense attorney" in the person column would be matched by drawing a line to the phrase "represents you in court" in the functions column.

Courtroom Staff (Client Workbook: Module 3 Content Area Part II-A)

Using a diagram of a typical juvenile court room, have the client place paper cut outs of the various people who will be in the courtroom in the proper place on the diagram and then discuss what each person does in the courtroom. [NOTE: instead of paper cut outs of figures you can use small round paper tokens that simply have the name of certain roles on them if that would be more appropriate for a client's maturity level.]

Term and Concepts:



Arraignment/pre-trial: A hearing before the judge where the juvenile can admit or deny the charges against them.

Petition: An official document that outlines what the juvenile is charged with doing and why the court should get involved.

Disposition: The judge's final decision about whether the charges against a juvenile are true or not true, and what should happen next (type of sentence or punishment).

Field Trip

If feasible, at some point in the attainment training take the juvenile on a guided tour of a courtroom. Show them where different people will sit and talk through the various roles that each person will play in the court process.

Role Playing

The trainer can pretend to take on various court personnel functions and the client can practice how they should respond. For example, the trainer can pretend to be the judge entering a mock courtroom, and expect that when the phrase “please rise” or “all rise” is heard, the client will stand up.

Part III: Juvenile Court Process

Overview

This section provides an overview of the general juvenile court process and what to expect during the arraignment, trial, and disposition portions of this process. Much of this material is covered in other modules in more detail, but this section is included to serve as a comprehensive review of the court process. You may or may not need to go over this section with every client.

A. The Preliminary Inquiry

Clients may be asked to participate in a voluntary preliminary inquiry. A preliminary inquiry is a meeting conducted by a court intake worker with a client, parent(s) or guardian, and a lawyer, if desired. The purpose of the meeting is for the court intake worker to gather information about the juvenile regarding their history, family, schooling, behavior, and so on. The intake worker uses this information to educate the judge and attorneys, and to make recommendations regarding punishment if the juvenile is found guilty. Sometimes, after the preliminary inquiry, the court worker may decide the juvenile does not have to see a judge, and the charge(s) can be taken care of informally.

Clients may be nervous about or not know what to expect during the preliminary inquiry. The following are some sample topics and questions that the intake officer *may* ask the juvenile or the parents about:

- *Family Profile:* This includes questions about the juvenile's siblings, parents, and their family relationships.
- *School:* The intake officer may ask the juvenile where s/he attends school, what programs s/he is involved in and his/her relationships with teachers, counselors and fellow students.
- *Goals and Aspirations:* The juvenile may be asked about future plans for school and work.

- *Peers:* This topic may cover questions such as how many close friends the juvenile has as well as activities his/her friends are involved in (Examples: Use of tobacco and/or alcohol).
- *Parental Questions:* The intake officer may also ask the parents questions about their behavior, past illnesses, or accidents.

B. Utah Courts Webpage on the Juvenile Court Process

The following section is available directly from the Utah Courts webpage at (<http://www.utcourts.gov/courts/juv/intro/trial.htm>) and may serve as a handout that you can print out for the client and/or their family to have as a quick reference.

ARRAIGNMENT/PRE-TRIAL

The arraignment or pre-trial conferences are hearings before the judge that will allow the juvenile to either admit or deny the allegations listed in the petition. This hearing is a meeting in court between the prosecuting attorney, who represents the State, and the accused and his/her defense attorney, if (s)he has an attorney, to decide how or if a trial will be conducted.

An arraignment is set after the County Attorney's Office (prosecutor) has reviewed the matter and determined that there is enough information to file charges that a juvenile committed a crime. The purpose of the "pre-trial" is so parties can meet and talk about whether a case can be worked out without a trial or if a trial is necessary. If a trial is necessary, issues that may come up during the trial can be talked about ahead of time at a pre-trial. The purpose of an arraignment is so the Judge can explain to a juvenile what they are charged with. The Judge will ask the juvenile if they want an attorney if they do not already have one. The juvenile can admit to the charges or can "enter a denial". If you enter a denial, it does not necessarily mean that you won't, at some point, want to admit you are guilty, it just means that you would like more information and a chance to come back at a later date.

After an arraignment, a pre-trial hearing is scheduled. At a pre-trial, defense attorneys and prosecutors can meet to discuss the case. This may be the first time the juvenile meets their attorney. During the pre-trial hearing, the Court advises the parent, guardian, or custodian of the minor's rights and of the authority of the Court in such cases.

WHAT HAPPENS NEXT?

It depends on whether the juvenile...

ADMITS to the Charges	DENIES the Charges
This is an acknowledgement of guilt for the actions. Next, the court will	If the juvenile denies the charge and pleads "Not True" to the allegations,

<p>issue a dispositional order which is an order of the juvenile court determining what is to be done with the juvenile following court proceedings. This process is comparable to sentencing in an adult court. Read the "Dispositional Hearing" section below for more details as to what the judge may order for the juvenile.</p>	<p>then a trial will be scheduled.</p>
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WHAT IS A PLEA BARGAIN? (this will be covered in more detail in Module 8)

Sometimes the juvenile can work a deal with the prosecutor. Let's say the juvenile broke two different windows and ended up with two charges for "criminal mischief." If the juvenile is lucky, the prosecutor may let the juvenile admit to one, and the other one will be dismissed. This way the juvenile ends up with only one charge on their record, and less hours of community service or other punishments. Sometimes the juvenile can do what's known as a "*plea in abeyance*." That means if the juvenile admits to the offense and does whatever the judge asks the juvenile to do (gets good grades, goes to a class about the juvenile court, and does community service hours, etc.), the juvenile can even get their charge dismissed after a certain amount of time.

If the juvenile enters into a plea bargain, the juvenile will still have to go see the judge, the judge has to agree to the terms of the plea bargain, and he or she may or may not give the juvenile additional requirements. The juvenile's judge or lawyer will ask the juvenile certain questions to make sure the juvenile understands the terms of the agreement and their rights. This will be recorded in court, so the juvenile has to speak clearly and answer out loud.

TRIAL

The trial is the stage where the prosecutor and the defense attorney present their evidence and witnesses in order to determine whether the juvenile has committed the offenses with which he/she has been charged. During the trial, the juvenile will be presented with the opportunity to testify on his/her own behalf (the accused does not have to testify unless he or she wants to do so), present witnesses, and question other witnesses. The juvenile has the right to an attorney. If the juvenile's family cannot afford an attorney, one will be appointed by the state. The juvenile's attorney has the potential to play an important role within juvenile court proceedings by acting as an advocate for the juvenile's interests as well as offering advice

concerning the legal options.

What to Expect: Unless the juvenile is age 14 or older and has been charged with a Class A misdemeanor or felony, only those with a direct interest in the case are allowed to attend. This is true for any delinquency hearing in juvenile court, not just a trial.

Typically, the trial will start with the judge explaining the purpose of the trial and the charges against the juvenile. The judge will then ask the defense attorney and the prosecutor to present their side of the story, one at a time. The attorneys may use witnesses, and both the judge and the attorneys on both sides may ask the witnesses to answer questions. The judge will always tell everyone whose turn it is to ask questions. After the judge has heard everything the defense attorney and prosecuting attorney have to say, and all of the witnesses have been heard, the judge may have a few more questions or comments to make. The trial will end when the judge tells you whether they think the charges against you are true or not true.

What happens next?

Charges are Proven NOT TRUE	Charges are Proven TRUE
If the charges brought against the juvenile are proven not true, the case will be dismissed. Although the record will show that a referral to court has been made, it will also indicate that the charges brought against the juvenile were found to be not true.	If the charges brought against the juvenile are proven to be true, the next step will then be the dispositional hearing , which is similar to sentencing in an adult court. The juvenile may appeal to the Court of Appeals within 30 days after the order has been entered.

DISPOSITION

The principle goal of a dispositional hearing is to protect the community while also serving the best interests of the juvenile. Thus, juvenile court emphasizes the balanced and restorative justice approach as opposed to simply punishing the offender.

Restorative justice recognizes three principles within the justice system, all of which must be emphasized equally: the victim, the offender, and the community. By focusing upon all three components, restorative justice attempts to heal the broken relationships resulting from a crime rather than simply disciplining the offender. In order to accomplish this goal, the victim, as well as community members, may be offered the opportunity to become involved in the juvenile’s rehabilitation through programs such as mediation.

If the charges brought against the juvenile were proven to be true, the probation department will provide the judge with a dispositional report

containing information gathered from the preliminary inquiry. Based on this information and the seriousness of the offense, the intake/probation worker will make sentencing recommendations. The prosecuting attorney, defense attorney, juvenile's parents, victim, and other people may also share information of requests regarding punishment with the Judge. Based on this information, the judge will make his or her decision concerning what to do next. Possible outcomes include (more detail about possible penalties can be found in Module 5):

1. Fines and fees.
2. Restitution to pay back the victim for any financial loss resulting from the crime.
3. That the juvenile's DNA, fingerprints, and photograph be taken.
4. Community service or participating in a special program.
5. Probation or protective supervision. Probation may involve restrictions concerning school, curfew, the possession of contraband, drugs, or weapons, as well as individualized supervision and intensive tracking.
6. Revoking or suspending the juvenile's driver's license.
7. Ordering detention time. Time stayed or served immediately. Time stayed means if the juvenile does what is ordered, s/he will not have to go to detention.
8. Removal from the home for placement in a foster home, group home, or residential facility.
9. Placement in a secure facility until their 21st birthday.

If a juvenile is being charged as an adult the potential consequences are the same as those an adult would face, specifically jail or prison.



STOP: Congratulations -- you have made it through all the Content Areas for Module 3. Please review Module 3 terms using the vocabulary card deck provided BEFORE proceeding to the post-test. Your deck for Module 3 will cover the following terms: *adversarial, adjudication, accused, victim, judge, probation officer, eyewitness, expert witness, character witness, court clerk, bailiff, arraignment/pre-trial, petition, and disposition.*



POST-TEST KNOWLEDGE ASSESSMENT

Please give the following post-test to your client after completing Module 3. If your client answers all of the questions correctly, you may move to Module 4. If your client does not answer all the questions correctly or completely, please return to the Content Area that relates to those questions. Remember that it is more important for the client to understand the main concepts of the material than to answer a certain number of questions correctly. Ultimately, it will be up to you to decide when your client is ready to move to the next module. If your client does not appear to

be gaining the knowledge despite repetition of material and your best efforts, please consult with your attainment coordinator before moving to the next module.

This is not a test and will not be graded! Reassure your client that answering these questions will help you understand how to help them better.

Instructions:

Ask each question *clearly* and *slowly* so your client understands what you are asking. You can repeat each question as many times as the client needs. Ask one question at a time and wait for the answer before moving to the next question.

After you read each question, direct your client to:

1. Tell you the answer out loud and/or
2. Write the answer in the space provided on the handout.

If your client does not know the answer, tell them it is OK. Remind them this is not a test. Reassure them that you will teach them the answer to the question later. Move on to the next question.

Repeat this process until you have given your client a chance to answer all the questions. If your client gives you an answer out of order, that is OK. Your client may return to previous questions at any time.

If the client misses questions, please work through the material in the module that addresses these questions. Continue to review the relevant sections in the module until either: 1) the client learns the material and answers the questions correctly, or 2) you decide that the client is not going to be able to learn the material. If you believe your client is not making gains, please consult with your attainment coordinator before moving to the next module.

POST-TEST KNOWLEDGE ASSESSMENT

1. What does it mean that the court uses a two-sided process?
2. Whose job is it to help you tell your story in the courtroom?
3. Who decides which side of a story is true in the courtroom?
4. Who is considered the accused in a court case?
5. Who is considered the victim in a court case?
6. Which attorney represents the victim in a court case?
7. What does the probation officer do?
8. What is decided during the arraignment or pre-trial?
9. What happens during a trial?

10. If the charges against you are proven to be “not true”, what will happen?
11. If the charges against you are proven to be “true”, what happens next?
12. During the disposition hearing, who decides what will happen to you?



ACCEPTABLE ANSWERS TO KNOWLEDGE QUESTIONS

Please use the following answers as a guide to determining whether your client has answered questions correctly and completely.

1. Any variation on the idea that the client’s attorney helps tell their story and that a prosecutor tells another side of the story to the judge, who decides which side of the story is most accurate.
2. My defense lawyer, my attorney, my lawyer, my defense attorney.
3. The judge.
4. I am, me, myself, the juvenile being charged, the person in trouble.
5. Any variation of the idea that the victim is the opposite of the accused and is the person(s) that were harmed by the client’s actions.
6. Prosecutor, prosecuting attorney, prosecuting lawyer, state lawyer/attorney, district attorney, DA.
7. Expressions that capture at least the main points of the following summary:
 - This person is responsible for my case throughout the whole juvenile court process.
 - He or she gathers information for the court about me and makes recommendations to the judge about what they should do with me if the charges against me are true.
 - The probation officer makes sure that I follow the judge’s instructions outside of the courtroom, like going to counseling, doing community service, staying away from certain people or places, etc.
8. Any variation on the idea that it is a time for the defense attorney and client to go before the judge to say whether the charges are true or not true. A trial is requested by a juvenile or the juvenile’s attorney.
9. The two sides, defense attorney and prosecutor, present (tell) their sides of the story and the judge decides if the charges against me are true or not true.
10. The judge will tell me what to do. I may be excused from court and not have to do anything else for the judge.
11. Any variation on the main ideas that: The probation officer will help the judge decide the best thing to do with me, which may include

things like paying fines, doing community service, being put in detention, or removed from my home to live somewhere else. The judge will decide what to do at the end of the trial or have me come back for a disposition hearing on another day to tell me what happens next.

12. The judge, who may or may not use the recommendations of the probation officer to decide what to do with me.



Module 4: What am I charged with? (Allegations)

Utah Code Ann. §78A-6-1302(7)(a) “*comprehend and appreciate the charges or allegations*”

Trainer Manual

MODULE 4 GOALS:

What are my charges and how serious are they?

What is evidence?

How is evidence used?



Remind your client this is not a test!

OVERVIEW

This is what you want to teach your client in Module 4:

1. What the charges/allegations against them mean and how the charges may sound different than what they actually did;
 2. The difference between different types of charges (for example, misdemeanors versus felonies);
 3. How to talk about and answer questions about their charges;
 4. That just because someone else says they did something does not necessarily mean they did it.
-

KNOWLEDGE ASSESSMENT

To find out what your client already knows about this area, you must ask them the following questions **BEFORE** you begin the module. To determine how much they learn, you will ask them the same questions after completing the module.

This is not a test and will not be graded! Reassure your client that answering these questions will help you understand how to help them better.

Ask each question *clearly* and *slowly* so your client understands what you are asking. You can repeat each question as many times as the client needs. Ask one question at a time and wait for the answer before moving to the next question.

After you read each question, direct your client to:

1. Tell you the answer out loud and/or
2. Write the answer in the space provided on the pre-test handout.

If your client does not know the answer, tell them it is OK. Remind them this is not a test. Reassure them that you will teach them the answer to the question later. Move on to the next question.

Repeat this process until you have given your client a chance to answer all the questions. If your client gives you an answer out of order or does not answer every single question correctly, that is OK. It is more important for the client to understand the main concepts of the material than to be able to



Please pay special attention to any accommodations your client may require for the knowledge, assessment, and presentation of material.

answer a certain number of questions correctly. Your client may return to previous questions at any time. When you decide the client has completed the module, please ask them the same questions again to document knowledge gain.

If the client misses questions, please work through the material in the module that addresses these questions. Continue to review the relevant sections in the module until either: 1) the client learns the material and answers the questions correctly, or 2) you have gone through the module three times and the client continues to provide incorrect and incomplete answers.

ASSESSMENT

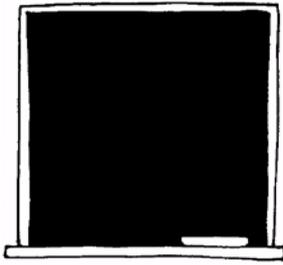
1. What are you charged with?
2. What is the legal name of your charges (for example, infraction versus felony)?
3. Is being charged with something the same as having done what you have been charged with? Why or why not?
4. Name the three main classifications of charges?
5. What is the difference between a misdemeanor and a felony?
6. What is the difference between a charge and an allegation?
7. If someone says you did something wrong, can your charges still be found “not true”?
8. If someone witnessed the alleged crime, are they a character witness or an eyewitness?
9. What does the word *evidence* mean?
10. Who collects evidence?
11. How does a prosecutor prove that you committed a crime?
12. Which is more severe, a felony or a misdemeanor?
13. Which misdemeanor is more severe, Class A or Class C?
14. If you were an adult, could you go to prison for a misdemeanor?

TEACHING INSTRUCTIONS

Step 1: Review your client’s responses against “Acceptable Answers to Knowledge Questions” at the end of this module to determine which answers are correct and which answers are incorrect or incomplete.

Step 2: Review your client’s responses with them.

Step 3: Show your client the questions they answered correctly and the ones they answered incorrectly or incompletely.



Review client responses with them.

Remind clients that questions they get wrong give you ideas about how to help them.

Use simplified language to teach concepts.

Assess your client's progress regularly with CHECK FOR UNDERSTANDING questions.

Use Practice Exercises to teach difficult concepts.

Work in brief segments.

Step 4: Reassure the client you will work together to teach them the correct answers to the questions they missed or need to know more about.

Step 5: Use the information presented below to teach your client about the areas they need to learn about. We recommend you use the simplified language presented below to explain the concepts because your client is more likely to understand the concepts if you explain them this way. If the language seems too simple for your client, you can use more sophisticated language to describe the concepts.

Step 6: After each segment of information, there is a CHECK FOR UNDERSTANDING box. Questions are provided so you can immediately assess if your client is learning the concepts. Use their answers to guide whether you move on or repeat material. If the client successfully completes the questions in the box, move on to the next Content Area.

Remember that it is more important for the client to demonstrate an understanding of the concepts addressed by each question than to answer every question correctly. If you feel the client has a good understanding of the concepts, they do not need to answer all or even a certain number of the questions correctly. The questions provided throughout the module are simply an attempt to evaluate how well the client understands the underlying concepts being presented. You will need to use your best judgment about whether the client is ready to move on if they have trouble with specific questions, but you believe that they understand the overall concept addressed by the questions.

Step 7: If the client continues to provide incorrect or incomplete answers after presentation of material, work through the recommended Practice Exercises.

Step 8: Re-check for understanding after the Practice Exercises.

Step 9: If the client persists in being unable to understand the information, note this and move to the next topic.

Step 10: You should work in seven to ten minute segments. After seven to ten minutes of presenting material and asking questions, provide the client with a brief break. Options include having a snack, stretching, doing a relaxation exercise, taking a short walk, enjoying some free conversation with you, and so forth.

CONTENT AREAS

For each Content Area, read the information to your client slowly and clearly. Immediately after giving them the information, ask the questions in the CHECK FOR UNDERSTANDING box. If the client gives you the correct answers for each of the questions, move to the next topic area.

For any incorrect or incomplete answers, review the material you just covered. After reviewing the related material one time, ask them the questions again. At this point, if they continue to have incorrect or

Terms and Concepts:



Charges: A written accusation charging that an individual named therein has committed an act or omitted to do something that is punishable by law.

Status Offense: An action that is prohibited only to a certain class of people, and most often applied to people under a certain age (e.g., being under 19 and having tobacco or under 21 for alcohol).

Infraction: A violation of an administrative regulation or an ordinance.

Misdemeanor: A criminal offense, which is less severe than a felony, and often is punishable by probation, fine, or imprisonment other than in a penitentiary. Misdemeanors are graded as Class A, B, or C misdemeanors, Class C misdemeanors being the most severe.

Felony: An offense more serious than a misdemeanor, often punishable by imprisonment for more

incomplete answers, move on to the practice exercises. When you have completed the Practice Exercises, ask them the questions in the CHECK FOR UNDERSTANDING box a final time. If they continue to have difficulties, note the sections they are struggling with and move to the next Content Area.

A. *Categories of Charges in the State of Utah*

You will be asked to describe your charges to your attorney, to the prosecutor, and the judge. Sometimes you will talk about your charges outside of court and sometimes you will be asked questions about your charges in court. You need to learn the name of your charges and what the police say you did that caused you to get these charges. This is a VERY IMPORTANT point: Even if you do not agree with the charges, you must be able to describe what you are charged with and why. Some crimes are considered more serious (“severe”) than others. For example, robbing a store with a gun is more serious than stealing a pack of gum. Here are some descriptions of some different kinds of crimes. Together with your trainer, you will learn more about the type of crime you were charged with.

Status Offenses are acts that are illegal for people who are of a certain age, but legal for everyone else. For example, if someone younger than 18 is out after a certain time of night, they are breaking curfew, which is illegal. But anyone over 18 can be out as late as they want without breaking the law.

Infractions are violations that are not very serious, like a speeding ticket. Infractions are less serious than misdemeanors and may not even be called a crime. An adult who commits an infraction cannot be sentenced to jail.

Misdemeanors are more serious than infractions, but less serious than felonies. Misdemeanors typically result in a heavier fine than what someone would pay if they committed an infraction or if sentenced to jail for a term that is less than a year. If a jail sentence is imposed, it is served at a local, city, or county jail rather than a state or federal prison. Misdemeanors are classified as Class A, B and C with Class A misdemeanors being the most severe.

Felonies are the most serious types of crimes. Punishment for felonies for adults is usually more than one year in prison. Felonies can be first, second, and third-degree. First-degree felonies are the most severe.

Felony charges can stay with you for the rest of your life. They can make it hard for you to get a job and things like loans and credit cards. You also lose some civil rights (your rights as a person) like the right to vote, run for a political office, own or use a gun, and join the military.

than one year (and in some cases death). Felonies are graded as first, second, and third degree, with first-degree felonies being the most severe.

Classification: The classification of a crime is based on the extent of punishment that can be given for committing it.



PRACTICE EXERCISES

CHECK FOR UNDERSTANDING:

What are you charged with?

What is the legal name of your charges (for example, infraction versus felony)?

Is being charged with something the same as having done what you have been charged with? Why or why not?

Name the three main classifications of charges?

What is the difference between a misdemeanor and a felony?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Charges and Penalties (Client Workbook: Module 4 Content Area A)

Using graphics, the trainer will draw a path between different types of crimes and probable penalties. The client will be able to see some of the probable penalties that could be imposed against them if they are convicted.

B. Allegations, Provability, and Evidence

Allegations

The prosecutor will make statements about what you have done, and try to prove them. These statements are called “allegations.”

Provability

If you are accused of a crime, the prosecutor has to prove you committed the crime. Being “accused” of the crime is not the same as the prosecutor proving you “did” the crime. This can be hard to understand. Let’s say there is a robbery at a 7-11 and someone in the store says that they think you are the person who robbed the store. The police could arrest you, but in order for these charges to be found “true”, the prosecutor would have to present enough evidence for a Judge to believe that you were the one who did the crime. They are not allowed to punish you just because someone says you did something wrong. Your attorney and the prosecutor would

Terms and Concepts:



Allegation: A statement of claimed fact contained in a complaint. Until each statement is proved, it is only an allegation. Some allegations are made "on information and belief" if the person making the statement is not sure of a fact.

Proof: The establishment of a fact by the use of evidence.

Provability: The capability of being demonstrated or logically proved.

Evidence: Anything tending to prove or disprove a disputed fact.

Material Evidence: Evidence which conduces to the proof or disproof of a relevant hypothesis.

talk about their evidence in court and the judge would have to decide whether he or she believed the evidence. Below is a description of what evidence is.

Evidence

The prosecutor, sometimes called the state, will generally use one or more of the following in their case as evidence:

- a. **Material Evidence:** Material evidence is something you can see, touch, or feel that helps the prosecutor connect you to the crime or helps your defense attorney explain why you did not commit the crime. For example, let's think about the 7-11 example. Let's say the store owner says someone stole a twelve-pack of beer, and you have a twelve-pack of beer in your backpack and you are in the store's parking lot. The prosecutor could try to use the twelve-pack in your backpack as "evidence" that links you to the crime. Other material evidence could be fingerprints, clothing, weapons and even a picture of you caught on a video or still camera in an attempt to win their case. Your defense attorney, however, might ask to see the store's video surveillance tapes, and perhaps an image of a different person stealing the beer would be found on the videotape. This would be evidence for the defense that could help you win your case. Your attorney could say you bought the beer legally at a different store before you even got to the 7-11, and that there was video evidence of a different person stealing the beer. The judge has to decide which evidence is better and stronger and make a decision about your case based on that evidence.
- b. **Witnesses:** A witness is someone who comes to court and promises to the judge they will tell the truth about what they know about what you did or did not do. There are many kinds of witnesses that might be part of your court case. Some are on your side, some are neutral (not on anyone's side), and some are on the prosecutor's side (see Module 2 for a detailed list and explanation of different kinds of witnesses).

CHECK FOR UNDERSTANDING:

What is the difference between a charge and an allegation?

If someone says you did something wrong, can your charges still be found "not true"?

If someone witnessed the alleged crime, are they a character witness or an eyewitness?

What does the word *evidence* mean?

Who collects evidence?

How does a prosecutor prove that you committed a crime?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Understanding Eyewitnesses (Client Workbook: Module 4 Content Area B)

The trainer will introduce the idea to the client that other people might have seen them commit the crime they are accused of, and that these people may be telling the police what they saw. The trainer will demonstrate what a witness is by engaging the client in a task and then leaving the room. The trainer will then peak around the door, look through the window, or use a mirror, and report back to the client what the client was doing. This exercise is to help the client understand that even if they are not aware that someone else is watching what they are doing, they still might be seen. They also could videotape the client without the client seeing them or take a photo, and then show the client that there can be photographic evidence of what the client was doing. The trainer needs to emphasize, however, that someone else's story – a witness story – is not always the same as the client's story. The trainer also will explain that there may be witnesses that can help the client such as character witnesses or other eyewitnesses. The trainer also can explain that eyewitnesses are not always accurate. They may have thought something was happening that was not or misconstrued what they saw.

Detective Work

To help the client understand that there may be material evidence (such as fingerprints or footprints) being used to prove the allegations against them, the trainer will use paint to demonstrate to the client that the client may have left a visual trail that police are using to try to prove their case. The trainer would ask the client to dip a finger into the (washable) finger paint and then lightly touch different objects in the room, visually demonstrating how fingerprints appear on what someone has touched. The trainer will need to explain to the client, of course, that the client did not leave painted fingerprints, but that the police have special tools they can use to detect natural fingerprints. Something similar could be done by laying butcher paper out on the floor and having clients step in the paint and then leave a

Terms and Concepts:



Serious: Having important or dangerous possible consequences.

Consequences: A result or effect of some previous occurrence.

Penalty: A punishment established by law or authority for a crime or offense.

Outcome: Something that follows from an action, dispute, situation, etc.; result; consequence.

footprint trail on the paper (only for juveniles without sensory impairments, those who may not understand without visual demonstration, and for trainers who do not mind a mess). Alternatively, the trainer may consider using a toy fingerprint kit.

C. *How serious are my charges? Understanding What Makes Something Serious.*

Appreciating Charges

You need to understand how serious your charges are. You need to understand what might happen to you if your charges are found to be “true.” If your charges are found to be true, your life will change in some ways. The more serious the crime, the more likely your penalty or punishment will change your life in a really big way. You need to understand that small crimes usually get small punishments, and bigger, more serious crimes get bigger, more serious punishments. If you think that stealing a pack of gum will land you in prison, then you do not really understand the seriousness of your crime. On the other hand, if you believe that hurting other people badly will result in a small fine, you probably don’t understand the seriousness of your charges. Many people are going to want you to be able to explain to them that you understand how serious your charges are. You will have to talk to your attorney, the prosecutor, and the judge about these things.

REMEMBER: You have to understand all of these things **EVEN IF** you do not agree with the charges against you. You still have to be able to explain how serious the crime is that the police and prosecutor say you committed.

The Seriousness of Different Offenses

Here is one way to try to understand the seriousness of the offense you have been charged with. Ask yourself, what category does it fall in? Is it an infraction, a misdemeanor, or a felony? If you imagine the seriousness of your offense to be like the score of a video game, then the more serious the offense, the higher the score. Infractions would get fewer points than misdemeanors, which would get fewer points than felonies. So, if we say that an infraction is like a score of 100 points and a felony is like a score of 1000 points, which is more serious? The infraction or the felony? Using this example, since 1000 is much higher than 100, the felony would be more serious. Does this make sense?

Another way to look at the seriousness of your offense would be to compare your offense to the seriousness of an illness. An infraction is like a runny nose; a misdemeanor is like a bad cold; and a felony is like a terrible case of the flu. The flu is much more serious than a simple runny nose in the same way that a felony is much more serious than an infraction.

There are many examples your trainer can come up with to help you understand this concept if you do not understand.

How serious is my alleged offense?

Now think about the offense you have been charged with. First, what category does it fall into, infraction, misdemeanor, or felony? Second, think about some other factors that tend to make crimes more serious. Things that make crimes more serious are when you hurt someone else (physically or sexually), use a weapon (like a gun), cause damage that costs a lot of money to fix, or do something that scares a lot of people and makes them feel unsafe even in their own neighborhood. Does your offense involve any of those things? If your answer is yes, then your offense is pretty serious. If your offense does not involve those things, it is probably less serious.

Sometimes someone commits a crime that is considered “not so serious” but they do it over and over and over again. If you do crimes a lot, even if they do not seem very serious, then your charges are considered more serious and the judge may decide to give you a heavier penalty.

Sometimes you believe that what you did is not really a “big deal” but the people around you believe it is. In some ways, it does not matter what you believe about your offense, it is what the law and society say about it. So if you think it is “no big deal” but the attorney, your family, the prosecutor, and the judge think it is a big deal, then it IS A BIG DEAL and you have to take it very seriously.

On a scale of 1 to 10, with 1 being “not serious at all” and 10 being “the most serious crime possible”, where would you say your offense falls? Circle the number below and then talk about your answer with your trainer.

Not serious									Most serious
1	2	3	4	5	6	7	8	9	10

CHECK FOR UNDERSTANDING:

Which is a more severe crime, a felony or a misdemeanor?

Which misdemeanor is more severe, Class A or Class C?

If you were an adult, could you go to prison for a misdemeanor?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material one time and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Judges Make Choices (Client Workbook: Module 4 Content Area C)

The trainer will show the client a “menu” of choices the judge has around consequences for the client. This could be in the form of a fast food board menu (like the McDonald’s drive thru), a restaurant menu, or even a dropdown menu on a computer screen. The possible punishments/consequences a client could receive would be on the menu, and further information could be read (or linked to) for each choice. In this way, the client would come to understand the wide range of choices the judge has in making decisions. The client also would understand that any of those choices could be made, regardless of the seriousness of the offense.

No Laughing Matter (Client Workbook: Module 4 Content Area C)

The trainer will show the client some age appropriate YouTube videos or movie clips that are funny and ones that are serious. Trainer and client will discuss that some things are funny, and other things are serious and should not be laughed at. The trainer will emphasize that their charges are serious, and that being silly or laughing about their charges is never appropriate.

Weights and Measures (Client Workbook: Module 4 Content Area C)

Using the concept of a balance, the trainer will demonstrate to the client that some things have more “weight” than others, and that things with more weight are more serious. Using a virtual balance and objects, and starting with concrete items, the client will see that a feather has less weight than a quarter, for example, and that we can detect the weight difference by inspecting the tilt of the balance. Of course, whatever side dips the farthest has the object with the greatest weight. The client will practice clicking and dragging different items onto the virtual balance to measure the weight of different objects. Then the trainer will guide the client through an exercise of putting different kinds of charges onto the balance and watching the tilt of the balance depending on the weight or seriousness of the charges. The more the balance tilts, the more serious the charges. Using this exercise, the client will be able to “measure” the seriousness of the allegations against them.

Keep Pouring (Client Workbook: Module 4 Content Area C)

This exercise is designed to be used with clients that may need a more concrete demonstration of the “weight” of an offense. This demonstration is started by using two bottles of water. Explain to the client that the large bottle represents the criminal offense and the small bottle represents the seriousness of the consequences. The trainer will start with a simple

example and ask the client to start pouring the water from the large bottle into the smaller one. If you stole a car, how heavy is the weight of the smaller bottle? Keep pouring...If you stole a car and hit an animal (dog/cat), now how heavy is the consequence? Keep pouring...If you stole a car and caused an accident, how heavy is it now? Keep pouring...If you stole a car and injured or killed another person, is this the heaviest of consequences? Discuss with the client that stealing a car has one consequence but the punishment also will be determined by what happened after you stole the car. This experiment can be used for a variety of different offenses.



STOP: Congratulations -- you have made it through all the Content Areas for Module 4. Please review Module 4 terms using the vocabulary card deck provided BEFORE proceeding to the post-test. Your deck for Module 4 will cover the following terms: *charges, status offense, infraction, misdemeanor, felony, classification, allegation, proof, provability, evidence, material evidence, serious, consequences, penalty, and outcomes.*



POST-TEST KNOWLEDGE ASSESSMENT

Please give the following post-test to your client after completing Module 4. If your client answers all of the questions correctly, you may move to Module 5. If your client does not answer all the questions correctly or completely, please return to the content area that relates to those questions. Remember that it is more important for the client to understand the main concepts of the material than to answer a certain number of questions correctly. Ultimately, it will be up to you to decide when your client is ready to move to the next module. If your client does not appear to be gaining the knowledge, despite repetition of material and your best efforts, please consult with your attainment supervisor before moving to the next module.

This is not a test and will not be graded! Reassure your client that answering these questions will help you understand how to help them better.

Instructions:

Ask each question *clearly* and *slowly* so your client understands what you are asking. You can repeat each question as many times as the client needs. Ask one question at a time and wait for the answer before moving to the next question.

After you read each question, direct your client to:

1. Tell you the answer out loud and/or

2. Write the answer in the space provided on the handout.

If your client does not know the answer, tell them it is OK. Remind them this is not a test. Reassure them that you will teach them the answer to the question later. Move on to the next question.

Repeat this process until you have given your client a chance to answer all the questions. If your client gives you an answer out of order, that is OK. Your client may return to previous questions at any time.

If the client misses questions, please work through the material in the module that addresses these questions. Continue to review the relevant sections in the module until either: 1) the client learns the material and answers the questions correctly, or 2) you decide that the client is not going to be able to learn the material. If you believe your client is not making gains, please consult with your attainment supervisor before moving to the next module.

Post-Test ASSESSMENT

1. What are you charged with?
 2. What is the legal name of your charges (for example, infraction versus felony)?
 3. Is being charged with something the same as having done what you have been charged with? Why or why not?
 4. Name the three main classifications of charges?
 5. What is the difference between a misdemeanor and a felony?
 6. What is the difference between a charge and an allegation?
 7. If someone says you did something wrong, can your charges still be found “not true”?
 8. If someone witnessed the alleged crime, are they a character witness or an eyewitness?
 9. What does the word *evidence* mean?
 10. Who collects evidence?
 11. How does a prosecutor prove that you committed a crime?
 12. Which is more severe, a felony or a misdemeanor?
 13. Which misdemeanor is more severe, Class A or Class C?
 14. If you were an adult, could you go to prison for a misdemeanor?
-



ACCEPTABLE ANSWERS TO KNOWLEDGE QUESTIONS:

Please use the following answers as a guide to determining whether your client has answered questions correctly and completely.

1. This is an individualized response.
2. This is an individualized response.
3. No. Sometimes someone can be charged with something that they did not do. They will have a chance to prove they did not do what they are charged with in court. Or sometimes, even if you did commit the offense, the prosecutor will not have enough evidence for a judge to believe you are guilty.
4. Infractions, misdemeanors, felonies.
5. A misdemeanor is less serious of a charge than a felony. If your charges are found to be true, one of the things a judge will consider, when deciding your punishment, is whether your charges were a misdemeanor, which has a lighter punishment than a felony.
6. A charge is a written accusation stating that an individual has committed an act that is punishable by law. An allegation is a statement of claimed fact contained in a complaint and is made by the prosecutor or victim.
7. Yes, the charges against you have to be proven with evidence to be true before you can be punished.
8. Eyewitness.
9. Anything tending to prove or disprove a disputed fact. For example, a videotape of a crime or fingerprints at a crime scene.
10. The police and the prosecutor.
11. By finding evidence that shows I committed a crime.
12. Felony.
13. Class A.
14. Yes.



Module 5: What could happen to me?

Utah Code Ann. §78A-6-1302(7)(c) “*comprehend and appreciate the range and nature of possible penalties, if applicable, that may be imposed in the proceedings against the minor.*”

Trainer Manual

MODULE 5 GOALS:

What could happen to them if the charges against them are found to be “true”.

Reasons punishments (penalties) might be shorter and less severe.

Reasons punishments (penalties) might be longer or more severe.

How some penalties are more serious than others.

How different penalties will affect their life.



Remind your client this is not a test!

OVERVIEW

This is what you want to teach your client in Module 5:

1. The possible consequences (or “punishment”) they could face if the judge decides that the case against them is true.
2. Their defense attorney does not know what the penalty will be, but might have an educated guess based on their experience.
3. The types of penalties that youth tend to receive for breaking the law.
4. Factors in the situation that might persuade the judge to give either a lighter or harsher sentence than a person might expect based on the charges.

KNOWLEDGE ASSESSMENT

To find out what your client already knows about this area, you must ask them the following questions **BEFORE** you begin the module. To determine how much they learn, you will ask them the same questions after completing the module.

This is not a test and will not be graded! Reassure your client that answering these questions will help you understand how to help them better.

Ask each question *clearly* and *slowly* so your client understands what you are asking. You can repeat each question as many times as the client needs. Ask one question at a time and wait for the answer before moving to the next question.

After you read each question, direct your client to:

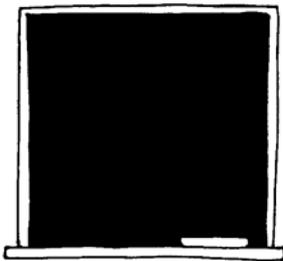
1. Tell you the answer out loud and/or
2. Write the answer in the space provided on the pre-test handout.

If your client does not know the answer, tell them it is OK. Remind them this is not a test. Reassure them that you will teach them the answer to the question later. Move on to the next question.

Repeat this process until you have given your client a chance to answer all the questions. If your client gives you an answer out of order or does not



Please pay special attention to any accommodations your client may require for the knowledge, assessment, and presentation of material.



Review client responses with them.

Remind clients that questions they get wrong give you ideas about how to help them.

Use simplified language to teach concepts.

Assess your client's progress regularly with CHECK FOR UNDERSTANDING questions.

Use Practice Exercises to teach difficult concepts.

answer every single question correctly, that is OK. It is more important for the client to understand the main concepts of the material than to be able to answer a certain number of questions correctly. Your client may return to previous questions at any time. When you decide the client has completed the module, please ask them the same questions again to document knowledge gain.

If the client misses questions, please work through the material in the module that addresses these questions. Continue to review the relevant sections in the module until either: 1) the client learns the material and answers the questions correctly, or 2) you have gone through the module three times and the client continues to provide incorrect and incomplete answers.

ASSESSMENT

1. What does it mean to be sentenced?
2. How are penalties (punishments) determined?
3. What does it mean to be placed in a secure facility?
4. What does it mean to be on probation?
5. Who makes restitution to the victim?
6. How is the amount of a fine determined?
7. Where can you complete community service?
8. What does *mitigating circumstances* mean?
9. What types of things qualify as mitigating circumstances?
10. How do mitigating circumstances affect sentencing?
11. What does *aggravating factors* mean?
12. Which types of things count as aggravating factors?
13. What impact do aggravating factors have on sentencing?
14. How would different penalties affect my life?

TEACHING INSTRUCTIONS

Step 1: Review your client's responses against "Acceptable Answers to Knowledge Questions" listed below to determine which answers are correct and which answers are incorrect or incomplete.

Step 2: Review your client's responses with them.

Step 3: Show your client the questions they answered correctly and the ones they answered incorrectly or incompletely.

Step 4: Reassure the client you will work together to teach them the

Work in brief segments.

Terms and Concepts:



Aggravating Factors:

These are negative factors, circumstances, or past behaviors that may lengthen a sentence, such as repeated offenses.

Detention: Locked detention provides short-term locked confinement for delinquent youth awaiting adjudication, placement, or serving a sentence as ordered by a juvenile court judge.

Locked detention is designed to provide short-term control of youth who pose an immediate danger to themselves or others.

Home Detention:

Delinquent youth can be confined at home as an alternative to locked detention if they are not a danger to themselves or the community, not a serious offender, and a juvenile court judge orders them to home detention.

Expungement: The purging and sealing of an arrest record and/or a juvenile record.

correct answers to the questions they missed or need to know more about.

Step 5: Use the information presented below to teach your client about the areas they need to learn about. We recommend you use the simplified language presented below to explain the concepts because your client is more likely to understand the concepts if you explain them this way. If the language seems too simple for your client, you can use more sophisticated language to describe the concepts.

Step 6: After each segment of information, there is a CHECK FOR UNDERSTANDING box. Questions are provided so you can immediately assess if your client is learning the concepts. Use their answers to guide whether you move on or repeat material. If the client successfully completes the questions in the box, move on to the next Content Area. Remember that it is more important for the client to demonstrate an understanding of the concepts addressed by each question than to answer every question correctly. If you feel the client has a good understanding of the concepts, they do not need to answer all or even a certain number of the questions correctly. The questions provided throughout the module are simply an attempt to evaluate how well the client understands the underlying concepts being presented. You will need to use your best judgment about whether the client is ready to move on if they have trouble with specific questions, but you believe that they understand the overall concept addressed by the questions.

Step 7: If the client continues to provide incorrect or incomplete answers after presentation of material, work through the recommended Practice Exercises.

Step 8: Re-check for understanding after the Practice Exercises.

Step 9: If the client persists in being unable to understand the information, note this and move to the next topic.

Step 10: You should work in seven to ten minute segments. After seven to ten minutes of presenting material and asking questions, provide the client with a brief break. Options include having a snack, stretching, doing a relaxation exercise, taking a short walk, enjoying some free conversation with you, and so forth.

CONTENT AREAS

For each Content Area, read the information to your client slowly and clearly. Immediately after giving them the information, ask the questions in the CHECK FOR UNDERSTANDING box. If the client gives you the correct answers for each of the questions, move to the next topic area.

For any incorrect or incomplete answers, review the material you just covered. After reviewing the related material one time, ask them the questions again. At this point, if they continue to have incorrect or incomplete answers, move on to the Practice Exercises. When you have

Fine: The amount a juvenile must pay as a consequence for the offense committed. The fine amount includes surcharges and the court security fee.

completed the Practice Exercises, ask them the questions in the CHECK FOR UNDERSTANDING box a final time. If they continue to have difficulties, note these sections they are struggling with and move to the next Content Area.

A. What does it mean to be sentenced?

The juvenile court judge will determine the disposition, sentence, or punishment, including penalties and victim restitution, if the charges against the client are found to be true. The goal of punishment is to motivate clients not to repeat their crimes in the future to avoid additional punishment.

B. What are the possible penalties/punishments?

Does everyone who commits the same offense receive the same penalty? People who are charged with the same crime may be offered and receive different sentences. Utah provides judges with juvenile sentencing guidelines for crimes, but other things may positively (shorten) or negatively (lengthen) influence the sentence the client will receive, including whether any crimes were committed in the past, how severe the crime is, and other mitigating circumstances and aggravating factors. Mitigating circumstances and aggravating factors will be discussed in this module after the range of possible penalties.

CHECK FOR UNDERSTANDING:

Everyone who commits the same offense gets the same sentence. True or False?

Utah has sentencing guidelines. True or False?

What sorts of things influence a person's sentence?

Do these things make the penalties lighter or more severe?

→ If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.

→ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Terms and Concepts:



Mitigating

Circumstances: These are positive circumstances or behaviors that may lighten a sentence, such as voluntarily seeking treatment or paying restitution to the victim.

Probation: A sentence where youth are released to their parent's custody, but are subject to certain conditions of behavior stipulated by the juvenile court, and under the supervision of a probation officer.

Probation Revocation: Taking away youth's probation status because of their non-compliance with the law or court stipulations. May face being placed in a secure facility.

Restitution to the Victim: This is a payment ordered by the court to restore goods or money to the victim of a crime by the offender. Victims may have suffered financial loss, medical expenses, lost wages, stolen or damaged property,

You be the Judge (Client Workbook: Module 5 Content Area A-B)

You will ask the client to pretend to be a judge who is making a decision about a penalty. You will describe some hypothetical cases and the client acting as the judge will deliver a "penalty." You and your client can discuss whether the penalty is realistic based on the seriousness of the alleged crime.

C. What are some of the possible penalties?

The range of possible penalties include:

Secure Facility Placement: This means being placed in a training school or other juvenile facility, under locked confinement, where inmates may not leave without permission. This is the juvenile court equivalent to prison. This means you will not be able to come and go as you please. You will live at the facility and follow the rules set by the people who run the facility. Usually placements last for a year or more and must involve education and services to help you find a job when you have finished your time. You could be held in a secure facility until your 21st birthday, depending on the seriousness of the offense and your progress while in the facility. Youth Parole will decide when a youth can be released. Each person must complete a treatment plan and victim restitution if it is ordered by the court.

Community Placement: You would be placed in a program in the community that would require you live there, but you would not be locked up. You might go to a proctor home, wilderness program, substance abuse group home, sex offender treatment program/home, or a school where you go and live that is not near your house. You would live and stay there until the judge decided you could leave because you were finished with treatment.

State Supervision/Probation: You will likely live where you are currently living (unless you are homeless) but you will have a probation officer who will be checking on you regularly to make sure you are doing what you are supposed to be doing. You would have a curfew, rules about who you can have contact with, your school attendance would be monitored, your room could be searched, and drug tests may be randomly conducted. If you violate the terms of your probation, you could be placed in the detention center, charged with a new offense, and brought back to the judge to determine if a harsher disposition/sentence needs to be made.

Restitution to the Victim: If the judge decides your charges are true, and your crime is against another person, then you might be asked to pay back the person who you committed a crime against. You might have to pay that person money, for example, or return anything to them that you stole. You may also be ordered to write a letter of apology to the victim.

physical injuries, and emotional trauma as a result of the crime.

Secure Facility: Long-term locked confinement facilities for serious and habitual delinquent youth, similar to adult prisons. They physically restrict the movements and activities of juveniles, but must offer educational and vocational services.

Proctor Home: A foster home for youth in the custody of the Juvenile Justice System or Division of Child and Family Services.

Fines: When you have to pay money to the court for any crimes you have committed.

Curfew: This means that the client must be at home or leave the streets by a certain hour.

Revocation or Suspension of a Driver's License: If you have a driver's license, the judge may decide to take it away from you, or if you do not have a license, they may prohibit you from getting one when you turn 16. If this happens, you will not be allowed to drive until you get your license back.

Community Service: A judge might order you to work in the community to help other people, to make up for what you have done wrong. Because your crime hurt someone, the belief is that you must make it up to them by helping them/the community in some way. You do not get paid for community service.

Counseling and/or Substance Abuse Treatment: The court may order treatment and/or counseling if they feel you would benefit from therapy or drug and alcohol counseling.

Detention Facility: The judge can order you into a detention facility for up to 30 days, either until your out of home placement is available or as a punishment for the offense.

DNA and Fingerprinting: For certain levels of offense, the judge will order that your DNA, fingerprints, and photograph be taken and kept to compare against DNA and fingerprints found in other crimes.

CHECK FOR UNDERSTANDING:

What does it mean to be placed in a secure facility?

What does it mean to be on probation?

What is victim restitution?

Are fines the same for every offense?

Where can community service be done?

➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.

➔ If your client continues to give incomplete and/or incorrect answers, please do the following **PRACTICE EXERCISES**.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Penalties- Could this Happen to Me?(Client Workbook: Module 5 Content Area C)

You will present your client with examples of different kinds of penalties. Some will be realistic, others will not. The client will reply “true” or “false” to each possible penalty. If incorrect, you will help them understand why the penalty is not realistic. For example, the list of possible penalties could read: jail time, banishment, placement in a secure facility, loss of bus pass, fines, community service, and so on.

D. What does mitigating circumstances mean? What behaviors do you think might favorably influence the court?

Mitigating Circumstances (UT Juvenile Sentencing Guidelines www.sentencing.utah.gov/Guidelines/Juvenile/JuvenileManual2004.pdf)
As was discussed in Module 4, the judge considers the seriousness of your offense when deciding your punishment. Depending on the level of the offense, the punishment may be more or less serious. After considering the level of the offense, the judge can consider other factors to decide if your punishment should be less serious than your offense calls for or more serious. Mitigating circumstances are things you have done or situations that persuade a judge that your punishment should not be harsh. These are some examples of mitigating circumstances:

Significant Improvement Since the Offense: You are doing better since your alleged crime. Perhaps you have gone into counseling or paid back money to your victim.

Physical/Mental Impairment: You have a problem with how you think, or your ability to move and act, which made the judge more likely to give you a lighter sentence.

Limited Adjudication History: No history or little history of involvement with the legal system.

Age and Maturity of Offender: The judge may decide that your age and what you have experienced in life made it more likely that you would commit a crime.

Current Status: You are currently in treatment or on probation.

Treatment Needs Exceed Need for Punishment: It would be better for you and the people who have been hurt by your crime if you receive treatment (such as counseling) rather than punishment.

CHECK FOR UNDERSTANDING:

What are some ways that a person might show improvement to the court that could change sentencing?

A person's intellectual or cognitive disability may influence the sentence. True or False?

A person who has never been arrested, or there has been a long time since the last arrest may receive a lighter sentence. True or False?

E. Which behaviors might have a negative influence on the court?

Just as there are positive behaviors that may lighten a sentence, negative behaviors or factors may increase a sentence. What do aggravating factors mean?

Aggravating Factors (UT Juvenile Sentencing Guidelines www.sentencing.utah.gov/Guidelines/Juvenile/JuvenileManual2004.pdf)

Sometimes you have done something in your past, or since your charges, that makes the judge decide to give you a stronger penalty. For example:

Impact of Offense on the Victim and Community: There are different ways your crime might affect other people. If you acted in a way that was especially mean and cruel, the judge might want to give you a stronger punishment. You might have caused great physical or emotional damage to a victim or stolen a large sum of money. You might even have already committed a crime against this person in the past. All of these things may make it more likely that the judge judges you more harshly and may give you a more serious punishment/penalty.

Prior Violent Delinquent Conduct: You have committed crimes and been violent in the past.

Substantial Adjudication History: You have committed the same crime multiple times in the past or just many other crimes even if they are not the same ones.

Need for Out-of-Home Treatment: You would be better off living somewhere other than where you are currently living, and the best place for you is a treatment program.

Need for Secure Confinement: You are considered dangerous, and to protect others, the judge decides to put you into a locked facility.

Lack of Remorse: You are not taking your crimes seriously. You do not appear to feel bad about what you did.

Supervision to Monitor Restitution: You have not completed your

restitution and the judge wants to have someone keep watch over you until your “debt to society” is repaid.

Lack of Amenability with Lesser Sanctions: You might have violated your treatment plan or probation in the past, which might mean the judge will decide to give you a more severe penalty/punishment.

Lack of Attendance or Participation in Educational Programs: When you have been in less restricted environments, you have not done what you have needed to do.

Gang Involvement: You belong to a gang that has a negative influence on the community.

CHECK FOR UNDERSTANDING:

What does it mean to be placed in a secure facility?

What does it mean to be on probation?

What is victim restitution?

Are fines the same for every offense?

Where can community service be done?

F. Seriousness of Penalties

The Seriousness of Different Penalties

- **Secure Facilities:** This is the most serious penalty. It means being placed in a juvenile facility, underlocked confinement, where inmates may not leave without permission, similar to an adult prison. Usually placements are long-term and must involve education and vocational services. Rather than the judge determining when you will be released, the Youth Parole conducts regular reviews and determines when youth can be released. Each person must complete a treatment plan and complete court ordered victim restitution.
 - **Community Placement:** This sentence is less intrusive and usually involves a variety of services. There are various alternatives including proctor homes, wilderness programs, boarding schools that specialize in delinquent youth, sex offender treatment group homes, and substance abuse treatment group homes.
 - **Fines:** The amount is set by statute and/or the Juvenile Court Fine Schedule as a consequence for the offense committed. The fine amount includes surcharges and Court security fee.
-



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Weights and Measures (Client Workbook: Module 5 Content Area F)

You will demonstrate to the client that some things have more “weight” than others, and that things with more weight are more serious. Using a virtual balance and objects (or a real balance if available), and starting with concrete items, the client will see that a feather has less weight than a quarter, for example, and that we can detect the weight difference by inspecting the tilt of the balance. Of course, whatever side dips the farthest has the object with the greatest weight. The client will practice clicking and dragging different items onto the virtual balance to measure the weight of different objects. Then the trainer will guide the client through an exercise of putting different kinds of penalties onto the balance and watching the tilt of the balance, depending on the weight or seriousness of the penalties. The more the balance tilts, the more the penalty will affect the client’s life. Using this exercise, the client will be able to “measure” the seriousness/severity of the penalty the judge could give them.

Frequently Asked Questions and Answers

How would different penalties affect my life?

1. Would it change where I live? If you are on probation, you may still live in the same place. If you are in a secure facility, wilderness camp, group or proctor home, it would be a different place.
2. Would it change what I do and whom my friends are? If you are in a locked secure facility, you may not leave to see your friends. You will receive educational or vocational services. Probation and other programs will also have the ability to restrict who you see, contact, and spend time with.
3. Would it mean I am living behind a fence and behind locked doors? It depends on where you are ordered to live. If it is in a secure facility you would be behind locked doors and fenced grounds. You would not be able to leave without permission.
4. Would it mean I have to give my allowance to the person I hurt until it is paid off? If you are ordered to pay victim restitution, you need to pay the full amount to compensate for the damage or hurt that your actions caused.
5. Will it affect my driver’s license? Utah Code states that all driving privileges of a minor may be immediately suspended upon receipt of an

order to do so. This order will be issued upon the conviction or adjudication of any one of a number of assorted offenses, such as drug-related offenses, driving under the influence, automobile homicide, discharging a firearm from a motor vehicle, or using an incendiary device from a vehicle. In these situations, the relevant authority shall choose to: (1) impose a suspension of the license for a period of one year; (2) if the person has not been issued an operator license, deny the person's application for a license or learner's permit for a period of one year; or (3) if the person is under the age of eligibility for a driver license, deny the person's application for a license or learner's permit beginning on the date of conviction and continuing for one year beginning on the date of eligibility for a driver license. Upon receipt of a second or subsequent order suspending a person's driving privileges, the government shall: (1) impose a suspension for a period of two years; or (2) if the person has not been issued an operator license or is under the age of eligibility for a driver license, deny the person's application for a license or learner's permit for a period of two years. However, upon demonstration of undue hardship, the government may grant limited driving privileges for employment purposes to individuals. This relief is available only once.

6. May my record be expunged or erased? In order to have a juvenile record expunged, one year must have elapsed since the juvenile court has terminated jurisdiction over the juvenile. Typically, a youth must also be 18 years old before they are eligible for expungement. All fines, fees, and restitution must have been paid and the juvenile must not have an adult criminal record within one year's time. [Expungement forms](#) are available on the court's website.



STOP: Congratulations -- you have made it through all the Content Areas for Module 5. Please review Module 5 terms using the vocabulary card deck provided BEFORE proceeding to the post-test. Your deck for Module 5 will cover the following terms: *attorney*, *charges are "true"*, *charges are "not true"*, *defense attorney*, *prosecutor*, *district attorney*, *county attorney*, *attorney client privilege*, and *lawyer*.

POST-TEST KNOWLEDGE ASSESSMENT

Please give the following post-test to your client after completing Module 5. If your client answers all of the questions correctly, you may move to Module 6. If your client does not answer all the questions correctly or completely, please return to the Content Area that relates to those questions. Remember that it is more important for the client to understand the main concepts of the material than to answer a certain number of questions correctly. Ultimately, it will be up to you to decide when your client is ready to move to the next module. If your client does not appear to



be gaining the knowledge, despite repetition of material and your best efforts, please consult with your attainment coordinator before moving to the next module.

This is not a test and will not be graded! Reassure your client that answering these questions will help you understand how to help them better.

Instructions:

Ask each question *clearly* and *slowly* so your client understands what you are asking. You can repeat each question as many times as the client needs. Ask one question at a time and wait for the answer before moving to the next question.

After you read each question, direct your client to:

1. Tell you the answer out loud and/or
2. Write the answer in the space provided on the handout.

If your client does not know the answer, tell them it is OK. Remind them this is not a test. Reassure them that you will teach them the answer to the question later. Move on to the next question.

Repeat this process until you have given your client a chance to answer all the questions. If your client gives you an answer out of order, that is OK. Your client may return to previous questions at any time.

If the client misses questions, please work through the material in the module that addresses these questions. Continue to review the relevant sections in the module until either: 1) the client learns the material and answers the questions correctly, or 2) you decide that the client is not going to be able to learn the material. If you believe your client is not making gains, please consult with your attainment coordinator before moving to the next module.

Post-Test ASSESSMENT

1. What does it mean to be sentenced?
2. How are penalties (punishments) determined?
3. What does it mean to be placed in a secure facility?
4. What does it mean to be on probation?
5. Who makes restitution to the victim?
6. How is the amount of a fine determined?
7. Where can you complete community service?
8. What does *mitigating circumstances* mean?
9. What types of things qualify as mitigating circumstances?

10. How do mitigating circumstances affect sentencing?
11. What does *aggravating factors* mean?
12. Which types of things count as aggravating factors?
13. What impact do aggravating factors have on sentencing?
14. How would different penalties affect my life?



ACCEPTABLE ANSWERS TO KNOWLEDGE QUESTIONS:

Please use the following answers as a guide to determine whether your client has answered questions correctly and completely.

1. A juvenile court judge determines the sentence or punishment for the offense, including penalties and victim restitution, when found guilty.
2. There are sentencing guidelines, but other things positively or negatively influence the sentence, including whether any crimes were committed in the past, how severe the crime is, and other mitigating circumstances and aggravating factors.
3. This means being placed in a training school or facility under locked confinement where inmates may not leave without permission.
4. This means there are restrictions which could include school, curfew, illegal items, drugs, or weapons. There is also supervision and tracking.
5. The offender or person that caused the financial loss, or physical or emotional injury, is ordered by the court to restore goods or money to the victim of the crime.
6. The amount is set by law and/or the Juvenile Court Fine Schedule for every offense. The fine amount includes surcharges and Court security fees.
7. Possible sites for community service hours include not-for-profit agencies, schools, parks, libraries, hospitals, substance abuse programs, homeless shelters, and nursing homes. Community service hours may not be done at home.
8. Mitigating circumstances are situations or behaviors that reflect favorably on the person.
9. They include significant improvement since the offense, physical/mental impairment, limited offense history, age and maturity of offender, currently in an appropriate level of treatment or supervision, treatment need exceed need for punishment.
10. They may lighten or shorten the sentence.

11. Aggravating factors may increase the seriousness of the offense with a heavier sentence than the guidelines recommend.
12. These include prior offenses (more increase the seriousness), weapon use, heinous nature of the crime, injuries, and threats to victims or witnesses, offender's callousness and cruelty shock the conscience of the court; offense involved substantial monetary loss; offender caused substantial physical or psychological injury to the victim; offender has offended against current victim on prior occasions; or the offender knew or should have known that the victim was particularly vulnerable; prior violent delinquent conduct; substantial offense history; need for out-of-home treatment; offender presents a danger to the community that requires secure confinement; lack of remorse; supervision to monitor restitution; lack of cooperation with lesser sanctions; lack of attendance or participation in educational programs; and gang involvement.
13. They increase the seriousness of the offense with a heavier or longer sentence than the guidelines recommend.
14. If you are on probation, you may still live in the same place. If you are in a secure facility, wilderness camp, group or proctor home, it would be a different place. Being placed in secure detention means no longer living at home, going where you want, and doing the things you enjoy.



Module 6: My Side of the Story

Utah Code Ann. §78A-6-1302(7)(b) “disclose to counsel pertinent facts, events, or states of mind”; Utah Code Ann. §78A-6-1302(7)(g) “testify relevantly, if applicable”

Trainer Manual

MODULE 6 GOALS:

For the client to be able to tell their story from beginning to end with clarity and consistency.

OVERVIEW

This is what you want to teach your client in Module 6:

1. How to put the different pieces of their story together in the correct order.
2. The difference between fact and fiction, so they can focus on the facts of their story.
3. The basic features of a story: the order of things, i.e., the beginning, middle, and end. The content: characters, timeframe, actions, locations, events, etc.
4. The difference between their own underlying thoughts, feelings, and interpretations of events.
5. Remind the client that the most important person to tell their story to is their defense attorney. If someone asks them to tell their story, they need to make sure that their attorney is with them.

[**NOTE:** You may have clients who insist that they have no story because “nothing happened.” Even when the client states this, there is still a story to tell , *the story of what did not happen.*]



Remind your client this is not a test!

KNOWLEDGE ASSESSMENT

To find out what your client already knows about this area, you must ask them the following questions **BEFORE** you begin the module. To determine how much they learn, you will ask them the same questions after completing the module.

This is not a test and will not be graded! Reassure your client that answering these questions will help you understand how to help them better.

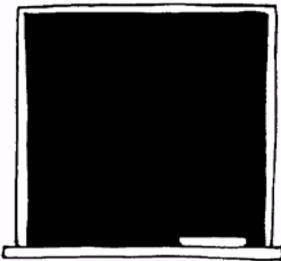
Ask each question *clearly* and *slowly* so your client understands what you are asking. You can repeat each question as many times as the client needs. Ask one question at a time and wait for the answer before moving to the next question.

After you read each question, direct your client to:

1. Tell you the answer out loud and/or



Please pay special attention to any accommodations your client may require for the knowledge, assessment, and presentation of material.



Review client responses with them.

Remind clients that questions they get wrong give you ideas about how to help them.

Use simplified language to teach concepts.

Assess your client's progress regularly with CHECK FOR UNDERSTANDING questions.

Use Practice Exercises to teach difficult concepts.

2. Write the answer in the space provided on the pre-test handout.

If your client does not know the answer, tell them it is OK. Remind them this is not a test. Reassure them that you will teach them the answer to the question later. Move on to the next question.

Repeat this process until you have given your client a chance to answer all the questions. If your client gives you an answer out of order, or does not answer every single question correctly, that is OK. It is more important for the client to understand the main concepts of the material than to be able to answer a certain number of questions correctly. Your client may return to previous questions at any time. When you decide the client has completed the module, please ask them the same questions again to document knowledge gain.

If the client misses questions, please work through the material in the module that addresses these questions. Continue to review the relevant sections in the module until either: 1) the client learns the material and answers the questions correctly, or 2) you have gone through the module three times and the client continues to provide incorrect and incomplete answers.

ASSESSMENT

1. Is a fact true or not true?
2. Name three facts: (for example, the earth is round, trains move fast, apples are red).
3. If something is not true, is that fact or fiction?
4. Every story has a beginning, a middle, and an _____.
5. Your story takes place at the movie theater. Would that be the location or the timeframe?
6. If you say that something happened at 10am, is that the morning, afternoon, or evening?
7. Joe and Amy go to the movies and buy some popcorn. Who are the characters in this story? What actions did they do?
8. Describe a *feeling* that you have experienced in the last week?
9. What is something that you have *thought* about in the past week?
10. What does it mean to *interpret the meaning* of something?
11. Name an *event* that you have participated in during the past month?

TEACHING INSTRUCTIONS

Step 1: Review your client's responses against "Acceptable Answers to

Work in brief segments.

Terms and Concepts:



Fact: An event or thing known to have happened or existed.

Fictional: Something invented, imagined, or made-up.

Action: The process of acting or doing something.

Characters: Is a person who is in a real or make believe story.

Location: Where something takes place; the physical place something happens.

Timeframes: When something took place, e.g., in the morning, last week, a year ago, etc.

Knowledge Questions” listed below to determine which answers are correct and which answers are incorrect or incomplete.

Step 2: Review your client’s responses with them.

Step 3: Show your client the questions they answered correctly and the ones they answered incorrectly or incompletely.

Step 4: Reassure the client you will work together to teach them the correct answers to the questions that they missed or need to know more about.

Step 5: Use the information presented below to teach your client about the areas they need to learn about. We recommend you use the simplified language presented below to explain the concepts because your client is more likely to understand the concepts if you explain them this way. If the language seems too simple for your client, you can use more sophisticated language to describe the concepts.

Step 6: After each segment of information, there is a **CHECK FOR UNDERSTANDING** box. Questions are provided so you can immediately assess if your client is learning the concepts. Use their answers to guide whether you move on or repeat material. If the client successfully completes the questions in the box, move on to the next Content Area. Remember that it is more important for the client to demonstrate an understanding of the concepts addressed by each question than to answer every question correctly. If you feel the client has a good understanding of the concepts they do not need to answer all or even a certain number of the questions correctly. The questions provided throughout the module are simply an attempt to evaluate how well the client understands the underlying concepts being presented. You will need to use your best judgment about whether the client is ready to move on if they have trouble with specific questions, but you believe that they understand the overall concept addressed by the questions.

Step 7: If the client continues to provide incorrect or incomplete answers after presentation of material, work through the recommended Practice Exercises.

Step 8: Re-check for understanding after the Practice Exercises.

Step 9: If the client persists in being unable to understand the information, note this and move to the next topic.

Step 10: You should work in seven to ten minute segments. After seven to ten minutes of presenting material and asking questions, provide the client with a brief break. Options include having a snack, stretching, doing a relaxation exercise, taking a short walk, enjoying some free conversation with you, and so forth.

CONTENT AREAS

For each Content Area, read the information to your client slowly and clearly. Immediately after giving them the information, ask the questions in the CHECK FOR UNDERSTANDING box. If the client gives you the correct answers for each of the questions, move to the next topic area.

For any incorrect or incomplete answers, review the material you just covered. After reviewing the related material one time, ask them the questions again. At this point, if they continue to have incorrect or incomplete answers, move on to the Practice Exercises. When you have completed the Practice Exercises, ask them the questions in the CHECK FOR UNDERSTANDING box a final time. If they continue to have difficulties, note the sections they are struggling with and move to the next Content Area.

A. *What is true (fact) or not true (fiction)?*

Facts are statements that describe reality or something that is true and real. For example, it is a fact that many people in the United States drive cars. It is also a fact that the sky is blue (most of the time) and grass is green. Facts can be proven to be true. For example, it is a fact that you can buy a gallon of milk at many grocery stores. This could be “proven” by going to several grocery stores and checking to see if they sell gallons of milk. If all the grocery stores sell gallons of milk, you could say that it is true that all the grocery stores you have been in sell gallons of milk. If you wanted to “prove” this fact to someone who did not go to the stores with you, you could take photos of the milk in the different grocery stores as “proof.”

This is the process the defense attorney and the prosecutor will use to try to “teach” the judge about the “facts” in your case.

The story that you and your defense attorney tell, and the one the prosecutor tells are probably going to be different and may have different facts. For example, if you have been charged with assault, the prosecutor may say that one fact in the case is that the person accusing you of assault had a bloody nose. The prosecutor is saying this is a “fact”; that it is true. This is where it gets confusing. It may be “true” that the victim had a bloody nose, but the prosecutor has to prove a second fact: that you gave the victim the bloody nose. Your defense attorney might argue that the bloody nose was not caused by you, but by the alleged victim running into a door before they were even with you.

And how will the judge know that it is “true” that the victim had a bloody nose? The prosecutor would have to show evidence that this was true – a picture of the victim with a bloody nose that showed the right date; a witness saying they saw the victim with a bloody nose, and so forth. Then the prosecutor would have to come up with a way to connect you to the

Terms and Concepts:



Thoughts: The things that we think about like what we would like to eat for breakfast or what movie we would like to see this weekend.

Feelings: The same thing that we sometimes call our emotions. We can feel happy, sad, angry, frustrated, calm, anxious, peaceful, etc.

Interpretations: The way that we explain the meaning of something like when someone smiles at us we can interpret that to mean that they like us or are happy with something we did. If someone is frowning at us we can interpret that to mean that they are not happy with something we did or said.

Event: Something that took place; what happened.

bloody nose...did someone actually see you give the person a bloody nose? The prosecutor would want that person to tell this to the judge in court. Or perhaps they found the blood of the victim on your hands and clothes. This might make the judge believe you punched the victim.

Your job is to tell your defense attorney all the facts in your case according to YOU. What happened? How did it happen? When did it happen? Where did it happen? Why did it happen? This will help your attorney understand your situation and help him or her sort through the facts of the case. If you believe that nothing happened, then describe the facts about that too.

You do not need to tell your trainer the facts of your story. You will be asked, however, to tell the prosecutor and the judge your story. If you decide you want to talk to other people about the facts in your story (like a probation officer or your parents or friends), please talk with you attorney FIRST to get his or her advice. If you really want to tell the facts of your story to someone else, it can be very helpful to your case to have your attorney be there with you.

Organizing a Story: Beginning, Middle, and End

Every story has three parts that unfold in the same pattern: a beginning, middle, and an end. Think about books you have read and movies you have seen – there is a beginning, middle, and an end to all of these books and movies. If you think about your own story, about your charges using this pattern, it will be easier to remember it, and it will be easier to tell it to other people. Think of one of your favorite stories with your trainer. Together, identify the story’s beginning, middle, and end. Can you apply this concept to your own story?

1. **Location:** This is *where* the action took place (for example, in the city, in a field, in a school).
2. **Characters:** These are the *people* who were part of the story. One of the characters is YOU. Other characters would be people who were with you or at the same location. For example, if you have been charged with robbery, then you are one of the characters and the store clerk present at the time of the robbery would also be a character.
3. **Action:** This is what *happens* in the story, otherwise known as the “plot.” For example, the characters in a story might fly to the moon or build a city. In your story, the action is whatever happened related to your charges. For example, you might have been charged with taking something that is not yours or hitting someone else. “Stealing” or “hitting” would be considered the *action* of the story.
4. **Timeframe:** This is *when* the story takes place (for example, in the

morning or evening; in the summer or winter; this year or last year, etc.).

In summary, this is what every story has:

- *Beginning, middle, and end*
- *Location*
- *Characters*
- *Action*
- *Timeframe*

Make sure you can fill in all of these for the story of your charges.

CHECK FOR UNDERSTANDING:

Is a fact true or not true?

Name three facts: (for example, the earth is round, trains move fast, apples are red).

If something is not true, is that fact or fiction?

Every story has a beginning, a middle, and a what?

Your story takes place at the movie theater. Would that be the location or the timeframe?

Joe and Amy go to the movies and buy some popcorn. Who are the characters in this story? What actions did they do?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Fact or Fiction (Client Workbook: Module 6 Content Area A)

Review and discuss the following statements with the client and have them explain whether the statement is a fact or fiction and why they think so:



PRACTICE EXERCISES

In Utah it snows during the winter.
Pigs can fly.
When you grow old, your hair turns purple.
The earth is round.
Fire engines are black.
The judge decides my punishment.
My attorney is on my side.

The Way the Story Goes (Client Workbook: Module 6 Content Area A)

Every story has a beginning, middle, and end. These terms can be demonstrated in a variety of ways and the story below can be used as an example. Read and discuss with the client.

Joe got up early, dressed, and had orange juice for breakfast. During lunch, he decided to have a big glass of milk. When he was ready for bed, he drank two small glasses of water.

What is the beginning of the story? Where does the story start?

What does Joe do in the middle of the story?

What does Joe drink at the end of the story?

The Other Parts of a Story: Timeframe, Location, Characters, Actions (Client Workbook: Module 6 Content Area A)

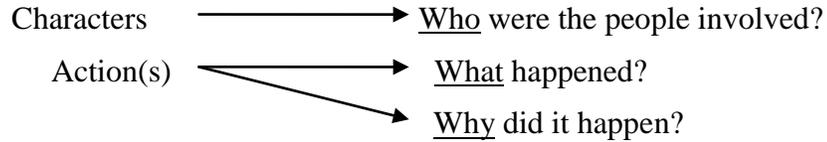
Read the following story to your client and discuss the questions at the end:

Sara and Sage have been best friends since high school. They were so excited when both of them started working at the same mall. Every Friday night after work they would meet in the food court to walk home together. One night, as they were leaving the mall, they noticed that lights were still on in their favorite clothing store. Sara wanted to show Sage this awesome sweatshirt, so they decided to go into the store. Once in the store, they noticed that no one was there. After looking at the sweatshirt, Sara thought that she would “borrow” the shirt for the evening and go back the next day to pay. As they were leaving the store, a security guard approached them and asked what they were doing. She asked to see a receipt for the sweatshirt. Both Sara and Sage were taken to the security office and the police were called.

Answer the following questions:

Timeframe _____ → When did it take place?

Location _____ → Where did it take place?



The World of Stories (Client Workbook: Module 6 Content Area A)

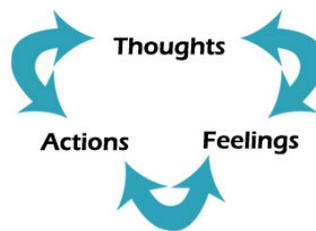
Depending on the client’s interest, reading level, and other learning abilities, you can use many different kinds of books (including graphic novels, comic strips, etc.) to review story concepts with the client like beginning, middle, end, timeframe, location, characters, and action. Work with the client to take the story and identify each of these parts of the whole. Review with the client that some stories are “true” (based on fact) and some are “not true” (fiction), and that the client’s story related to the crime needs to be the “true” story. If books are not motivating for the client, films may be used.

Timelines (Client Workbook: Module 6 Content Area A)

Using a whiteboard or chalkboard, have the client create a simple timeline of events based on their favorite story or book from the exercise above. Using the timeline as a reference, ask the client questions about location, characters, actions, etc. to help them tell the story in their own words.

B. Thoughts, Feelings, and Interpretations

Part of understanding what happened, related to your charges, is to be able to describe what you were thinking and feeling. It is easy to confuse thoughts and feelings, but it is important to learn the difference. It is also important to understand that what you think and feel is connected to how you act, and how you act can create thoughts and feelings!



There are FOUR basic feelings: MAD, GLAD, SAD, and AFRAID. If you ever have trouble trying to figure out if what you are experiencing is a thought or a feeling, see if you can pick one of these four words. If one of these words describes your experience, then you are having a feeling! If it is NOT a feeling, it is a thought.

To help you learn the difference between feelings and thoughts, and to understand when a thought is an interpretation, reread the story above (Sara and Sage’s story) and answer the following questions:

- 1) What are your thoughts about Sara and Sage’s situation?

- a. Why do you think they went into the store?
 - b. Do you think they planned to steal a sweatshirt?
 - 2) What are your feelings about Sara and Sage's situation?
 - a. What do you think Sara and Sage are feeling?
 - 3) What are your interpretations?
 - a. Do you think Sara would have brought back the money the next day?
 - b. What do you think the owners of the store might say?
 - c. Do you think Sara and Sage did any harm?
 - d. Do you think the security guard did the right thing by calling the police?
-

C. My Side of the Story. Why did it happen?

It is important for you and your trainer to figure out together how to best help you remember and tell your story. Maybe you just need to review the information in this module. On the other hand, you might need to create a “list” of story elements (for example, action, characters, timeframe) or a “story map” for yourself (with the help of your attorney) so that you can use that guide to help you tell your story to others. A story map is a series of words and pictures that describe your story, kind of like your own homemade book. It is very important that you only work on this map with your defense attorney.

It is also very, very important that you practice talking about what you were thinking and feeling during the event. Let's say you were feeling very scared and that is why you believe you hit another person. The judge might look at that differently and have more sympathy for you than if you hit someone because you were mad at them. How you were thinking and feeling can actually change someone else's understanding of your whole story!

Remember, your attorney is your number one helper. Share your story with your defense attorney, but before sharing it with anyone else, talk to your attorney first!

CHECK FOR UNDERSTANDING:

Describe a feeling that you have experienced in the last week?

What is something that you have thought about in the past week?

What does it mean to interpret the meaning of something?

Name an event that you have participated in during the last month?



PRACTICE EXERCISES

- If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.
- If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Thought and Feeling Chains (Client Workbook: Module 6 Content Area C)

Have the client pick a favorite movie or book that they know the story of very well. Then using worksheets supplied in the participant workbook, guide the client to fill in ovals that are connected into a chain-like pattern that represent the thoughts, feelings, and interpretations of actions related to a character in their story. By building thoughts, feelings, and interpretations into a chain, it becomes more visually apparent how one thought leads to another and how thoughts/feelings tend to lead to certain choices and actions. Thought and feeling chains may also be created to help the client hypothesize about what the other characters in the story might have been thinking and feeling. Tie this experience into how the client might want to draw out their own story with their attorney.

Inside My Head (Client Workbook: Module 6 Content Area C)

Using an erasable whiteboard or chalkboard, the client or trainer can make simple illustrations of the events and people that comprise the client's favorite story from a book or movie. Above the people who are illustrated, the trainer can add thought bubbles (like those that appear in graphic novels and comic strips) so the client and trainer can plug-in what the character was thinking and feeling as events unfolded.



STOP: Congratulations -- you have made it through all the Content Areas for Module 6. Please review Module 6 terms using the vocabulary card deck provided BEFORE proceeding to the post-test. Your deck for Module 6 will cover the following terms: *fact, fictional, character, timeframe, location, action, thoughts, feelings, interpretations, and events.*



POST-TEST KNOWLEDGE ASSESSMENT

Please give the following post-test to your client after completing Module 6. If your client answers all of the questions correctly, you may move to Module 7. If your client does not answer all the questions correctly or completely, please return to the Content Area that relates to those questions. Remember that it is more important for the client to understand the main concepts of the material than to answer a certain number of questions correctly. Ultimately it will be up to you to decide when your client is ready to move to the next module. If your client does not appear to be gaining the knowledge, despite repetition of material and your best efforts, please consult with your attainment coordinator before moving to the next module.

This is not a test and will not be graded! Reassure your client that answering these questions will help you understand how to help them better.

Instructions:

Ask each question *clearly* and *slowly* so your client understands what you are asking. You can repeat each question as many times as the client needs. Ask one question at a time and wait for the answer before moving to the next question.

After you read each question, direct your client to:

1. Tell you the answer out loud and/or
2. Write the answer in the space provided on the handout.

If your client does not know the answer, tell them it is OK. Remind them this is not a test. Reassure them that you will teach them the answer to the question later. Move on to the next question.

Repeat this process until you have given your client a chance to answer all the questions. If your client gives you an answer out of order, that is OK. Your client may return to previous questions at any time.

If the client misses questions, please work through the material in the module that addresses these questions. Continue to review the relevant sections in the module until either: 1) the client learns the material and answers the questions correctly, or 2) you decide that the client is not going to be able to learn the material. If you believe your client is not making gains, please consult with your attainment coordinator before moving to the next module.

Post-Test ASSESSMENT

1. Is a fact true or not true?
2. Name three facts: (for example, the earth is round, trains move fast,

apples are red).

3. If something is not true, is that fact or fiction?
 4. Every story has a beginning, middle, and an _____.
 5. Your story takes place at the movie theater. Would that be the location or the timeframe?
 6. If you say that something happened at 10am, is that the morning, afternoon, or evening?
 7. Joe and Amy go to the movies and buy some popcorn. Who are the characters in this story? What actions did they do?
 8. Describe a *feeling* that you have experienced in the last week?
 9. What is something that you have *thought* about in the past week?
 10. What does it mean to *interpret the meaning* of something?
 11. Name an *event* that you have participated in during the past month?
-



ACCEPTABLE ANSWERS TO KNOWLEDGE QUESTIONS:

Please use the following answers as a guide to determining whether your client has answered questions correctly and completely.

1. True.
2. Any variation of facts the client states.
3. Fiction.
4. End.
5. Location.
6. Morning.
7. Joe and Amy are the characters, going to the movie and buying popcorn are the actions.
8. Make sure what the client says is a feeling if not explain why and ask them to describe something else they felt.
9. Any variation of thoughts the client states.
10. Any variation of: To explain what we think someone's actions mean, when someone smiles at us we interpret that to mean that they are happy with us or that they like you, etc.
11. Any variation of an event the client describes.

Module 7: Telling My Side of the Story

Utah Code Ann. §78A-6-1302(7)(b)

“disclose to counsel pertinent facts, events or states of mind”

Utah Code Ann. §78A-6-1302(7)(d)

“engage in reasoned choice of legal strategies and options”

Utah Code Ann. §78A-6-1302(7)(f)

“manifest appropriate courtroom behavior”

Utah Code Ann. §78A-6-1302(7)(g)

“testify relevantly, if applicable”



Module 7: Telling My Side of the Story

Trainer Manual

OVERVIEW

MODULE 7 GOALS:

The primary listener of the client's story is the defense attorney.

Everything the client tells their attorney is confidential.

The client's attorney needs to hear a complete and honest version of their story.

This is what you want to teach your client in Module 7:

1. The most important listener of their story is their *defense attorney*.
2. Sometimes they will be telling their story to other people (like the judge or the prosecutor), but their defense attorney will help them understand to *whom* they should tell their story and *when*.
3. Telling one's story to everyone is not a good idea.
4. The defense attorney is "on their side".
5. If they tell their story to anyone other than their attorney, that person might be asked to talk about the client's story (testify against them).

KNOWLEDGE ASSESSMENT

To find out what your client already knows about this area, you must ask them the following questions **BEFORE** you begin the module. To determine how much they learn, you will ask them the same questions after completing the module.

This is not a test and will not be graded! Reassure your client that answering these questions will help you understand how to help them better.

Ask each question *clearly* and *slowly* so your client understands what you are asking. You can repeat each question as many times as the client needs. Ask one question at a time and wait for the answer before moving to the next question.

After you read each question, direct your client to:

1. Tell you the answer out loud and/or
2. Write the answer in the space provided on the pre-test handout.

If your client does not know the answer, tell them it is OK. Remind them this is not a test. Reassure them that you will teach them the answer to the question later. Move on to the next question.

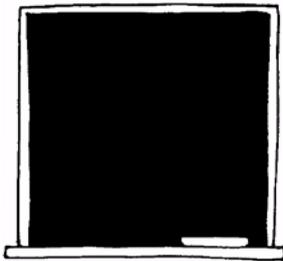
Repeat this process until you have given your client a chance to answer all the questions. If your client gives you an answer out of order, or does not answer every single question correctly, that is OK. It is more important



Remind your client this is not a test!



Please pay special attention to any accommodations your client may require for the knowledge, assessment, and presentation of material.



Review client responses with them.

Remind clients that questions they get wrong give you ideas about how to help them.

Use simplified language to teach concepts.

Assess your client's progress regularly with CHECK FOR UNDERSTANDING questions.

Use Practice Exercises to teach difficult concepts.

for the client to understand the main concepts of the material than to be able to answer a certain number of questions correctly. Your client may return to previous questions at any time. When you decide the client has completed the module, please ask them the same questions again to document knowledge gain.

If the client misses questions, please work through the material in the module that addresses these questions. Continue to review the relevant sections in the module until either: 1) the client learns the material and answers the questions correctly, or 2) you have gone through the module three times and the client continues to provide incorrect and incomplete answers.

ASSESSMENT

1. Why is it important to tell your story to your defense attorney?
2. Should you talk to family, friends, or coworkers about what happened?
3. Your defense attorney knows the laws, can advise you on the best strategies on when and how to tell your story, and can answer your questions. True or False?
4. May your attorney share your story with other people?
5. What are some ways you can say no if your friends want to hear your story?
6. Should you tell your defense attorney everything that happened?
7. Should you tell your story in court as quickly as possible, in a loud voice?
8. Where is it best to look when you tell your story?
9. What other ways do we communicate besides using words?
10. What should you do if someone does not tell the truth about you or what happened?

TEACHING INSTRUCTIONS

Step 1: Review your client's responses against "Acceptable Answers to Knowledge Questions" listed below to determine which answers are correct and which answers are incorrect or incomplete.

Step 2: Review your client's responses with them.

Step 3: Show your client the questions they answered correctly and the ones they answered incorrectly or incompletely.

Step 4: Reassure the client you will work together to teach them the

Work in brief segments.

correct answers to the questions they missed or need to know more about.

Step 5: Use the information presented below to teach your client about the areas they need to learn about. We recommend you use the simplified language presented below to explain the concepts because your client is more likely to understand the concepts if you explain them this way. If the language seems too simple for your client, you can use more sophisticated language to describe the concepts.

Step 6: After each segment of information, there is a CHECK FOR UNDERSTANDING box. Questions are provided so you can immediately assess if your client is learning the concepts. Use their answers to guide whether you move on or repeat material. If the client successfully completes the questions in the box, move on to the next Content Area. Remember that it is more important for the client to demonstrate an understanding of the concepts addressed by each question than to answer every question correctly. If you feel the client has a good understanding of the concepts they do not need to answer all or even a certain number of the questions correctly. The questions provided throughout the module are simply an attempt to evaluate how well a client understands the underlying concepts being presented. You will need to use your best judgment about whether a client is ready to move on if they have trouble with specific questions, but you believe that they understand the overall concept addressed by the question.

Step 7: If the client continues to provide incorrect or incomplete answers after presentation of material, work through the recommended Practice Exercises.

Step 8: Re-check for understanding after the Practice Exercises.

Step 9: If the client persists in being unable to understand the information, note this and move to the next topic.

Step 10: You should work in seven to ten minute segments. After seven to ten minutes of presenting material and asking questions, provide the client with a brief break. Options include having a snack, stretching, doing a relaxation exercise, taking a short walk, enjoying some free conversation with you, and so forth.

CONTENT AREAS

For each Content Area, read the information to your client slowly and clearly. Immediately after giving them the information, ask the questions in the CHECK FOR UNDERSTANDING box. If the client gives you the correct answers for each of the questions, move to the next topic area.

For any incorrect or incomplete answers, review the material you just covered. After reviewing the related material one time, ask them the questions again. At this point, if they continue to have incorrect or

Terms and Concepts:



Privileged Communications: Confidential communications between a lawyer and client are protected by law against any disclosure and privileged.

Testimony: Information or evidence given by a witness under oath.

incomplete answers, move on to the Practice Exercises. When you have completed the Practice Exercises, ask them the questions in the CHECK FOR UNDERSTANDING box a final time. If they continue to have difficulties, note the sections they are struggling with and move to the next Content Area.

A. Your Attorney is Your #1 Support

Your defense attorney is different than a Guardian Ad Litem. Your attorney in this section refers to your defense attorney.

Your attorney is there to help and support you. Your attorney is “on your side” and your “number one support person.” Your attorney also will let you know what your rights are, and advise you on your case, including the best strategies and actions in court.

Defense attorneys can explain confusing court or legal procedures. They also are willing to answer questions. Let your attorney know if anything is confusing or if you do not understand what is being said.

If your attorney calls you on the phone or sends a text, you should always return the call or text as quickly as possible.

CHECK FOR UNDERSTANDING:

Whose side is your lawyer on?

Can you ask your lawyer questions?

Can you ask your attorney to explain things that are confusing?

Should you always return your attorney’s texts or calls?

B. Be Honest and Tell Your Attorney Everything

Ask the client if they should tell the whole story of what happened to their defense attorney.

You should be completely honest and tell your attorney everything. Nothing should be left out. A defense attorney may think something is important, even if you do not. Your attorney will only be able to give you the best legal advice by knowing all of the facts. No matter what you tell your attorney, they will still defend and help you.

C. What You Tell Your Attorney is Secret

Ask the client if their attorney can tell their story to their parents, friends, or anyone else.

By law, attorneys must keep what their clients tell them confidential or secret. They will not ever tell your story to their parents or friends, unless you ask them to.

CHECK FOR UNDERSTANDING:

Should you tell your lawyer all of the details of what happened? Yes or No?

Will your attorney defend you, no matter what you say? Yes or No?

Will your lawyer keep your story secret from your parents, friends, or coworkers? Yes or No?

D. Talk to Your Attorney Before Anyone Else

Ask who they should tell their story to first or before anyone else.

Your defense attorney should be the first person you talk with. Your attorney will tell you *who* you should tell your story to and *when*. Talk to your attorney before you admit or deny any charges against you. Your attorney is usually the first and sometimes only person (besides the judge) you should tell your story to. Your defense attorney will coach you on *who* to tell your story to, *how* you should tell your story, and *when*.

Your defense attorney is different than the district or prosecuting attorney. Anything that is said to the district or prosecuting attorney can be used against you. This means that what you say to them could get you into trouble.

Always be courteous and respectful when talking with security guards, the police, or anyone working within the court system. Being respectful does not mean you must tell anyone what your side of the story is. Using words such as “thank you,” and referring to a person of authority as “Sir” or “Ma’am,” even when they may be rude or disrespectful to you, is always important. Ask anyone who questions you to contact your attorney.

You should not talk about your story to anyone else until you talk with your attorney. It is best to not let everyone know what happened, even if they ask repeatedly, and even if you trust the person. If you tell your story to family, friends, or coworkers, that person may be asked to testify against you in court. This means they may be required by the prosecuting attorney or the judge to share information that gets you into trouble or you do not want to share with other people.

CHECK FOR UNDERSTANDING:

Should you tell your lawyer everything that happened and not leave anything out? Yes or No?

Will your attorney defend you, no matter what you say? Yes or No?

Will your lawyer keep your story secret from your parents, friends, or coworkers? Yes or No?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material one time and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Knowing How to Say “No” (Client Workbook: Module 7 Content Area A-D)

The trainer will pretend to be different people in the client’s life, and the client can practice responding to the prompt, “Hey, tell me what happened!” For example, the trainer could pretend to be the client’s friend, boss, or teacher. The trainer should shape the desired outcome of having the client respond with the following kinds of phrases:

“Let me talk to my attorney first.”

“I think it’s better to keep that between me and my attorney.”

“I might be able to tell you. Let me talk with my attorney.”

“I don’t mind telling you, but I want my attorney to be there.”

“I don’t even want to talk to you about this.”

E. People I Know and Trust Testifying Against Me

If people you know testify against you in court, try your best to stay calm, even if what is being said is not true. It can be upsetting to have people say things against you. You may feel angry and hurt. You should quietly let your defense attorney know if the statements that are being told are not right. You can slip a note to your attorney or whisper in his or her ear. Make sure you decide ahead of time how you will communicate with your attorney in court.

F. Do Not Tell the Story to a Psychologist

If you are ordered to see a psychologist, do not discuss the crime or what happened with the doctor. The psychologist writes a report and makes recommendations for the judge. It is okay to tell the doctor or psychologist that your lawyer told you not to talk about the event.

G. Having My Attorney Present When I Tell My Story

Terms and Concepts:



Communication:

Exchanging thoughts, messages, or information through spoken words, writing, gestures, or behavior.

Emotion: A state of feeling or a reaction (such as anger or fear).

Appropriate: Right or suitable action, fitting for the situation.

Facial Expressions: The face is the primary source where emotions are displayed, such as smiling, frowning, yawning, etc. Expressions communicate the person's feelings, attitude, intentions, etc.



PRACTICE EXERCISES

It is best to have your attorney present when you tell your story. After you have admitted to the judge the charges are true or that you are not guilty, then if the judge asks you to share your story, you do NOT need to ask your attorney's permission! You do not need to talk with your attorney before speaking with parents, guardians, or other primary caregivers unless the conversation is about what you may or may not have done. However, caregivers may be asked to testify against you, so a preliminary discussion between the attainment coordinator, attorney, and family members may be necessary to discuss what you should and should not share with family members to maintain the best possible protection.

CHECK FOR UNDERSTANDING:

Should you show your emotions and say you are upset if your friends or family testify against you?

Should you tell a doctor or psychologist your story?

Who should be present when you tell your story?

H. Verbal Communication Strategies

It is important to help your attorney and judge understand your story and what happened. Learning to communicate well will increase your chances of being understood. Ask the client to describe the best ways to communicate or tell a story.

I. Using an Appropriate Volume, Tone, and Pace

Ask them if it is easier to understand if a person talks very fast or slowly (demonstrate the delivery while talking). Ask them if they think the judge would prefer someone talking really loud, whispering, or talking at a normal volume (again demonstrate with speaking too loud, too soft, and at appropriate volume levels). Demonstrate the difference between mumbling and clearly enunciating words, and ask which is easier to understand.

The judge will be able to understand your story best if you speak clearly; using appropriate volume, pace, and tone of voice.

Your tone lets the listener know how you are feeling. Try to stay neutral and not use an angry, critical, nervous, or timid tone.

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Inside Voice/Outside Voice (Client Workbook: Module 7 Content Area H-I)

Almost all clients will have been exposed to the concept of “inside voice” and “outside voice” as part of childrearing and school attendance. The trainer will review the concept with clients and teach them that their “inside voice” is the one to use for telling their story. If the client is not familiar with the concept, the trainer can model it for them.

Your Grown-up Voice (Client Workbook: Module 7 Content Area H-I)

Some clients, especially when they are anxious, revert to talking in a babyish voice. Clients need to be reminded that they must speak in their “grown-up” voice whenever they are telling their story.

J. Staying On Topic

Ask clients how they feel when they ask a question and the teacher or friend doesn't answer their question, but wanders off topic.

You need to tell your whole story, but not include details that are not relevant or part of the story.

K. Answering All Questions

If the judge asks a question, you need to answer out loud every time, not just nod your head, so the judge can hear and the court microphones can record your answer. If the judge asks a question that makes you nervous, you are afraid to answer, or you do not understand, you can always look to your attorney to help you even in the middle of the hearing.

L. Not Interrupting

It is never appropriate to interrupt the judge, attorney, or witness. Even if the witness is wrong, you should never interrupt. The defense attorney will tell you when to speak.

CHECK FOR UNDERSTANDING:

What is the best pace, volume, and tone to use in court?

Can you just nod your head if the judge asks a question?

If you think of something important to say, can you interrupt the judge, witness, or attorney?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following **PRACTICE EXERCISES**.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Find Your Face (Client Workbook: Module 7 Content Area J-L)

Some clients, particularly those with Autism, will have great difficulty making appropriate eye contact with their listener. The attainment trainer will not have the time or expertise to necessarily change this feature in a client. They can, however, teach the client the concept of “find my face” which directs a client with eye contact issues to look in the general direction of someone’s face when speaking. Even children who struggle with eye contact tend to be able to gain this skill. The skill might never be learned independently, however, so the attorney could be made aware to remind the client of this when the client is speaking in court.

M. Good Non-Verbal Communication Strategies

Does the client know what non-verbal communication is?

There are different parts to communication - the words we say, the tone of our voice, and the movements of our faces, bodies, and hands. The words are called “verbal” communication. Everything else is called “non-verbal” communication because no words are spoken (no sound is heard).

When you are talking to someone, they pay attention to your words but they also pay attention to all the other non-verbal “cues” described above. For example, someone might be saying they are happy, but they may cry while they say it. This is an obvious example of what someone says conflicting with their non-verbal communication. Verbal and non-verbal communication, however, do not have to be opposite. These two types of communication used together can make a message stronger and more clear. For example, someone who is angry can say the words in a loud, harsh voice. This helps the listener understand how serious the message is.

When you speak in court or to the prosecutor or judge, you must be aware of not only your words, but your facial expressions, tone of voice, body posture, and hand movements. Practice telling stories to your trainer so you can get feedback on how to best communicate.

N. Looking at the Listener or Speaker

Look at the judge or attorney’s face when you speak or if the judge or attorney is speaking. If possible, make eye contact (it may be difficult, if not impossible, for the person if they have Autism or other disabilities to make eye contact). What you say will be easier to hear and understand if

you can at least look in the direction of the judge or attorney. If it is painful or uncomfortable for you to make direct eye contact, try looking at a different part of the person's face to focus on, like their nose or mouth. It is better to at least be looking in the general direction of the person who is speaking to you rather than not at all.

O. Regulating Emotions

Different emotions (a fancy word for “feelings”) give information to our listeners about how or what we are feeling. Think about how you feel when someone is yelling at you. What if someone is crying or laughing uncontrollably, how does that make you feel? If you feel this way, it is very likely that people you talk to will feel the same way, so be careful with how you communicate. You want the person listening to you to feel good, safe, and respected.

It is best not to speak with obvious anger, laugh at the witness or judge, or cry (if possible). Speaking calmly with your feelings under control will help get your story across. Feelings are usually conveyed through tone, volume (how loud or soft), and pace (how fast or slow). Sometimes it is difficult to keep feelings under control, especially if something happens that you do not like, but communication is more effective if the people talking and the people listening are all calm.

P. Speaking With Appropriate Facial Expressions

Our facial expressions send a message. If you look bored in court, it may send the wrong message and cause the judge to think you are not taking the situation seriously. You should try to look interested and pay attention to what is happening. Displaying obvious boredom, anger, or disgust is not appropriate.

Q. Speaking Without Excessive Movement (unless part of a disability)

If you drum or tap your fingers, shake your leg, or otherwise move around a lot in court, it will be distracting, and the judge may wonder if you are using drugs or why you are unable to sit still. You cannot just stand up when you want to, and you definitely cannot just stand up and leave. You will get in trouble if you try to do that. If you have a disability that causes uncontrollable movement, let the judge and prosecutor know that ahead of time so they are prepared.

R. Addressing Disability in Court

If you have a physical or mental disability, talk with your lawyer about the most effective and comfortable way to address it in court. For example, if you use a wheelchair, you could let the court know that you will not be able to stand or move around the courtroom as easily as people might expect. Having your attorney make a statement about you---if that's okay with you---makes the court and judge aware of your condition.

CHECK FOR UNDERSTANDING:

Where is it best to look in court when someone is speaking?

What should you do if you get bored or angry in court?

Is it okay to move around a lot in court?

Should your attorney know if you have a disability?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following **PRACTICE EXERCISES**.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Court Communication Role Play (Client Workbook: Module 7 Content Area M-R)

It may be helpful for the client to practice telling his/her story to the judge (who you will pretend to be). As you proceed you can gently make suggestions to speak slower, louder, or other suggested improvements. After the client is finished, you might switch roles and let him/her be the judge and you be the client who tells the story. If the client is struggling, you could let them be the judge first as you model the best way to communicate.



STOP: Congratulations -- you have made it through all the Content Areas for Module 7. Please review Module 7 terms using the vocabulary card deck provided **BEFORE** proceeding to the post-test. Your deck for Module 7 will cover the following terms: *privileged communication, testimony, communication, emotion, appropriate, and facial expressions.*



POST-TEST KNOWLEDGE ASSESSMENT

Please give the following post-test to your client after completing Module 7. If your client answers all of the questions correctly, you may move to Module 8. If your client does not answer all the questions correctly or completely, please return to the Content Area that relates to those questions. Remember that it is more important for the client to understand the main concepts of the material than to answer a certain number of

questions correctly. Ultimately, it will be up to you to decide when your client is ready to move to the next module. If your client does not appear to be gaining the knowledge despite repetition of material and your best efforts, please consult with your attainment coordinator before moving to the next module.

This is not a test and will not be graded! Reassure your client that answering these questions will help you understand how to help them better.

Instructions:

Ask each question *clearly* and *slowly* so your client understands what you are asking. You can repeat each question as many times as the client needs. Ask one question at a time and wait for the answer before moving to the next question.

After you read each question, direct your client to:

1. Tell you the answer out loud and/or
2. Write the answer in the space provided on the handout.

If your client does not know the answer, tell them it is OK. Remind them this is not a test. Reassure them that you will teach them the answer to the question later. Move on to the next question.

Repeat this process until you have given your client a chance to answer all the questions. If your client gives you an answer out of order, that is OK. Your client may return to previous questions at any time.

If the client misses questions, please work through the material in the module that addresses these questions. Continue to review the relevant sections in the module until either: 1) the client learns the material and answers the questions correctly, or 2) you decide that the client is not going to be able to learn the material. If you believe your client is not making gains, please consult with your attainment coordinator before moving to the next module.

Post-Test ASSESSMENT

1. Why is it important to tell your story to your defense attorney?
2. Should you talk to family, friends, or coworkers about what happened?
3. Your defense attorney knows the laws, can advise you on the best strategies on when and how to tell your story, and can answer your questions. True or False?
4. May your attorney share your story with other people?
5. What are some ways you can say no if your friends want to hear your



6. story?
 7. Should you tell your defense attorney everything that happened?
 8. Should you tell your story in court as quickly as possible in a loud voice?
 9. Where is it best to look when you tell your story?
 10. What other ways do we communicate besides using words?
 11. What should you do if someone does not tell the truth about you or what happened?
-

ACCEPTABLE ANSWERS TO KNOWLEDGE QUESTIONS:

Please use the following answers as a guide to determining whether your client has answered questions correctly and completely.

1. Your attorney will let you know what your rights are, and advise you on your case, including best strategies and actions in court. Your attorney will only be able to give you the best legal advice by knowing all of the facts.
2. You should not talk about your story to anyone else until you talk with your defense attorney. It is best to not let everyone know what happened, even if they ask repeatedly, and even if you trust the person. If you tell your story to family, friends, or coworkers, that person may be made to testify against you in court.
3. True.
4. No, not unless you ask them to.
5. “Let me talk to my attorney first.” “I think it’s better to keep that between me and my attorney.” “I might be able to tell you. Let me talk with my attorney.” “I don’t mind telling you, but I want my attorney to be there.”
6. Yes, your attorney can best defend you if he or she knows your entire story.
7. No, the judge will be able to understand your story best if you speak clearly; using appropriate volume, pace, and tone of voice.
8. You should look at the judge or attorney’s face when they speak or if the judge or attorney is speaking.
9. Meaning is conveyed by both verbal and non-verbal communication. The tone that is used, facial expression, gestures, and posture also

sends a message.

10. You may feel angry and hurt, but don't interrupt. You should quietly let your defense attorney know if the statements that are being said are not right.

Module 8:How Do I Defend Myself?

Utah Code: Chapter 6 78A-6-105(30)(a)and(b)Part 13 78A-6-1302970(b)

Utah Code Ann. §78A-6-1302(7)(a)

“comprehend and appreciate the charges or allegations”

Utah Code Ann. §78A-6-1302(7)(b)

“disclose to counsel pertinent facts, events or states of mind”

Utah Code Ann. §78A-6-1302(7)(d)

“engage in reasoned choice of legal strategies and options”

Utah Code Ann. §78A-6-(7)(e)

“understand the adversarial nature of the proceedings”

Module 8: How Do I Defend Myself?

Trainer Manual



MODULE 8 GOALS:

To teach the client about the client/attorney partnership in creating a good defense.

To reinforce in the client that their attorney will sometimes have different ideas about what is important about the defense than they do.

To reinforce with the client that they can help themselves in their defense by answering their attorney's questions and working with their attorney.



Remind your client this is not a test!

OVERVIEW

This is what you want to teach your client in Module 8:

1. Highlight the importance and necessity of the client working with their defense attorney to create a good defense for the client.
2. Emphasize the client's obligation to respond to all of their attorney's questions, as well as to listen to their attorney's ideas and suggestions.
3. The attorney needs to know what the client would like the outcome of the case to be, so that the attorney can try to accomplish that outcome.

KNOWLEDGE ASSESSMENT

To find out what your client already knows about this area, you must ask them the following questions BEFORE you begin the module. To determine how much they learn, you will ask them the same questions after completing the module.

This is not a test and will not be graded! Reassure your client that answering these questions will help you understand how to help them better.

Ask each question *clearly* and *slowly* so your client understands what you are asking. You can repeat each question as many times as the client needs. Ask one question at a time and wait for the answer before moving to the next question.

After you read each question, direct your client to:

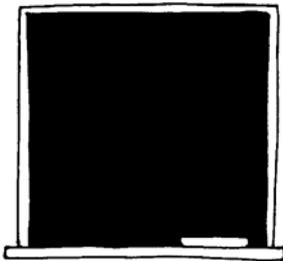
1. Tell you the answer out loud and/or
2. Write the answer in the space provided on the pre-test handout.

If your client does not know the answer, tell them it is OK. Remind them this is not a test. Reassure them that you will teach them the answer to the question later. Move on to the next question.

Repeat this process until you have given your client a chance to answer all the questions. If your client gives you an answer out of order, or does not answer every single question correctly, that is OK. It is more important for the client to understand the main concepts of the material then to be able to



Please pay special attention to any accommodations your client may require for the knowledge, assessment, and presentation of material.



Review client responses with them.

Remind clients that questions they get wrong give you ideas about how to help them.

Use simplified language to teach concepts.

Assess your client's progress regularly with CHECK FOR UNDERSTANDING questions.

Use Practice Exercises to teach difficult concepts.

Work in brief segments.

answer a certain number of questions correctly. Your client may return to previous questions at any time. When you decide the client has completed the module, please ask them the same questions again to document knowledge gain.

If the client misses questions, please work through the material in the module that addresses these questions. Continue to review the relevant sections in the module until either: 1) the client learns the material and answers the questions correctly, or 2) you have gone through the module three times and the client continues to provide incorrect and incomplete answers.

ASSESSMENT

1. Define the word partnership.
2. Give an example of a personal partnership (friend, family member, school teacher, community member).
3. Which is more important, telling the truth to your attorney or telling your attorney the story they want to hear?
4. Who can provide you with the best legal advice on what to plea, your attorney or the judge?
5. Name the three plea options (admits/denies/no contest).
6. By admitting to the alleged offense, you will receive no punishment. True or False?
7. If you deny the charges, will you be able to tell your side of the story? True or False?
8. Which plea will prevent you from participating in a trial?
9. The judge is the best person to ask about a plea agreement. True or False?
10. What is it called if you want your attorney to try and work out a deal with the prosecutor?
11. You can be forced to take a plea agreement. True or False?

TEACHING INSTRUCTIONS

Step 1: Review your client's responses against "Acceptable Answers to Knowledge Questions" listed below to determine which answers are correct and which answers are incorrect or incomplete.

Step 2: Review your client's responses with them.

Step 3: Show your client the questions they answered correctly and the ones they answered incorrectly or incompletely.

Step 4: Reassure the client you will work together to teach them the correct answers to the questions they missed or need to know more about.

Step 5: Use the information presented below to teach your client about the areas they need to learn about. We recommend you use the simplified language presented below to explain the concepts because your client is more likely to understand the concepts if you explain them this way. If the language seems too simple for your client, you can use more sophisticated language to describe the concepts.

Step 6: After each segment of information, there is a CHECK FOR UNDERSTANDING box. Questions are provided so you can immediately assess if your client is learning the concepts. Use their answers to guide whether you move on or repeat material. If the client successfully completes the questions in the box, move on to the next Content Area. Remember that it is more important for the client to demonstrate an understanding of the concepts addressed by each question than to answer every question correctly. If you feel the client has a good understanding of the concepts, they do not need to answer all or even a certain number of the questions correctly. The questions provided throughout the module are simply an attempt to evaluate how well the client understands the underlying concepts being presented. You will need to use your best judgment about whether the client is ready to move on if they have trouble with specific questions, but you believe that they understand the overall concept addressed by the questions.

Step 7: If the client continues to provide incorrect or incomplete answers after presentation of material, work through the recommended Practice Exercises.

Step 8: Re-check for understanding after the Practice Exercises.

Step 9: If the client persists in being unable to understand the information, note this and move to the next topic.

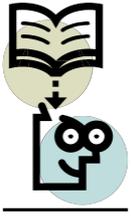
Step 10: You should work in seven to ten minute segments. After seven to ten minutes of presenting material and asking questions, provide the client with a brief break. Options include having a snack, stretching, doing a relaxation exercise, taking a short walk, enjoying some free conversation with you, and so forth.

CONTENT AREAS

For each Content Area, read the information to your client slowly and clearly. Immediately after giving them the information, ask the questions in the CHECK FOR UNDERSTANDING box. If the client gives you the correct answers for each of the questions, move to the next topic area.

For any incorrect or incomplete answers, review the material you just covered. After reviewing the related material one time, ask them the

Terms and Concepts:



Partnership: Cooperation between two people or groups working together.

Defense: Doing what you can to protect yourself from a bad situation or outcome.

Outcome: The way something like a court case or a story turns out or ends.

questions again. At this point, if they continue to have incorrect or incomplete answers, move on to the Practice Exercises. When you have completed the Practice Exercises, ask them the questions in the CHECK FOR UNDERSTANDING box a final time. If they continue to have difficulties, note these sections they are struggling with and move to the next Content Area.

A. *Creating a Client/Attorney Partnership*

You and your defense attorney are a “partnership.” This is when two people join together to do something together like bake a cake or paint a building. It can be easier to do something when you have two people rather than just one because different people have different strengths and skills to bring to the job. Can you think of a time when something has been easier for you because you had someone there to help you?

In your current situation, your job is to talk to your attorney about your charges and tell him or her everything you can about your story so they can figure out how to help you. You are joining together to create a “defense”, which is just a way of saying you are working together to figure out how to protect you from the charges against you. Think about a castle with a moat around it. The moat keeps people away and is a kind of “defense” for the castle. In a similar way, your attorney is trying to create a “moat” around you so that you will get the best possible outcome for your case.

Your attorney needs to understand who you are; what you did; what happened; how you think and feel; what you want the outcome of the case to be; your history of mental illness or disability; and anything else you can think of about yourself that the attorney needs to know. Sometimes you might think that you know something that would not be important to your attorney, but tell your attorney anyway! There are things that do not seem important to you about your case that your attorney might think are very important.

There are special laws that protect the information you share with your attorney. Whatever you tell your attorney must be kept secret by your attorney. Your attorney will not tell anyone, so you can feel safe telling your attorney anything you need to tell him or her.

B. *Establishing a Beneficial Partnership*

For this to be a really good partnership, there are things you need to do and think about. For one thing, your attorney went through a lot of schooling to learn about the law so that he or she would be able to understand cases like yours. Your attorney will give you legal advice based on their education

and experience. They know more about the legal system than you, so you need to depend on them to help you.

Think about playing a video game that you have never played before. You are playing with a friend who has played the game many times. The first couple of times you play the game, you listen to your friend's advice about what to do and what not to do. By listening to the advice, you learn quicker how to protect yourself and how to attack the enemy. Your attorney is like a friend who knows a lot more about video games than you do, and you are learning from him or her so that you will be better at the game (in this case, the game is trying to win your court case). For your attorney to be the most helpful to you, be sure you do everything on the following list:

1. Be truthful and honest when answering your attorney's questions.
2. Respect your attorney's training and expertise whether you agree or disagree with them (be a good listener).
3. Tell your attorney everything you can about your side of the story and what you think is your best defense against the charges.
4. Discuss any concerns or questions that you have regarding your defense and let your attorney know how you want the case to turn out.

CHECK FOR UNDERSTANDING:

Define the word partnership.

Give an example of a personal partnership (friend, family member, school teacher, community member).

Which is more important, telling the truth to your attorney or telling your attorney the story they want to hear?

Who can provide you with the best legal advice on what to plea, your attorney or the judge?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the

Terms and Concepts:



Plea: The response by an accused defendant to each charge of the commission of a crime. Pleas normally found in juvenile court are deny/admit or true/not true.

Admit: To agree a fact is true or confess guilt.

Deny: To reject the claim that a crime was committed; to deny a charge is to suggest that no crime was committed or that the person is innocent.

No Contest: A plea of no contest means that you are not pleading guilty, but you do not want to contest the charges by going to trial to prove you are innocent.

Plea Bargain/ Agreement: An arrangement between the prosecutor, the defense attorney, and the client in which the client agrees to plead guilty in exchange for special considerations.

exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Role Playing (Client Workbook: Module 8 Content Area A-B)

The trainer will pretend to be the attorney and will role play asking the client questions about a pretend case (use a fictional situation that is not the same as the charges facing the client, to avoid discussing details of their ongoing case). You may want to revisit the story in Module 6 and have the client role play someone in the story as you help them practice communicating with their attorney. This exercise is all about helping the client to talk clearly with their attorney and answer questions thoroughly. The scenario you use to facilitate this teaching is up to you.

My Hopes (Client Workbook: Module 8 Content Area A-B)

The trainer will ask the client to either draw or write (or both!) a description of the outcome they are hoping for in the case. Perhaps they want to pay a fine but not do any community service. They could draw a picture of money being given from one person to another. Perhaps the client hopes to remain at home and be placed on probation, rather than being placed in a secure setting. They could draw themselves at home in their own bed with a probation officer in a car outside the house. This is the client's chance to project themselves into the future as best they can and outline what they would like the outcome of their case to be. To facilitate communication with their attorney, the client may want to share this work with their attorney.

C. Pleas: Understanding the Terminology

If you have watched television shows and movies that have court scenes, you have probably heard the words “guilty” and “not guilty.” These words are used in court cases that involve grown-ups (adults). In the court system you are part of juvenile court, different words are used. If the judge thinks you committed the crime you are charged with, we say that the charges are “true” or at least that the prosecutor proved their case against you. If the judge decides you have not committed the crime you are charged with, we say the charges are “not true” or the prosecutor has not proven their case against you.

The first time you come to court you will be asked to enter a “plea.” A plea is a statement you make about the charges against you. Your first step is to talk with your attorney about the plea you want to make. You have two basic choices: “admit” or “deny.” If you did not do what you are charged with, or you believe the prosecutor cannot prove you committed the crime you are charged with, then you may want to deny the charges. Also, if you want more time to think about the case or your attorney wants more time to review documents and speak with witnesses you may deny the charges. It is expected that at the first hearing you will deny the charges, even if you did it and plan on admitting to it later. You can deny the charges and

change your answer later. It is not lying to deny the charges in this situation. If you are sure the prosecutor can prove the case against you, you may decide to admit to the charges.

A third choice is a plea of “no contest.” This means you are not admitting that you did the crime you are charged with, but you have decided not to fight the charges. You will work closely with your attorney to decide on your plea, although the final decision about your plea is up to you!

D. What Happens Next Depends on the Plea

1. *ADMITS to the Charges:* If you admit to the charges, you are saying you believe that you committed the crime you are charged with. If you choose to admit to your charges, the court’s next step is to decide on your consequences (disposition/punishment/penalty).
2. *DENIES the Charges:* If you deny your charges, you are saying one of three things: You are saying you did not commit the crime you are charged with, and/or that you do not believe the prosecutor can prove the case against you, and/or you want to come back at another time because you want to think about your choices, you want more time to talk to your attorney or your attorney wants more time to gather and review information. A denial is a temporary answer. If you deny the charges, a pre-trial or trial will be scheduled. At a pre-trial you may change your answer to admit. At a trial both sides present their evidence and the judge will decide if the charges against you are true or not.
3. *PLEAD No Contest:* The decision to plead No Contest is not entirely yours. The prosecutor must agree to let you before you can tell the judge No Contest. Even if the prosecutor agrees the judge also has to agree. So just because you want to do that does not mean the prosecutor or judge will let you. You need to think carefully about deciding to make this plea. This plea means that you are not saying you are guilty of the charges against you, but that you are agreeing not to fight them. You will be treated as if you are guilty. This plea usually leads immediately to a “disposition” (a decision about penalty/punishment). You may believe that if you do not fight the charges you will receive a lesser penalty (lighter sentence), but that will not necessarily happen. If you have any interest in defending yourself against the charges against you, **DO NOT PLEAD NO CONTEST.**

The court cannot accept your plea of “admit” or “no contest” unless all of the following conditions are met:

- a) you have made the decision not to have a trial;
- b) you have made the plea voluntarily (which means no one has forced you to make this plea);
- c) you completely understand and have knowingly decided to give up

some rights like the right against compulsory self-incrimination, the right to be presumed innocent, the right to a speedy trial, the right to confront and cross-examine opposing witnesses, the right to testify and to have process for the attendance of witnesses;

- d) you know what the consequences are if you plead No Contest (that the court will decide your penalty/punishment);
- e) you understand what you are saying you did;
- f) there is a factual basis for the plea.

If you decide to admit or plead No Contest, it will be the court's obligation to determine that you understand all your rights and are knowingly entering into a plea.

E. Advantages/Disadvantages of Different Pleas

It is very important that you talk with your attorney about the "pros" and "cons" of these different kinds of pleas so you can make the best decision about what to plead. This means it is important to understand what is "good" about each plea and what is "bad" or not so good about each plea.

Admitting to the Charges:

Advantages:

- The court process will probably be really quick.
- You could enter a "plea agreement" (described below).

Disadvantages:

- You cannot explain any of the circumstances around the crime that might help other people better understand why you did what you did.
- You are admitting you committed a crime and will be punished as such.

Denying the Charges:

Advantages:

- The prosecutor has the responsibility to prove the charges against you.
- You are saying you did not do anything wrong.

Disadvantages:

- The judge at a trial may still find the charges are true or that you are guilty.

Pleading No Contest:

Advantages:

- If part of a plea bargain (see next section) it may result in a reduced sentence.
- Can avoid the delay in waiting for a trial and sentencing.

Disadvantages:

- You will not have a chance to tell your side of the story and defend yourself in court.

F. What Should I Plead?

You and your trainer will talk about the “pros” and “cons” (the “good” and “bad”) of the different types of pleas, but you will not try to decide what you should plead. That is a job that you do with your attorney. Learn about the different kinds of pleas with your trainer, then make a decision about how you want to plead with your attorney. Your attorney has a lot of knowledge and practice helping people make decisions about how to plead.

CHECK FOR UNDERSTANDING:

Name the three plea options (admits/denies/no contest).

By admitting to the alleged offense, you will receive no punishment. True or False?

If you deny the charges, will you be able to tell your side of the story? True or False?

Which plea will prevent you from participating in a trial?

The judge is the best person to ask about a plea agreement. True or False?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Fill in the Blanks (Client Workbook: Module 8 Content Area C-F)

Using the participant worksheet that describes the different pleas, have the client read the descriptions of each plea (or read the descriptions to them). Based on the descriptions, have the client determine which type of plea the description is referring to and fill in the blank or simply verbalize the answer.

Where Will This Plea Take Me? (Client Workbook: Module 8 Content Area C-F)

Using the illustrated worksheets in the participant workbook that graphically show the “destination” that different pleas will lead to, help the client visualize how different pleas lead to different outcomes. For example, if a client pleads “Deny/Not True,” this will result in further hearings, development of a legal defense, and culminate in a trial.

Matching Card Game (Client Workbook: Module 8 Content Area C-F)

There are two sets of cards. The first set lists out the advantages or disadvantages of certain types of plea arrangements, and are laid out on the table. The client has a second set of three cards, each of which has the names of the various types of pleas. To “win”, the client must match up the plea card by laying it on a correct advantage/disadvantage card on the table. If correct, the client gets to pick up the advantage/disadvantage card and put it in their correct pile. If the client chooses incorrectly, discuss why their choice was incorrect and then have them try again. It should be stressed that because some types of pleas have more than one advantage or disadvantage, and because some advantages or disadvantages can apply to more than one plea, there are several ways to “win.”

G. Understanding the Difference Between a Plea and a Plea Agreement

You need to learn the difference between two terms that sound a lot alike but are very different: plea and plea agreement. Like we talked about above, a plea is what you want to say to the court about your charges. Remember, you can plead admit, deny, or no contest. On the other hand, a plea agreement is a deal (bargain/agreement) you make with the prosecutor. You agree to admit to a less serious charge, fewer charges, or both in hopes, or in agreement, that you will receive a lesser (lighter) punishment (penalty/sentence) because you are admitting to the crime(s). Just like pleas, there are good things and not so good things about plea agreements (see below).

You will want to talk about plea agreements with your defense attorney. Sometimes attorneys think it is a really good idea for their clients to say “yes” to a plea agreement. It is always up to you, however, whether you decide to take a plea agreement or not. Remember, though, your attorney went to school and has practice with the legal system, so be sure to listen to why they are thinking a plea agreement might be a good idea for you.

It is very important for you to remember that if you say “yes” to a plea agreement, this means you are admitting to having committed the crime that you are admitting to. You are giving up your defense to the judge. You are giving up your right to tell your side of the story in court. You are also saying you committed the crime and the prosecutor does not have to prove the case against you with any evidence or arguments. Sometimes you might want to say “yes” to a plea agreement, and your attorney will tell you this is not a good idea. Listen to your attorney. Your attorney went to

school and has practice making these kinds of decisions. In the end, however, you get to decide whether you accept the plea agreement or not.

Advantages of a Plea Agreement:

- You will not have to go through a trial.
- The charges you disagree with may be dismissed so you are admitting to the charges that you believe most accurately reflect what you did.
- The charges you admit to are the charges the prosecutor could actually prove rather than what they believe you did.
- Your penalty may be less bad (lighter or less severe).
- You might have to pay a lot less money in fines or even no money at all.
- You will not have to wonder what might happen in a trial because there will not be any trial.

Disadvantages of a Plea Agreement:

- When you enter a plea agreement, you are telling everyone that you did the crime you are admitting to, even if you did not do it! You might wonder why someone would say they did a crime if they did not do it! Well, sometimes a person has not done a crime, but lots of other people think they have done it, and the prosecutor might have “evidence” that they committed the crime. This can be a very hard idea to understand, but this might mean that even if you did not commit the crime you are charged with, the judge might decide that the charges against you are true and you could get a worse punishment. You are deciding to admit to a less serious crime in hopes of a less serious punishment rather than risk being found guilty of a more serious crime at a trial.
- There is a very important document (paper) called the United States Constitution. Right inside this document there is a part that says everyone has a right to a trial when they have been charged with a crime. The people who wrote that document believed this was the only fair way to decide if someone was guilty of a crime or not. When you take a plea agreement, however, you are saying that you are giving up your right to a trial. Some people do not believe this is OK. What do you think? Should you have the choice to give up your right to a trial if it is your choice?
- If you accept a plea agreement and change your mind later, it can only be taken back in very specific circumstances and within a certain amount of time. If you accept a plea and then later tell the judge you changed your mind for very special reasons the judge may still say not let you take back your admission. It is very difficult to change your mind once you have admitted a charge either, as charged or in a plea

bargain, or if you plead no contest.

CHECK FOR UNDERSTANDING:

What is it called if you want your attorney to try and work out a deal with the prosecutor?

You can be forced to take a plea agreement. True or False?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Plea Agreements (Client Workbook: Module 8 Content Area G)

Using the worksheet provided in the participant workbook have the client read (or read to them) through the list of advantages and disadvantages of a plea agreement that are mixed up and listed in no particular order. Next to each statement have the client write (or verbalize) A for advantage and D for disadvantage. Discuss each answer with the client and talk about why it is or is not an advantage.



STOP: Congratulations -- you have made it through all the Content Areas for Module 8. Please review Module 8 terms using the vocabulary card deck provided BEFORE proceeding to the post-test. Your deck for Module 8 will cover the following terms: *partnership, defense, outcome, plea, admit, deny, no contest, and plea agreement.*



POST-TEST KNOWLEDGE ASSESSMENT

Please give the following post-test to your client after completing Module 8. If your client answers all of the questions correctly, you may move to Module 9. If your client does not answer all the questions correctly or completely, please return to the Content Area that relates to those questions. Remember that it is more important for the client to understand the main concepts of the material than to answer a certain number of questions correctly. Ultimately it will be up to you to decide when your client is ready to move to the next module. If your client does not appear to be gaining the knowledge despite repetition of material and your best

efforts, please consult with your attainment coordinator before moving to the next module.

This is not a test and will not be graded! Reassure your client that answering these questions will help you understand how to help them better.

Instructions:

Ask each question *clearly* and *slowly* so your client understands what you are asking. You can repeat each question as many times as the client needs. Ask one question at a time and wait for the answer before moving to the next question.

After you read each question, direct your client to:

1. Tell you the answer out loud and/or
2. Write the answer in the space provided on the handout.

If your client does not know the answer, tell them it is OK. Remind them this is not a test. Reassure them that you will teach them the answer to the question later. Move on to the next question.

Repeat this process until you have given your client a chance to answer all the questions. If your client gives you an answer out of order, that is OK. Your client may return to previous questions at any time.

If the client misses questions, please work through the material in the module that addresses these questions. Continue to review the relevant sections in the module until either: 1) the client learns the material and answers the questions correctly, or 2) you decide that the client is not going to be able to learn the material. If you believe your client is not making gains, please consult with your attainment coordinator before moving to the next module.

ASSESSMENT

1. Define the word partnership.
2. Give an example of a personal partnership (friend, family member, school teacher, community member).
3. Which is more important, telling the truth to your attorney or telling your attorney the story they want to hear?
4. Who can provide you with the best legal advice on what to plea, your attorney or the judge?
5. Name the three plea options (admits/denies/no contest).
6. By admitting to the alleged offense, you will receive no punishment. True or False?
7. If you deny the charges, will you be able to tell your side of the story?

True or False?

8. Which plea will prevent you from participating in a trial?
9. The judge is the best person to ask about a plea agreement? True or False?
10. What is it called if you want your attorney to try and work out a deal with the prosecutor?
11. You can be forced to take a plea agreement. True or False?



ACCEPTABLE ANSWERS TO KNOWLEDGE QUESTIONS:

Please use the following answers as a guide to determining whether your client has answered questions correctly and completely.

1. Any variation on cooperation between two people or groups working together.
2. Any appropriate example.
3. Telling the truth.
4. My attorney.
5. Admit, Deny, No Contest.
6. False (the judge will still decide on an appropriate punishment, but I won't have to go through a trial first).
7. True.
8. Admitting to the Charges, Pleading No Contest or making a Plea Agreement.
9. False (my attorney is the best person to talk to about a plea agreement).
10. A plea agreement.
11. False (the final choice about accepting a plea agreement is mine, but I should discuss my choice with my attorney to make sure it is the best choice and in my best interest).



Module 9: Testifying

Utah Code Ann. §78A-6-1302(7)(g) “*testify relevantly if applicable*”

Trainer Manual

OVERVIEW

MODULE 9 GOALS:

What does it mean to testify in court?

Should clients testify on their own behalf, and what are the advantages and disadvantages?

How can clients testify effectively?

This is what you want to teach your client in Module 9:

1. The meaning of *testify* and *testimony*.
 2. What testifying on their own behalf means, and the advantages and disadvantages of doing so.
 3. That they are not required to testify if they do not want to, even if others want them to.
 4. There are strategies for testifying effectively.
 5. That how they testify can be just as important, if not more so, than what they say.
-



Remind your client this is not a test!

KNOWLEDGE ASSESSMENT

To find out what your client already knows about this area, you must ask them the following questions **BEFORE** you begin the module. To determine how much they learn, you will ask them the same questions after completing the module.

This is not a test and will not be graded! Reassure your client that answering these questions will help you understand how to help them better.

Ask each question *clearly* and *slowly* so your client understands what you are asking. You can repeat each question as many times as the client needs. Ask one question at a time and wait for the answer before moving to the next question.

After you read each question, direct your client to:

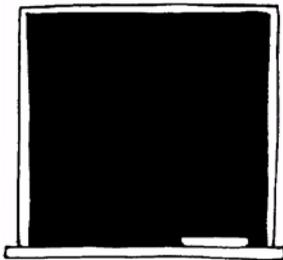
1. Tell you the answer out loud and/or
2. Write the answer in the space provided on the pre-test handout.

If your client does not know the answer, tell them it is OK. Remind them this is not a test. Reassure them that you will teach them the answer to the question later. Move on to the next question.

Repeat this process until you have given your client a chance to answer all



Please pay special attention to any accommodations your client may require for the knowledge, assessment, and presentation of material.



Review client responses with them.

Remind clients that questions they get wrong give you ideas about how to help them.

Use simplified language to teach concepts.

Assess your client's progress regularly with **CHECK FOR UNDERSTANDING** questions.

Use Practice Exercises to teach difficult concepts.

Work in brief segments.

the questions. If your client gives you an answer out of order, or does not answer every single question correctly, that is OK. It is more important for the client to understand the main concepts of the material than to be able to answer a certain number of questions correctly. Your client may return to previous questions at any time. When you decide the client has completed the module, please ask them the same questions again to document knowledge gain.

If the client misses questions, please work through the material in the module that addresses these questions. Continue to review the relevant sections in the module until either: 1) the client learns the material and answers the questions correctly, or 2) you have gone through the module three times and the client continues to provide incorrect and incomplete answers.

ASSESSMENT

1. What does it mean to testify in court?
2. What is a person's testimony?
3. What does it mean to testify on your own behalf?
4. What are the advantages of testifying on your own behalf?
5. What are the disadvantages of testifying on your own behalf?
6. Are you required to testify if you don't want to?
7. Does everyone have to tell the truth in court?
8. What are some strategies to testify effectively?
9. Should you leave the stand when questioning is over?
10. How should you address the judge?

TEACHING INSTRUCTIONS

Step 1: Review your client's responses against "Acceptable Answers to Knowledge Questions" listed below to determine which answers are correct and which answers are incorrect or incomplete.

Step 2: Review your client's responses with them.

Step 3: Show your client the questions they answered correctly and the ones they answered incorrectly or incompletely.

Step 4: Reassure the client you will work together to teach them the correct answers to the questions they missed or need to know more about.

Step 5: Use the information presented below to teach your client about the areas they need to learn about. We recommend you use the simplified language presented below to explain the concepts because your client is

more likely to understand the concepts if you explain them this way. If the language seems too simple for your client, you can use more sophisticated language to describe the concepts.

Step 6: After each segment of information, there is a CHECK FOR UNDERSTANDING box. Questions are provided so you can immediately assess if your client is learning the concepts. Use their answers to guide whether you move on or repeat material. If the client successfully completes the questions in the box, move on to the next Content Area. Remember that it is more important for the client to demonstrate an understanding of the concepts addressed by each question than to answer every question correctly. If you feel the client has a good understanding of the concepts they do not need to answer all or even a certain number of the questions correctly. The questions provided throughout the module are simply an attempt to evaluate how well the client understands the underlying concepts being presented. You will need to use your best judgment about whether the client is ready to move on if they have trouble with specific questions, but you believe that they understand the overall concept addressed by the questions.

Step 7: If the client continues to provide incorrect or incomplete answers after presentation of material, work through the recommended Practice Exercises.

Step 8: Re-check for understanding after the Practice Exercises.

Step 9: If the client persists in being unable to understand the information, note this and move to the next topic.

Step 10: You should work in seven to ten minute segments. After seven to ten minutes of presenting material and asking questions, provide the client with a brief break. Options include having a snack, stretching, doing a relaxation exercise, taking a short walk, enjoying some free conversation with you, and so forth.

CONTENT AREAS

For each Content Area, read the information to your client slowly and clearly. Immediately after giving them the information, ask the questions in the CHECK FOR UNDERSTANDING box. If the client gives you the correct answers for each of the questions, move to the next topic area.

For any incorrect or incomplete answers, review the material you just covered. After reviewing the related material one time, ask them the questions again. At this point, if they continue to have incorrect or incomplete answers, move on to the Practice Exercises. When you have completed the Practice Exercises, ask them the questions in the CHECK FOR UNDERSTANDING box a final time. If they continue to have difficulties, note the sections they are struggling with and move to the next

Terms and Concepts:



Testifying: Answering questions in court.

Testimony: Information or evidence given by a witness under oath.

Witness: One who testifies under oath to what he/she has seen, heard, or otherwise observed.

Oath: Another word for promise. To take an oath is to make a promise.

Content Area.

A. *Testifying: What does it mean?*

Testifying is what happens when you (or a witness) tell the court what you know, saw, heard or even sometimes what you smelled, all related to the crime you have been charged with. The words (or story) that you or a witness say are called your “testimony.” When a person testifies they might talk about what they thought, felt, or believed at the time of the event, not just the facts of what happened (the “action”).

Think about when you come home from school and your mom or dad or other caretaker ask you about your day. You could tell them what you did, who you played with, what you learned, what you thought, how you felt, and other things. This is kind of like “testifying” you are describing the events of the day and your thoughts and feelings. Many times your mom or dad will ask you questions to help you tell the story of your day. When you are in court telling the story related to your crime, your attorney and the prosecuting attorney will be asking you questions to gather information about your story. The judge might ask you some questions too.

It is very, very important that you tell the “whole truth and nothing but the truth” if you testify in court. There are some very serious penalties against people who testify in court and lie. You do not want to get in trouble for lying in court! Your attorney will give you tips on how to testify. The more you practice, the less scared you will be.

You might feel very scared about testifying. Even grown-ups can feel scared about testifying because it is something new; something most people have not done before. But the more you prepare and practice ahead of time, the more likely you are to feel relaxed and calm. You are not required to testify, but if you and your attorney decide it is the best thing for you to do for your defense then practice, practice, practice.

CHECK FOR UNDERSTANDING:

What does it mean to testify in court?

What is a testimony?

Who might ask you questions if you are testifying in court?

Who can help you prepare to testify in court?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material one time and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

The Importance of Testimony (Client Workbook: Module 9 Content Area A)

Often witness testimony is nothing more than a timeline narrative of events culminating in the alleged crime. In this exercise, the client will have the opportunity to practice relating a similar timeline narrative. Trainer and client will determine a favorite story - preferably a story very well known to and liked by the client. If the trainer is not familiar with the story, they will need to review it. For the exercise, have the client sit in a chair facing the trainer (now pretending to be an attorney) and answer a series of open-ended questions about the story to practice narrating a timeline of events. The trainer will ask simple questions such as “Where did the events take place?” “Who was there?” “What happened next?” and so on.

Video of Sample Testimony (Client Workbook: Module 9 Content Area A)

Watch a series of short, age-appropriate, movie clips that demonstrate witnesses delivering testimony (from YouTube videos and/or other commercially available sources) with the client and evaluate the strengths and the weaknesses of the communication style of the testimony.

B. Who will testify and do I have to testify?

If you want to testify (or tell the story related to your charges), you have that choice, but you will never HAVE TO testify. This is different from other people (called witnesses) who may be forced to tell the court what they know. The witnesses could be friends, family, neighbors, classmates, etc. These other people can be asked to talk about what they know about the crime you are charged with.

The reason you do not have to testify if you do not want to is because of something called the Fifth Amendment. Remember we talked about the United States Constitution in Module 8? In that very important document, there is a statement that says that people do not ever have to answer questions or make statements that could get them in trouble. Getting yourself in trouble is called “self-incrimination.” You do not have to do that ever.

The judge cannot assume or think you are guilty just because you are not testifying. In fact the judge cannot consider that as evidence against you or

hold it against you.

C. When is it better to testify or not to testify on my own behalf?

If your attorney thinks you will help yourself if you testify, then you should probably testify! You may be the only person who can talk about very important information in your case.

There are times, however, when it might be better if you do not testify. Maybe you have a hard time sticking to the point of a story, or maybe when you talk it is hard for you to not get really mad. In those cases, it might be better if you do not testify. If you testify, the prosecutor can ask you a lot of questions. This might confuse you or cause you to say things that could get you into trouble. If you testify, you must tell the truth. Maybe you cannot testify without saying things that will get you in trouble.

Talk about these things with your attorney. Together, you and your attorney can decide what is best for you and your case. You must always remember, however, that no one can force you to testify, not even your attorney. Whether or not you testify is *your* decision.

CHECK FOR UNDERSTANDING:

What does it mean to testify on your own behalf?

Are you required to testify if you don't want to?

What are the advantages of testifying on your own behalf?

What are the disadvantages of testifying on your own behalf?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material one time and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Pros and Cons of Testifying (Client Workbook: Module 9 Content Area B-C)

The trainer will take a sheet of paper (or use a digital device) and divide it into two sections: “pros” and “cons”. The client and trainer will list the

perceived advantages and disadvantages of testifying under the appropriate heading. The client can keep this list and share it with their attorney to promote good decision-making about testifying.

D. Swearing to Tell the Whole Truth and Nothing But the Truth...

If you and your attorney decide it is best for your defense if you testify, you will be asked to take the oath written below. An oath is like a promise. In this case, the promise you are making is to tell the “whole truth and nothing but the truth.” If you lie when you are testifying, you can get into a lot of trouble. Here is the oath, or promise, you will make if you testify:

“Do you solemnly swear or affirm that you will tell the truth, the whole truth, and nothing but the truth, so help you God?”

What does this promise mean? In the first part of the promise, they are using words like “solemn” to show that this is a very serious promise to be making. This is not a joke. This is a very serious matter. In the next part of the promise (oath), you are promising to tell the truth, which means you will only say what actually happened. You will not leave important parts of the story out, and you will not make up things in your story. Finally, the phrase “so help you God” makes it clear that you are so serious about this promise that you are making this promise before (in front of) God. This oath is a very big deal!

Here is an example. Let’s say you went to McDonald’s, ate a hamburger and fries, drank a chocolate shake, and talked with a friend. Let’s say you sat at a table near the window. If someone asks you what you did at McDonald’s, you could say you talked with a friend. That is the truth, right? But if you say that is all you did, is that the whole truth? No, because you are leaving out the parts about what you ate and drank and where you sat. Or, you could say that you ate a Happy Meal and talked with no one. Is that telling the truth or lying? That is lying! So if you wanted to tell the truth, the whole truth, so help you God, you would say exactly what happened: I went to McDonalds, ate a hamburger and fries, drank a chocolate shake, and talked with a friend. You would also say you sat at a table near the window.

Of course, sometimes people, including you, do not remember everything about what happened. You just have to do the best you can to remember what happened and tell it like you remember it.

CHECK FOR UNDERSTANDING:

Does everyone have to tell the truth in court?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material one time and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Do You Swear to Tell the Whole Truth? (Client Workbook: Module 9 Content Area D)

The trainer will be provided with the names of age-appropriate movie clips and YouTube videos that demonstrate a witness being asked to take an oath before testifying.

E. How do I testify?

If you and attorney decide you are going to testify, there are a lot of things you can do to help yourself do a good job. Study the items below with your trainer.

Paying Attention

You must pay attention when you are in court. You need to listen to the judge, your attorney, and the prosecutor. They will be talking about all kinds of things, even some things that you do not understand. It is important that you only answer questions you understand. If you do not understand a question, it is OK (and even smart) to let the judge or your attorney know you do not understand. It is OK to say things like:

“I don’t know.”

“I don’t remember.”

“I don’t understand.”

It is very important, however, to only say these things if they are true! Remember, someone who lies in court can get into a lot of trouble.

Also, never guess the answer to a question or give any additional information than what is asked of you. It is smart to stay away from your opinions, too, unless you are asked about them.

Using Appropriate and Respectful Vocabulary

You need to be very careful what you call the different people in the courtroom, especially the judge. A judge is a very important person, and

should be treated with great respect. Unless you are told otherwise, you should always call the judge “Your Honor.” Second, whenever you speak to the judge, unless told otherwise, you should stand up, face the judge, and speak to him or her directly. Be polite, use good manners, and always be respectful. Do not use any swear words, slang words, strange noises (like grunts or groans), and the like.

Staying on the Stand Until Excused

If you decide to testify, there will be a special place for you to sit called the “stand.” Once you are on the stand, you will take the oath (or promise) about telling the truth that we talked about above. You must stay seated on the stand until the judge says it is OK for you to leave. You must always stay until you are excused by the judge. Do not leave!

CHECK FOR UNDERSTANDING:

What are some strategies to testify effectively?

Should you leave the stand when questioning is over?

How should you address the judge?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material one time and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Role Playing the Swearing in Oath (Client Workbook: Module 9 Content Area E)

Set up a scenario with the client where you, as the trainer, act as the judge and the client is going to testify and answer your questions. Have the client stand as you pretend to enter the room, call them up to a witness chair (you can review the swearing in here if needed), and begin to ask the client questions. Ask questions about things they likely don't have the answer to so they can practice what to do when they don't have an answer (e.g. “I don't know,” “I don't remember,” or “I don't understand”), have them practice calling you “Your Honor”, and have them stay seated until you excuse them to go back to their regular chair.



STOP: Congratulations -- you have made it through all the Content Areas for Module 9. Please review Module 9 terms using the vocabulary card deck provided BEFORE proceeding to the post-test. Your deck for Module 9 will cover the following terms: *testifying, testimony, witness, and oath*.

POST-TEST KNOWLEDGE ASSESSMENT

Please give the following post-test to your client after completing Module 9. If your client answers all of the questions correctly, you may move to Module 10. If your client does not answer all the questions correctly or completely, please return to the Content Area that relates to those questions. Remember that it is more important for the client to understand the main concepts of the material than to answer a certain number of questions correctly. Ultimately, it will be up to you to decide when your client is ready to move to the next module. If your client does not appear to be gaining the knowledge despite repetition of material and your best efforts, please consult with your attainment coordinator before moving to the next module.

This is not a test and will not be graded! Reassure your client that answering these questions will help you understand how to help them better.

Instructions:

Ask each question *clearly* and *slowly* so your client understands what you are asking. You can repeat each question as many times as the client needs. Ask one question at a time and wait for the answer before moving to the next question.

After you read each question, direct your client to:

1. Tell you the answer out loud and/or
2. Write the answer in the space provided on the handout.

If your client does not know the answer, tell them it is OK. Remind them this is not a test. Reassure them that you will teach them the answer to the question later. Move on to the next question.

Repeat this process until you have given your client a chance to answer all the questions. If your client gives you an answer out of order, that is OK. Your client may return to previous questions at any time.

If the client misses questions, please work through the material in the module that addresses these questions. Continue to review the relevant sections in the module until either: 1) the client learns the material and answers the questions correctly, or 2) you decide that the client is not going to be able to learn the material. If you believe your client is not making gains, please consult with your attainment coordinator before moving to

the next module.

Post Test ASSESSMENT

1. What does it mean to testify in court?
2. What is a person's testimony?
3. What does it mean to testify on your own behalf?
4. What are the advantages of testifying on your own behalf?
5. What are the disadvantages of testifying on your own behalf?
6. Are you required to testify if you don't want to?
7. Does everyone have to tell the truth in court?
8. What are some strategies to testify effectively?
9. Should you leave the stand when questioning is over?
10. How should you address the judge?

ACCEPTABLE ANSWERS TO KNOWLEDGE QUESTIONS:

Please use the following answers as a guide to determining whether your client has answered questions correctly and completely.

1. When a witness, (or myself) is asked to tell the court what they know, saw, heard, or even sometimes what they smelled about a particular situation.
2. The things they say when they are under oath about what they think or feel about the situation they are being asked about.
3. To tell my side of the story in my own words. To let the judge know in my own words what happened and how I think and feel about things.
4. It can be helpful for the judge to hear what happened in the client's own words, the client may be the only one who can answer certain questions.
5. The prosecutor can then cross-examine the client, which may confuse them or cause them to provide information to the judge that is not in their best interest.
6. No, but I need to talk to my defense attorney about why I don't want to testify if they are asking me to so that they can help me make the best decision about testifying or not.
7. Yes.
8. Pay attention, listen closely to the questions being asked and let people know if I don't understand the question, am confused, or don't know



the answer. Don't make up answers or guess to look smart.

9. No, I should only leave the stand when the judge tells me it is okay to go back to another chair.
10. I should use respect when talking to anyone in the courtroom and especially to the judge by either saying "Your Honor" or calling them judge. I should never use swear words or slang words in court or answer a question with a grunt or other noise.



Please pay special attention to any accommodations your client may require for the knowledge, assessment, and presentation of material.

the client to understand the main concepts of the material then to be able to answer a certain number of questions correctly. Your client may return to previous questions at any time. When you decide the client has completed the module, please ask them the same questions again to document knowledge gain.

If the client misses questions, please work through the material in the module that addresses these questions. Continue to review the relevant sections in the module until either: 1) the client learns the material and answers the questions correctly, or 2) you have gone through the module three times and the client continues to provide incorrect and incomplete answers.

ASSESSMENT

1. Who is the person in court that is in charge of your “team”?
2. If you are not sure when to talk or what to do in the courtroom, who is the person to ask for help?
3. How should you act in the courtroom?
4. What is the best thing to call the judge?
5. What should you do if you think someone is lying about you in court?
6. Who should you talk to if you do not understand what is happening in the courtroom?
7. What does being on your best behavior mean?
8. Why is it important to be in control of your emotions and behavior in the courtroom?
9. What kind of clothes should you wear to court?
10. What does it mean to have good hygiene?
11. Why is good hygiene in the courtroom important?

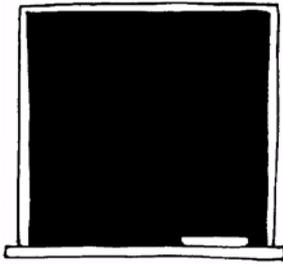
TEACHING INSTRUCTIONS

Step 1: Review your client’s responses against “Acceptable Client Responses” listed below to determine which answers are correct and which answers are incorrect or incomplete.

Step 2: Review your client’s responses with them.

Step 3: Show your client the questions they answered correctly and the ones they answered incorrectly or incompletely.

Step 4: Reassure the client you will work together to teach them the correct answers to the questions they missed or need to know more about.



Review client responses with them.

Remind clients that questions they get wrong give you ideas about how to help them.

Use simplified language to teach concepts.

Assess your client's progress regularly with CHECK FOR UNDERSTANDING questions.

Use Practice Exercises to teach difficult concepts.

Work in brief segments.

Step 5: Use the information presented below to teach your client about the areas they need to learn about. We recommend you use the simplified language presented below to explain the concepts because your client is more likely to understand the concepts if you explain them this way. If the language seems too simple for your client, you can use more sophisticated language to describe the concepts.

Step 6: After each segment of information, there is a CHECK FOR UNDERSTANDING box. Questions are provided so you can immediately assess if your client is learning the concepts. Use their answers to guide whether you move on or repeat material. If the client successfully completes the questions in the box, move on to the next Content Area. Remember that it is more important for the client to demonstrate an understanding of the concepts addressed by each question than to answer every question correctly. If you feel the client has a good understanding of the concepts they do not need to answer all or even a certain number of the questions correctly. The questions provided throughout the module are simply an attempt to evaluate how well the client understands the underlying concepts being presented. You will need to use your best judgment about whether the client is ready to move on if they have trouble with specific questions, but you believe that they understand the overall concept addressed by the questions.

Step 7: If the client continues to provide incorrect or incomplete answers after presentation of material, work through the recommended Practice Exercises.

Step 8: Re-check for understanding after the Practice Exercises.

Step 9: If the client persists in being unable to understand the information, note this and move to the next topic.

Step 10: You should work in seven to ten minute segments. After seven to ten minutes of presenting material and asking questions, provide the client with a brief break. Options include having a snack, stretching, doing a relaxation exercise, taking a short walk, enjoying some free conversation with you, and so forth.

CONTENT AREAS

For each content area, read the information to your client slowly and clearly. Immediately after giving them the information, ask the questions in the CHECK FOR UNDERSTANDING box. If the client gives you the correct answers for each of the questions, move to the next topic area.

For any incorrect or incomplete answers, review the material you just covered. After reviewing the related material one time, ask them the questions again. At this point, if they continue to have incorrect or incomplete answers, move on to the Practice Exercises. When you have

Term and Concepts:



Appropriate: Means the right thing to do or the best thing to do in a certain situation. For example, it is appropriate (the right thing to do) to call the judge “Your Honor”, but not to call them by their first name “hi John”.

Respect: To show respect is to show someone that you value them or their role. You understand that they have an important place in your life. Because a judge is someone who can decide if we are innocent or guilty, we should show them respect. They have an important job that directly impacts our life.

completed the practice exercises, ask them the questions in the CHECK FOR UNDERSTANDING box a final time. If they continue to have difficulties, note the sections they are struggling with and move to the next content area.

A. *My Attorney as Court Captain*

You need to understand that your attorney (called the “defense attorney”) is the person in charge of your case. They are on your side and know a lot of things that can help you. It is so important that you listen to and talk with your attorney.

Your defense attorney is like the captain of an airplane. The captain of an airplane is in charge of making sure that the airplane and its passengers take off, fly, and land safely. Your defense attorney is in charge of your case in a similar way. Your attorney will help you prepare for court, show you how to act in court, and understand what the judge expects you to do after the trial is over (if your case goes to trial).

Your defense attorney will help you learn the following:

1. *When can I talk in court?*

There are only certain times when you are allowed to talk in court. Your defense attorney will let you know when it is your turn to talk and when you need to stay quiet. Your defense attorney will also let you know if you have to answer a question from someone else in the court, or if you do not have to answer a question.

2. *Who can I talk to in court?*

There are some people in the courtroom who you should talk to only at certain times. For example, you should only talk to the judge if he or she talks to you first. There are some people who you should not talk to at all, like the victim of the alleged crime or the prosecuting attorney. Basically, you need to sit quietly unless you are asked a direct question or your defense attorney tells you it is time to talk. It is very, very important that you follow your attorney’s directions about talking in court.

3. *How should I talk in court?*

Yelling, using swear words, calling people names, or using other “bad” language is never okay in the courtroom. Not only should you not use bad language, you should use respectful and polite language in court. The defense attorney will help you know what to call people in the courtroom, but the judge should always be called “Your Honor” or say “Judge” plus the judge’s last name (for example, Judge Smith). You should speak in a voice that is “just right” for inside not too loud and not too quiet. Also, remember to use your manners and say “please” and “thank you.”

Showing respect for the judges by calling them the proper title and

responding to them in a polite and quick way is one of the most important things for you to learn about in this section.

4. *What if someone lies about me or doesn't tell the whole truth?*

If someone is called to be a witness in your case and they say mean things about you, or tell a story about you that you do not think is true, it can be very hard to sit still and wait your turn to talk. No one likes what it feels like to be talked about that way. But it is very, very important that you do not yell out or say something to that person during court. Judges get very ANGRY (mad) when people talk out of turn in court.

If someone is saying things about you that are not true, your immediate job is to let your defense attorney know so that he or she can deal with the situation, not you.

You and your attainment trainer can talk about different plans of action for getting messages to your attorney. Maybe you could write a quick note and give it to them. Maybe you could lean over and whisper in his or her ear. You can also try some of the exercises below to create a plan. It is very important, of course, that you talk directly with your attorney about how they want you to get information to them while you are both sitting in the courtroom.

[TRAINER NOTE: *Some attorneys do not like clients telling them too many things during a trial. If that is the case, a limit might need to be set around how many messages a client can give their attorney in a 30-minute period, especially with highly anxious clients who may want to continuously send messages to their attorney!]*

5. *What if something happens in court that I do not understand?*

You have the right to understand everything that is happening in the courtroom. If something is happening or someone is saying something that you do not understand, be sure to let your attorney know. There is absolutely no reason for you to sit in court and feel confused or upset by what is happening. It is OK to talk to someone about what is happening, but remember to talk quietly to your attorney and to only talk out loud when your attorney says it is OK.

CHECK FOR UNDERSTANDING:

Who is the person in court that is in charge of your "team"?

If you are not sure when to talk or what to do in the courtroom, who is the person to ask for help?

How should you act in the courtroom?

What is the best thing to call the judge?

What should you do if you think someone is lying about you in court?

Who should you talk to if you do not understand what is happening in the courtroom?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material one time and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

What is a Captain? (Client Workbook: Module 9 Content Area A)

Working with the client, come up with a list of as many different types of captains as possible (e.g., captain of an airplane, captain of a ship, captain of a team, captain in the military, and so on). Next, build a list of responsibilities and/or characteristics that describe what captains do, such as “they are the leader”; “they tell people what to do”; “they know a lot and have a lot of experience”; “they give the team guidance”, and so forth. Using this list, explain to the client how the defense attorney plays the same role in court for the client, and that is why it is so important for the client to “follow the lead” of their attorney.

The If/Then Game (Client Workbook: Module 9 Content Area A)

This game involves using a deck of 3x5 or 5x7 cards with half describing “What if” scenarios and the other half providing appropriate “Then” responses to the what if scenarios. For example, on a “What if” card will be a question related to something that might happen in court such as, “What if the judge asks me a question?”; “What if a witness is telling lies about me?”; “What if something is happening that I don’t understand?” The client will be holding a pack of “Then” cards with statements on the back such as “I will answer the question truthfully”; “I will send a brief, written note to my attorney”; “I will whisper to my attorney that I don’t understand what is happening”. For each “What if” card that the trainer holds up, the client must find a corresponding “Then” card. [For clients who have great difficulty reading, the “What if” cards can just be read and the client can verbalize an answer.]

When Someone is Telling a Lie or I Don’t Understand Something (Client Workbook: Module 9 Content Area A)

Clients need to understand that sometimes they will hear things about themselves in court that they believe are lies. The client and trainer will

Terms and Concepts:



Control: To be in charge of your behavior and emotions; to keep calm, make good choices on what you say and do in court.

Manage: The same as control; to manage your behavior and emotion is to be able to respond to people and situations in the best way possible. To yell and scream and throw things is the opposite of being in control or managing your behavior.

Behavior: The way we act toward others; the way we move or hold our body, the look we have on our face, or the way we speak to others. Behavior is the way we show our feelings on the outside by what we do and say.

Emotion: The same thing that we sometimes call our feelings. We can feel happy, sad, angry, frustrated, calm, anxious, peaceful, etc.

develop a management plan for these situations. If allowed, this plan will be on a small note card the client can carry with them into court as a reminder for managing their emotions and behavior. Using a “Do’s” and “Don’ts” strategy, the plan might look like the plan shown below.

My Plan of Action if I Think Someone is Lying About Me in Court:

DO:

Whisper or pass a note to my attorney to let them know

Stay calm

Keep a serious or pleasant facial expression

Keep quiet

DON'T:

Don't make faces

Don't call them names

Don't jump up from my seat

Don't shout out they are lying

Don't try to stare them down

My Plan of Action if I Don't Understand What is Happening in Court:

DO:

Whisper or pass a note to my attorney to let them know

Stay calm

Keep a serious or pleasant facial expression

Keep quiet

DON'T:

Don't make faces

Don't make loud sighs or other noises showing you are frustrated

Don't get up from your seat and try to leave the room

B. Controlling Your Behavior and Feelings in Court

Being able to control your behavior and feelings in court is very important. Being in court is like being in school or church where you should be on your very best behavior and show appropriate feelings. If someone in court says you are being or getting “too emotional”, that means you are having a lot of big feelings that are showing through to everyone. You want to try to look calm and relaxed in court, not stressed and anxious.

We can feel happy, sad, angry, frustrated, calm, anxious, peaceful, etc. We often show how we are feeling by our behavior, (e.g., the way we act/move our body, the way we hold our face, or the way we speak to others). For example, when we are happy, we usually smile and talk kindly to others. When we are sad or scared, we might cry or talk very softly. When we are angry, we might stomp our feet, fold or wave our arms, and talk loudly and rudely.

When you are in the courtroom, it is important that you try to be as calm as possible and that you use your face, body, and voice to show that you are calm and paying attention. Being in court can be very stressful for everyone, so it can be hard to keep your feelings and behavior in control. It is important to practice keeping your feelings and behavior in control when you are in the courtroom so that you do not get in trouble with the judge.

[NOTE: Some disabilities impact the way a person moves their body, the range of facial expressions possible, speech, or the ability to regulate emotion. This section is not suggesting that disability related movements, behaviors, etc. need to be eliminated prior to being in the courtroom. However, if medications or other treatments have been prescribed to address any of these issues for individual clients, they should be encouraged to follow the prescribed treatments.]

To prepare you for court, practice the following skills/behaviors with your trainer:

1. Sitting quietly in a chair; keeping arms and legs from making unnecessary movement/noise (i.e. don't tap your foot or hand loudly when you don't like what is being said or you are anxious). If you fidget excessively (a lot) when you are nervous, practice holding a quiet object (work on having them hold a handkerchief or other quiet object that they can manipulate without making noise).
2. Keeping facial expressions calm (don't make rude faces at the judge or others in the court). Sometimes in court people start to cry. This is okay to do if you can't help it, but try to do so quietly without making a lot of noise. If you are having trouble with your feelings you should ask your attorney if you can take a break.
3. Speaking calmly and only when it's your turn. The defense attorney and judge will help you know when it is your turn to speak. If you get nervous when speaking, practice what you will say ahead of time with your attorney and your attainment trainer.
4. Stand up and sit down only when you are asked. Your defense attorney or judge will help you know when to stand up and sit down. Never stand up and move towards anyone in the court unless you are told to. And never, ever walk out of the courtroom without being told to.

5. If you need to talk to your attorney while someone else is speaking you should lean over and whisper or speak quietly to them in their ear. Try to not to talk when someone else is speaking, especially the judge.
6. Always show respect to others in the courtroom by calling them the right name and using your most polite language. Always call the judge “Your Honor” or whatever your defense attorney says to call the judge. Never yell, swear, or use bad language. This shows that your feelings and behavior are not in control and the judge can have you removed from the courtroom. This will not help your case and will make a bad impression on the judge.
7. Pay attention and listen carefully to what is being said by the judge and others. Sometimes medication and/or certain disabilities can make it hard to pay attention or not feel sleepy. Talk to your attorney about anything that might make it hard for you to stay alert in the courtroom. Do not fall asleep or act like you are bored. This gives a bad impression to the judge that you are not taking the trial seriously.
8. Learn strategies for controlling feelings/behavior. There are certain exercises like deep breathing and muscle relaxation that your attainment trainer or other case workers/counselor can help you learn that will help you be more calm in stressful situations like the courtroom. If you are having a very difficult time controlling your feelings and behavior you can also:
 - a. Request breaks.
 - b. Take medications that have been prescribed by your doctor.
 - c. Develop a reward system with your trainer/attorney/caregivers for good behavior.

C. Other Things to Remember About Being in Court

It is expected that client’s respect the court at all times by:

1. Turning off cell phones.
2. Not bringing food or drink into the courtroom.
3. Not chewing gum while in the courtroom.

CHECK FOR UNDERSTANDING:

What does being on your best behavior mean?

Why is it important to be in control of your emotions and behavior in the courtroom?

What should you do if you need to talk to your attorney while someone else is talking?

Who will help you know when you need to stand up or sit down in the courtroom?

Should you chew gum or bring food/drink into the courtroom?

What should you do if you have a cell phone with you in the courtroom?

If applicable, should you stop taking your regular medications before you go to court?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material one time and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

A Bird's Eye View (Client Workbook: Module 10 Content Area B-C)

Suggestions for movie clips and appropriate internet links about courtroom behavior will be supplied to the trainer for viewing with the client. Together, client and trainer can identify positive and negative behaviors in the videos.

Turtle Technique (Client Workbook: Module 10 Content Area B-C)

Just like a turtle has a shell in which it can retreat, the trainer will talk with the client about a pretend "shell" they can retreat into if they are feeling stressed in court. When they go into this place, they can rest and practice thinking calmly about the situation. They can also decide what the best action for them to take will be. For example, to say something to their attorney, to sit quietly, to request a break. This technique can be reinforced in therapy, in school, and at home.

Desensitization Training (Client Workbook: Module 10 Content Area B-C)

The trainer will put on some type of robes (like an old graduation robe) to

Term and Concepts:



Appearance: The way you look on the outside; the clothes you wear and how you wear your hair, etc.

Hygiene: Daily routines for washing our bodies, sleeping habits, eating habits, and other lifestyle habits.

Impression: The effect that your appearance has on others; you can make a good impression (people will respond well to you) when you are polite, clean, and dressed appropriately for court.

mimic the robe the judge wears in court. While dressed in a “judge’s robe”, they will talk with the client about the client’s case in an attempt to accustom the client to the formality of the judge’s appearance.

Field Trip (Client Workbook: Module 10 Content Area B-C)

If possible, trainer and client will visit an empty juvenile courtroom together so the client has some knowledge and experience of the courtroom. If appropriate, they could visit a district court proceeding to watch attorneys and a judge in action.

D. How You Should Appear in Court

Your clothes say a lot about you. The judge and other people in the courtroom will look to see how you dress. Plan to dress in some of the nicest clothes that you have like the clothes that you would wear church or to a special occasion.

Review the tips below on what to wear and not wear to court, and what it means to have good hygiene. [**TRAINER NOTE:** *For some clients this may not be much of an issue, so you can move through this section fairly quickly. For other clients, proper hygiene and appearance may be a significant issue and you may need to spend additional time on these issues.*]

In court, your appearance is very important. Clean clothing and a clean body with neat grooming (hair combed, teeth brushed, etc.) will make a positive impression on the judge. Because being in the courtroom is a serious occasion (event) where important things are decided, it is expected that you dress for court appropriately as if you were going to school or a church service.

What to Wear

Dress your best. Wear your best clothes. Be neat and clean. Make sure you take a bath/shower. Have your hair neat and combed.

Males can wear slacks (nice pants), a tucked in shirt, belt, and nice shoes. Wear pants that fit and are worn at the waist (“sagging” or “low riding” your pants is NOT permitted by most judges).

Females can wear a dress, skirt, or slacks with a blouse and nice shoes. If you choose to wear a skirt or dress make sure that it is at or below knee length. (Many courtrooms do not allow skirts/dresses shorter than two inches above the knee.)

What Not to Wear

1. Do not wear tank tops, cut-off jeans, or shorts.
2. Do not wear halter tops, tube tops, or spaghetti straps.
3. Do not wear T-shirts or other clothing that bears a violent or offensive message or references drugs, alcohol, or tobacco.
4. Do not wear clothing that is ripped or has holes in it. (No

- exceptions for trends.)
5. Do not wear tight-fitting, spandex, or see-through clothing.
 6. Do not wear pajama tops or bottoms.
 7. Do not wear hats or sunglasses into the courtroom.

(adapted from Dallas County Juvenile Department at <http://www.dallascounty.org/department/juvenile/attire.html>)

E. Having Good Hygiene

What is hygiene? When we talk about hygiene we are talking about daily routines for washing our bodies, sleeping habits, eating habits, and other lifestyle habits.

Why is hygiene important? When we take care of our bodies by showering daily, washing and combing our hair, brushing our teeth, getting enough sleep, and eating healthy foods, we are healthier and happier. Taking care of yourself is one of the most important things you can learn to do (sometimes we have people that help us do these things, and that is good too).

Hygiene in the Courtroom: On the days that you go to court, it is extra important to have had a good night's sleep (so you can stay awake and pay attention), take a shower, wash and comb your hair (so you look your best), and eat a good breakfast (so you can have energy and pay attention). The checklist activity below can help clients remember what to do to be their best in court.

CHECK FOR UNDERSTANDING:

What kind of clothes should you wear to court?

What does it mean to have good hygiene?

Why are appropriate clothes and good hygiene in the courtroom important?

- ➔ If your client does not get all of the answers or gives you incomplete answers, please repeat the material one time and ask the questions again.
- ➔ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in

the client workbook on the pages indicated.

Pre-Hearing Hygiene/Appearance Checklist (Client Workbook: Module 10 Content Area D-E)

Review the following checklist with the client, as often as needed, to help them gain an understanding of these issues. Adapt the checklist to the needs of the client. If good hygiene is not an issue for the client, you can go over it once and move on to other exercises.

Checklist for Court (to fill out the day of a court appearance)

HYGIENE:

Body__

Showered__

Deodorant applied__

Hair__

Combed__

Washed__

Pulled back (if long)__

Fingernails__

Clipped__

Clean__

Teeth Brushed__

Enough Sleep (get enough sleep the night before) __

Eat breakfast/lunch before court __

APPEARANCE:

Clothes__

Neat__

Clean__

Appropriate (see “What to Wear to Court” above)__

Piercings__

Removed (except for one or two pairs of earrings)__

Make-up__

Conservative__

Other, unique to each client? _____



PRACTICE EXERCISES

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

What Were They Thinking?! (Client Workbook: Module 10 Content Area D-E)

Client and trainer will look through various popular magazines or on age-appropriate websites and analyze what youth around the same age as the client are wearing. They will decide together if the outfits are “court appropriate” or not and why. For example, if there is a picture of a teen girl with a very exposed neckline, the correct response would be that such a neckline is not appropriate for court because it exposes too much of a private area.

Do’s and Don’ts (Client Workbook: Module 10 Content Area D-E)

Using a deck of flashcards that have pictures of various clothing and jewelry items on them such as baseball hats, shorts, tank tops, khaki pants, tube tops, sandals, nose piercings, miniskirts, knee length dresses, and so on talk about whether the items fit the “do wear to court” or “don’t wear to court” category.

Dress-Up Day (Client Workbook: Module 10 Content Area D-E)

Ask the client to come to a training session dressed as they are planning to dress for court. The trainer will review the appropriateness of their outfit with them, including their overall hygiene. The client should be able to identify what is appropriate and inappropriate about their choices.



STOP: Congratulations -- you have made it through all the Content Areas for Module 10. Please review Module 10 terms using the vocabulary card deck provided BEFORE proceeding to the post-test. Your deck for Module 10 will cover the following terms: *appropriate, respect, control, manage, behavior, emotion, appearance, hygiene, and impression.*

POST-TEST KNOWLEDGE ASSESSMENT

Please give the following post-test to your client after completing Module 10. If your client answers all of the questions correctly, they have completed all of the modules. If your client does not answer all the questions correctly or completely, please return to the content area that relates to those questions. Remember that it is more important for the client to understand the main concepts of the material than to answer a certain



number of questions correctly. Ultimately it will be up to you to decide when your client is ready to move to the next module. If your client does not appear to be gaining the knowledge, despite repetition of material and your best efforts, please consult with your attainment coordinator.

This is not a test and will not be graded! Reassure your client that answering these questions will help you understand how to help them better.

Instructions:

Ask each question *clearly* and *slowly* so your client understands what you are asking. You can repeat each question as many times as the client needs. Ask one question at a time and wait for the answer before moving to the next question.

After you read each question, direct your client to:

1. Tell you the answer out loud and/or
2. Write the answer in the space provided on the handout.

If your client does not know the answer, tell them it is OK. Remind them this is not a test. Reassure them that you will teach them the answer to the question later. Move on to the next question.

Repeat this process until you have given your client a chance to answer all the questions. If your client gives you an answer out of order, that is OK. Your client may return to previous questions at any time.

If the client misses questions, please work through the material in the module that addresses these questions. Continue to review the relevant sections in the module until either: 1) the client learns the material and answers the questions correctly, or 2) you decide that the client is not going to be able to learn the material. If you believe your client is not making gains, please consult with your attainment coordinator.

Post-Test ASSESSMENT

1. Who is the person in court that is in charge of your “team”?
2. If you are not sure when to talk or what to do in the courtroom, who is the person to ask for help?
3. How should you act in the courtroom?
4. What is the best thing to call the judge?
5. What should you do if you think someone is lying about you in court?
6. Who should you talk to if you do not understand what is happening in the courtroom?
7. What does being on your best behavior mean?

8. Why is it important to be in control of your emotions and behavior in the courtroom?
9. What kind of clothes should you wear to court?
10. What does it mean to have good hygiene?
11. Why is good hygiene in the courtroom important?



ACCEPTABLE ANSWERS TO KNOWLEDGE QUESTIONS:

Please use the following answers as a guide to determining whether your client has answered questions correctly and completely.

1. My defense attorney/lawyer.
2. My defense attorney/lawyer.
3. I should be on my best behavior with my words and my actions.
4. Your Honor.
5. Remember what we practiced and whisper or pass a note to my attorney to let them know, stay calm, keep a serious or pleasant facial expression, and keep quiet.
6. My defense attorney/lawyer.
7. Listen for a response that approximates at least several of the following points:
 - Sitting quietly.
 - Keeping facial expressions calm.
 - Speaking calmly and only when it's my turn.
 - Stand up and sit down only when asked.
 - Always show respect to others in the courtroom by calling them the right name and using polite language.
 - Pay attention and listen carefully to what is being said by the judge and others.
 - Turning off cell phones.
 - Not bringing food or drink into the courtroom.
 - Not chewing gum while in the courtrooms.
8. It sends an important message to the judge about how seriously I take my court case and can help the judge view me in a good or bad way.
9. Clean clothes, clothes that I would wear on a special occasion like to church or school.
10. Taking care of my body by keeping it clean (e.g., washing my hair, showering, brushing my teeth), eating good, and getting enough sleep so I can pay attention in court, taking medications my doctor gives me, etc.

11. To make a good impression on the judge and help them see that I take my court case seriously.