

New Directions from the Field:

Victims' Rights and Services for the 21st Century

Recommendations for Child Victims

The recommendations below, which appear in the May 1998 *New Directions* Report, have been reformatted for replication and distribution.

Victimization is a serious threat to America's children and youth. Each year in our country, hundreds of children write to the President, First Lady, and the Attorney General about being abused. They ask to be protected. They ask for police officers and judges to intervene. They harbor hope that somebody who is "in charge" will help. Numerous State and Federal laws now exist to protect children from physical and sexual abuse, and to provide an array of rights and services for child victims who participate in the criminal or juvenile justice process. More can be done, however, to protect the rights and improve the treatment of child victims. Therefore, to address the need for increased victim services and rights for our Nation's children who are touched by crime, the following recommendations are set forth by the field:

1. Communities should establish children's advocacy centers to provide child-friendly locations where abused children can receive the services they need to heal and information for the evaluation and investigation of their cases. To ensure the highest quality of intervention, training should be provided to professionals on conducting forensic interviews, to medical professionals on conducting child abuse examinations, and to mental health professionals on employing abuse-specific treatment approaches.
2. Children who witness violence should be provided the same level of victim assistance and special protections within the criminal and juvenile justice systems as child victims.
3. To ensure child abuse cases are recognized and reported as early as possible, training on the identification and signs of abuse, as well as the impact of child victimization, should be provided to all professionals who come into contact with child victims.
4. There should be an improved governmental response to the problem of missing, abducted, and sexually exploited children.
5. All jurisdictions should establish or support court school programs to help educate child victims and witnesses about the court process and their role within it.
6. States should enact legislation to open access to criminal history records, and they should adopt regulations and policies necessary to meet the requirements of the National Child Protection Act.
7. The Federal Government should examine data collection regarding child victimization to ensure that all crimes against children, from their birth through the age of majority, are uniformly reported, categorized (by age of the child, type of crime, and offender relationship to the child), and analyzed at the State and Federal levels.
8. All States should authorize judges to exclude from the courtroom persons who are not necessary to child-related court proceedings if requested by the victim or the victim's representative or if the court determines that there would be substantial psychological harm if the child were to testify in open court.
9. State laws should be reviewed and amended where necessary to protect the privacy of child victim records including audio- and videotaped interviews.
10. All States and the Federal Government should enact or amend child hearsay rules to govern the admission into evidence of reliable statements made by children under 16 years of age to an adult concerning acts of physical and sexual abuse.
11. Additional court procedures should be implemented to assist in the prosecution of child victimization cases.
12. Courts and prosecutors need to be provided uniform guidance on establishing competency when a child's capacity to testify is challenged.

13. All States should enact statutes requiring speedy criminal trials and civil child protection adjudications for child victims. In addition, all court cases involving child victims, including criminal, juvenile, domestic violence, and domestic relations, should implement speedy trial and appellate provisions and utilize child victim court dockets. In every case involving a child victim, judges should weigh the adverse effect of continuances and delays.
14. All States should consider alternatives to live in-court testimony for children under the age of 18.
15. Specially trained lawyers and court-appointed special advocates should be provided to children in all civil child protection and other abuse-related proceedings.
16. Early intervention programs such as Head Start and Healthy Start programs should be implemented nationwide. The staff of these programs must be trained to recognize the signs of child abuse, how to report abuse to appropriate authorities, and how to provide referrals for victims and their families.
17. Child-serving institutions such as schools, social service, and law enforcement agencies should make diligent efforts to identify troubled youth and refer them to social service or victim assistance programs before they run away from home. Efforts also should be undertaken to identify and assist runaway, thrown-away, and homeless child victims.
18. Child abuse prevention programs that address computer exploitation should be developed and publicized.
19. Federal and State governments should support the significant additional research that is needed to document effective treatments for child victims, especially victims of child sexual and physical abuse and children who witness violence.
20. Convictions and substantiated allegations of spousal or child abuse should create a rebuttable presumption against awarding temporary or permanent custody to an offending parent. Parents convicted of child or spousal abuse should not be granted the right to visitation without independent supervision.
21. States should include driving while under the influence of alcohol or other drugs with children in the vehicle as a form of child endangerment. Such drivers should receive enhanced sanctions when criminally convicted, and evidence of driving under the influence should be considered by family and juvenile courts when determining custody and visitation rights in cases affecting the parent-child relationship.
22. Health insurance providers, particularly managed care providers, should ensure that their practices facilitate immediate, specialized assistance for child victims and witnesses of crime. Managed care providers should join multidisciplinary children's advocacy centers or teams and should authorize payments for out-of-plan examinations by specialists in the treatment of child abuse without prior approval.