




# PREPARING CHILDREN FOR COURT


Diane Payne, Children's Justice Specialist  
~Tribal Law & Policy Institute  
Arlana Betteloun, Executive Director ~  
Oglala Lakota CASA Program



## THINGS TO REMEMBER:



- If a child has disclosed abuse – BELIEVE her/him!
- Immediately tell the victim that what happened was not ok – “it was not your fault”
- Don't comment on the circumstances or the behavior of the abuser
- Focus on the needs of the victim to be supported and reassured that they picked the right person to tell



## FACILITATING VICTIM CONTACT WITH "THE SYSTEM"

- ❖ The victim may ask you not to tell anyone – you must report child sexual abuse;
- ❖ Don't "make deals" with the victim about who you tell;
- ❖ Never question the victim about details – leave this to professional interviewers;
- ❖ Respect the victim's desire not to tell parents, spouses, family members about the abuse;
- ❖ Offer to be with the victim when they talk to authorities;
- ❖ Make sure people in the system are aware of and respect the child's culture.



## WHAT MAKES THE LEGAL PROCESS HARD FOR CHILDREN (and their caregivers)

- o Not knowing how the system works or what to expect
- o Having no control over what happens
- o Child Not always being able to be with caregiver
- o Dealing with strangers/foreign cultures
- o Traveling away from home & family to go to court
- o Timing (legal process has its own pace)



## HOW CAN WE HELP CHILD VICTIMS FEEL SAFE WITH THE LEGAL PROCESS?

How adults involved with the legal process relate to children can help children feel:

- ☆ Important
- ☆ Cared For
- ☆ Listened to
- ☆ Believed
- ☆ Less Burdened
- ☆ Less Alone

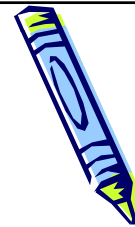


"Helping Your Child Recover From Sexual Abuse" by Caren Adams + Jennifer Fay



## When getting ready for trial, CHILDREN WORRY ABOUT...

- Seeing the abuser again
- All the people who ask questions
- Embarrassment (talking about the abuse)
- What to say if they don't know the answer
- Who will believe him/her



## THEY ALSO THINK ABOUT.....

- Being scared the abuser will follow through with threats
- Wondering where Mom (caregiver) will be
- If placed out of home, will he/she ever go home
- Not wanting to go; wanting it to be over



## Advocates for child victims must remember...

- ◆ The Prosecutor is too overworked to be an ally for the child/family
- ◆ A Victim Witness Coordinator may assist the prosecutor in preparing the child & family for court ~ it is important for advocates to work with the VWC



# CHILD ADVOCATES ARE NAVIGATORS

- ◇ The legal system was not designed with the needs of a child in mind
- ◇ The advocate should help the child and parent navigate the adult system
- ◇ The child needs an advocate present at all times when dealing with adults in the system (the parent may not be able to ~ or appropriate do this).



## DOS

In Order To Provide Support And Comfort To The Child, As Well As Educate Adults About The Child's Needs:

- ☺ Get to know as much as you can about the child ~ who is in their home & support system, what are their usual activities & schedule (bedtime, mealtime, etc.)



## DOS

- If the child discloses information to you (advocate) be sure to tell the prosecutor
- If the caregiver expresses concerns about the child's behavior (sleeping problems, eating problems, health complaints, etc.) be sure to tell the child's counselor and prosecutor



## HELPFUL THINGS TO KNOW ABOUT THE CHILD.....

- ☺ What do they like to eat?  
Who are their friends? Favorite family members?
- ☺ Has the child had any other losses or major changes in the past year or so?
- ☺ What does the child hope for or look forward to?



## DON'TS

- ☹ Don't question the child about the abuse
- ☹ Don't make comments about the abuser or unsupportive family members
- ☹ Don't promise the child that the abuser will go to jail



## DON'TS

- ☹ Don't **EVER** tell the child that they should tell or testify because it will keep other children from being abused
- ☹ Don't promise the child that "things will be over soon" – courts are notorious for rescheduling and changing dates



## DON'TS

- ☹️ If the child was removed from the family home because of the abuse, **DON'T** tell the child that they will go home after court is over
- ☹️ Don't forget to check in with the child and their caregiver frequently while waiting for court dates



## SUPPORTING CAREGIVERS

- ☞ Parents & extended family members need to be taught how to support the child victim ~ they may need something in writing to refer back to when things come up  
*(see "Helping Your Child Recover from Sexual Abuse" by Caren Adams & Jennifer Fay)*
- ☞ Parent may have their own child sexual abuse history or feel responsible for abuse







## SUPPORTING CAREGIVERS

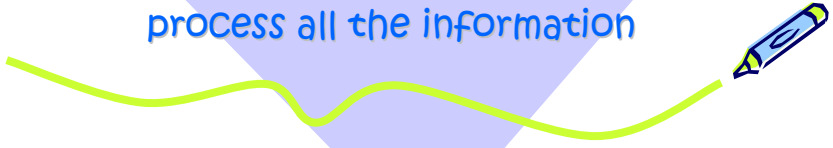
- ✎ Parent needs lots of information about the system
- ✎ Parent needs guidance about how to protect child if abuser is still nearby

*See handout "Talking to Parents and Family Members About Sexual Abuse"*



## GETTING READY WHEN THE COURT DATE IS SET....

Give the child time to absorb and process all the information



## THINGS TO TELL KIDS ABOUT COURT

- Tell the child what the court is and what the judge's job is
- Explain that the child is a "witness" and what a witness does
- Tell the child who will be in the court room (prosecutor, judge, defense attorney, defendant, jury)



## THINGS TO SHOW THE CHILD ABOUT COURT

- The actual court room if possible
- A drawing of the court room showing where each person will be, including the defendant
- Where the jury will sit if it is a grand jury or jury trial



## TELL THE CHILD WHAT THE RULES ARE IN COURT

- Parents or caretakers and other family members might not get to come into court with the child if they are also witnesses
- The child's advocate can sit with the child (in most courts)
- You don't have to dress up – just wear comfortable clothes
- Try to get plenty of sleep the night before court



## THINGS TO TELL THE CHILD ABOUT QUESTIONS IN COURT

- Some of the questions are very hard to answer and make you feel ashamed or sad but it is important to answer all the questions
- If you don't know the answer to a question, don't guess or make up an answer ~ it is OK to say you don't know
- Take as much time as you need to answer a question
- If you don't understand a question, or if the attorney uses a word you don't understand, it is OK to say you don't understand



## OTHER RULES TO TELL THE CHILD ABOUT COURT

- If you get nervous – take 5 deep breaths to help you relax
- Keep looking at the advocate when you are scared
- If you cry or forget something it is ok ~ everyone in court knows you are a special person and need help from the adults



## OTHER RULES TO TELL THE CHILD ABOUT COURT

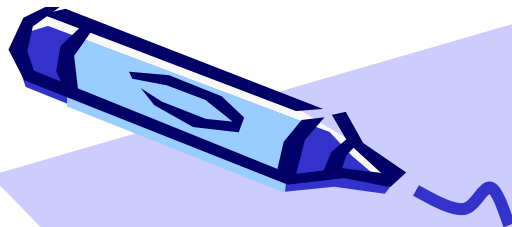
- If you need a drink, tell the judge
- If you need to go to the bathroom, ask the judge if you can take a break



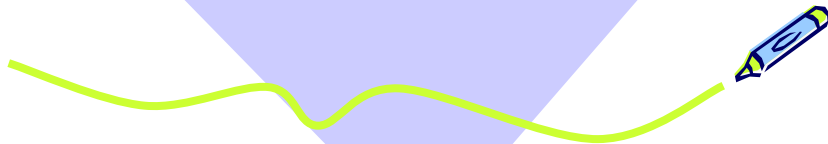
## TALK TO THE CHILD ABOUT BEING BRAVE

- Let the child know it is very hard to tell what happened
- Tell the child that you believe him/her again
- Tell the child that the adults want to help

AND....THAT

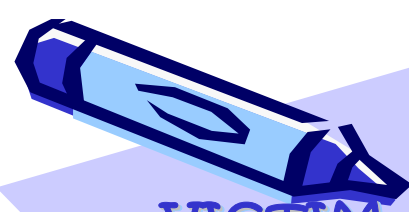



Everyone in the court room knows you are very brave to come to court and tell what you know!






Tell the child: “Talking to me  
(advocate) about the things you  
are worried about and how you  
feel can help you be brave!”



VICTIM ADVOCATES  
HOLD THE KEYS TO  
HEALING....  
USE THEM!



## ADVOCACY KEYS

- Validation – “it was not your fault” – “I am so glad you told (someone)”
- Compassion – “I’m so sorry this happened to you” – “you are a wonderful person”



## MORE KEYS.....

- Support – “you have a right to be angry, sad, scared, worried, etc.”; “I will be with you whenever I can” – “You can call me whenever you need to and I will try to help”



## MORE KEYS.....

- ↳ Comfort – “I have helped other children who have been through this and even though it is hard to believe right now, I can tell you that things will get better for you”



## MORE KEYS.....

- ↳ Referral – “it is really important that you keep talking to your counselor because she can help you with all these feelings that keep coming up”

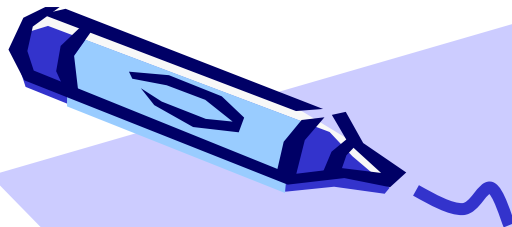
(include traditional healers and counselors whenever possible)





## MORE KEYS.....

→ *Respect & Responsibility – Respect the child's need to be a child.*



NEVER tell a child victim that they should tell, testify or cooperate because they might keep other children from being abused –

it is the job of **ADULTS** & the adult system to protect children – not the victim's!



