



Office for Victims of Crime

OVC Monograph

*Advocating for the Fair
Treatment of Crime Victims*



Breaking the Cycle of Violence: Recommendations to Improve the Criminal Justice Response to Child Victims and Witnesses

June 1999

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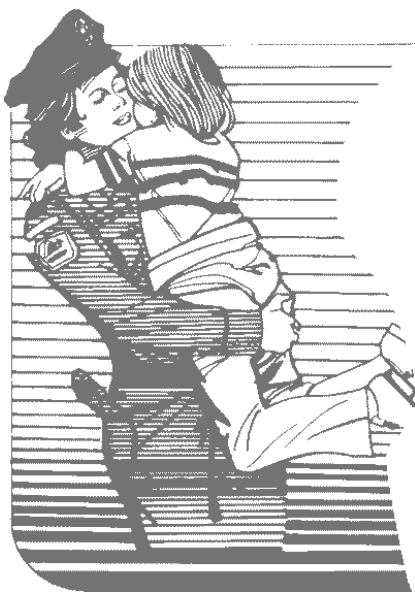
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Message from the Deputy Attorney General

Some of the most important cases investigators, prosecutors, and judges will handle during the course of their careers are those involving child victims and witnesses. The stakes are incredibly high. What happens to these children has a significant impact both on individual children and on the overall safety and well-being of communities.

Children who are victims of or witnesses to violent crime are at an increased risk for delinquency, adult criminality, and violent behavior. National studies have shown that being abused or neglected as a child increases the likelihood of arrest as a juvenile by 53 percent and of arrest for a violent crime as an adult by 38 percent.¹ It also places children at significant risk for substance abuse, mental illness, and suicide. Witnessing family violence appears to have both short- and long-term effects on children. Intervening in the lives of victimized children before negative patterns of behavior, low self-esteem, and damaged character are established may be the only real opportunity to prevent future violence in our streets and in our homes.

If the criminal justice system does not take victimization of children seriously, it is unrealistic to expect our communities to view crimes against children as a serious problem. Children need to know that their lives and well-being are critically important to our society. Children need to know that their safety is a priority. Perpetrators need to know that their actions will have severe consequences.

To respond effectively to child victims and witnesses, those of us in the criminal justice system must learn to do things differently. Being involved in a case as a victim or witness is intimidating and stressful for adults; children find it even more terrifying. We must adapt our practice to meet the needs of child victims and witnesses in an age-appropriate and sensitive manner. Doing so will make the process less traumatic for children, will enhance the ability of the child to participate effectively, and will increase the chances of a successful outcome to the investigation and prosecution.

Over the last decade, police departments, prosecutors' offices, and courts have developed extraordinary innovations. This monograph attempts to describe the best practices and programs that focus on the response to child victims and witnesses. We hope it will serve as a blueprint for policymakers and criminal justice professionals who recognize the importance of intervening effectively in the lives of victimized children as a way to prevent future crime and violence.

Eric H. Holder, Jr.

Deputy Attorney General

and

Kathryn M. Turman

Acting Director, Office for Victims of Crime

¹ Widom, C. S., "The Cycle of Violence," (Research in Brief), National Institute of Justice, U.S. Department of Justice, 1992.

Executive Summary

Children represent one-quarter of American crime victims. They suffer abuse at the hands of their parents and caretakers; they are victimized by strangers; they are exposed to violence when they witness crimes in their homes and neighborhoods. Children have a limited capacity to understand the violence they experience and almost no capacity to protect themselves. They need to be treated with compassion and professionalism by criminal justice personnel from the first response to the crime and throughout the prosecution process. Effective, age-appropriate interaction and practices adapted to the child can reduce the trauma child victims and child witnesses experience and minimize their long-term physical, emotional, and social problems. This monograph offers recommendations and sample practices that can improve the response of criminal justice personnel to children who are victims of and witnesses to crime.

Child victims and child witnesses provide our society and our judicial system with a huge challenge. Children who are victims of or witnesses to violent crime are at an increased risk for delinquency, adult criminality, and violent behavior. National studies show that neglected, abused, and otherwise victimized children grow up to have an increased risk of criminal behavior, substance abuse, mental illness, and suicide. If our criminal justice system can intervene effectively in the lives of victimized children as soon as the crime occurs, we have a real opportunity to prevent the spawning of future violence in our streets and in our homes.

By taking the victimization of children seriously, we teach our communities to view crime against children as the serious problem that it is. We also teach perpetrators that their actions will result in severe consequences. To effectively pursue and prosecute the offenders in cases involving child victims and child witnesses, investigators, prosecutors, and judges must adapt their practices to meet the needs of these children in an age-appropriate and sensitive manner. Reducing trauma to the child increases the child's participation, leading to an increased chance of a successful outcome to the investigation and prosecution.

After outlining the challenges the criminal justice system faces in responding to child victims and child witnesses, this monograph presents model practices and makes several recommendations. To improve their response to child victims and child witnesses, this monograph offers specific recommendations to law enforcement personnel, prosecutors, and criminal court judges and administrators. However, the following five recommendations are offered to **all** criminal justice professionals to improve their response to children exposed to violence:

- To ensure the earliest possible recognition and reporting of crimes against children, all criminal justice professionals who come in contact with children should be: 1) trained to identify children who are exposed to violence as victims or witnesses and 2) informed of the impact of victimization on children.

-
- ❑ Criminal justice professionals assigned to handle cases involving child victims and child witnesses should have more indepth training in forensic interviewing, child development, identification of abuse-related injuries, the emotional and psychological impact of abuse, and legal issues related to child victims and witnesses.
 - ❑ 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.
 - ❑ Criminal justice agencies handling cases involving children as victims and witnesses should work in collaboration with other agencies having responsibility for at-risk children, such as family and juvenile courts, social services agencies, medical and mental health providers, and victim services agencies. When multiple agencies are involved in a child's life, communication among professionals is critical to ensure complete and accurate information is available to decision makers to ensure the child is adequately protected.
 - ❑ Criminal justice professionals should adapt their practice to recognize the developmental stages and needs of child victims and witnesses to ensure they are sensitively treated throughout the investigative and trial process.

This monograph describes the best practices and programs that focus on the most effective response to child victims and child witnesses by all those who work in our criminal justice system, beginning at the crime scene and continuing through the prosecution. We hope that the information, skills, programs, and practices described in this document will serve as a blueprint for policymakers, criminal justice professionals, and all those who recognize the importance of effective intervention in the lives of victimized children as a way to prevent future crime and violence.

Children as Victims and Witnesses

Prevalence

“In all the wide-ranging discussions about crime over the last few years, there is an important fact that is not often recognized or talked about: Children and youth are substantially more vulnerable to crime victimization in general than are adults. Not just more likely to be offenders, young people are also more likely, much more likely, to be victims.”² Young people, particularly teens, commit about 18 percent of crime but make up about 25 percent of victims. Annually, an estimated 1 million violent crimes involving child victims are reported to the police, and another 1.1 million cases of child abuse are substantiated by child protection agencies. As many as half a million children may be encountered by police during domestic violence arrests. Of the nation’s 22.3 million adolescents aged 12 to 17, approximately 1.8 million reported having been victims of a serious sexual assault, 3.9 million reported having been victims of a serious physical assault, and almost 9 million reported having witnessed serious violence during their lifetimes.³

It appears that all children, regardless of race or social class, are victimized at higher rates than adults in both urban and rural areas. Children are more vulnerable because of their size, age, and dependency status. Children have little or no control over who lives in their home or who associates with members of the household. Certain children are targeted more frequently, including those labeled “bad kids”; shy, lonely, and compliant children; preverbal and very young children; and emotionally disturbed or “needy” adolescents. Children with physical, emotional, or developmental disabilities are particularly vulnerable to victimization.

Children are victimized in multiple ways — sexual and physical assaults, sexual exploitation (such as forcing a child or teenager into prostitution or posing for pornography), neglect, homicide, and abduction. Their assailants are frequently their parents but may be other family members, friends, acquaintances, caretakers, and strangers. The closer the relationship of the child to the offender, the stronger the feelings of betrayal, particularly as time goes by. The longer the abuse continues, the more difficult it is for the victim to recover.

Invisible Victims: Children Who Witness Violence

In this country, children witness violent crimes on a daily basis, including homicide, rape, assault, and domestic violence. Even when child witnesses do not suffer physical injury, the emotional consequences of viewing or hearing violent acts are severe and long-lasting. In fact, children who witness violence often experience many of the same symptoms and lasting effects as children who are victims of violence themselves, including post-traumatic stress disorder (PTSD).

² Finkelhor, D., Ph.D., “Children as Victims of Crime and Violence,” Congressional Briefing, July 14, 1998.

³ Kilpatrick, D., and Saunders, B., “Prevalence and Consequences of Child Victimization,” Crime Victims Research and Treatment Center, Medical University of South Carolina, Research in Brief, National Institute of Justice, 1997.

Although child witnesses to violent crimes are often on the scene when police respond, investigators may overlook both the child's ability to provide information and the child's trauma from witnessing the violence. Adults often minimize or deny the presence of children at the scene while crimes are occurring. However, when children are questioned later about events they witnessed or heard, they are able to provide, depending on their stage of development, a detailed description of the events.⁴ It is not uncommon for adults — even some mental health professionals — to minimize the impact on children of witnessing violence and fail to provide appropriate intervention. Caretakers may mistakenly believe that young children will “forget” about the violent event if they are “left alone” and not reminded of it. On the contrary, children need to talk about what they saw and their perceptions of the consequences. Further, child victims and witnesses need to be free from intimidation and persuasion aimed at pressuring them to change their description of events.

While exact numbers are not available, it is clear that each year hundreds of thousands, if not millions, of children witness domestic violence and are present in many domestic violence incidents to which police agencies respond. It is estimated that physical abuse of children occurs in between a third and half of domestic violence situations involving abuse of the mother. Children who are present during domestic violence are at an increased risk for being murdered or physically injured. Children who are exposed to domestic violence experience feelings of terror, isolation, guilt, helplessness, and grief. Many children exhibit psychosomatic complaints such as headaches, stomach problems, and other medical problems. Children can experience problems with depression, anxiety, embarrassment, and, if exposed to violence for an extended period of time, ambivalence. Children act out what they see; their demonstration of violent behavior can be a manifestation of their exposure to domestic violence.⁵

Approximately 34 percent of rapes are estimated to occur in the victim's home where children are likely to be present to see or hear the sexual assault of their mothers or caretakers. Depending on the age of the children and their knowledge of sexual activity, their perceptions of the assault and their reactions will vary significantly. Children who are present during a sexual assault are at significant risk for developing post-traumatic stress disorder. Children may have recurrent and intrusive thoughts about the sexual assault and may reenact the event in repetitive play. Feeling a loss of control and the inability to protect their mothers may leave children feeling anxious, depressed, vulnerable, and angry. After witnessing a sexual assault, children may become more concerned with their own safety and may exhibit more anger and irritability than prior to the assault.⁶

Children witness many different types of homicide. They may witness the death of a sibling, parent, another relative, a friend, or a stranger. When a child witnesses the fatal abuse of a sibling or parent, it is highly probable that the child knows the perpetrator intimately as a parent or other family member. A child who witnesses a homicide is likely to be traumatized and may experience a range of grief responses.

⁴ Christianson, S. A., “Emotional Stress and Eyewitness Memory: A Critical Review,” *Psychological Bulletin*, vol. 112, 1992.

⁵ Rhea, M. H., Chafey, K. H., Dohner, V. A., and Terragno, R., “The Silent Victims of Domestic Violence — Who Will Speak?” *Journal of Child and Adolescent Psychiatric Nursing*, vol. 9, no. 3, 1996.

⁶ Pynoos, R. S. and Nader, K., “Children Who Witness the Sexual Assaults of Their Mothers,” *Journal of the American Academy of Child and Adolescent Psychiatry*, vol. 27, 1988.

The child may have recurrent and intrusive thoughts about the homicide, traumatic or anxiety-provoking dreams, other sleep disturbances, and a diminished interest in activities.

Long-Term Impact of Victimization and Witnessing Violence


Exposure to violence as a victim or witness poses a serious threat to American children. In 1992, the National Institute of Justice released a report, “The Cycle of Violence,” by Cathy Spatz Widom, University of Albany, New York. The reported study revealed a significant link between victimization in childhood and later involvement in violent crimes, revealing a cycle of violence. Those who had been abused or neglected as children were more likely to be arrested as juveniles and as adults for violent crimes. On average, abused and neglected children begin committing crimes at younger ages, they commit nearly twice as many offenses as nonabused children, and they are arrested more frequently. Widom also interviewed a large number of people 20 years after their childhood victimization. Findings from this follow-up study suggest that the long-term consequences of childhood victimization may also include mental health problems, educational difficulties, alcohol and drug abuse, and employment problems.

Saunders and Kilpatrick found that approximately 2 million adolescents, ages 12–17, appear to have suffered from post-traumatic stress disorder (PTSD) — a long-term mental health condition characterized by depression, anxiety, flashbacks, nightmares, and other behavioral and physiological symptoms. A significant number of these adolescents abuse alcohol and drugs as a method of coping with PTSD. Estimates are that 25 percent of disabled adults were disabled as a result of physical or sexual victimization. In younger children, victimization and PTSD can derail normal mental, emotional, and physical development.

Since trauma in children may not be revealed for months or years, caretakers, service providers, and support persons should not postpone reporting abuse or providing assistance in the form of support or therapy because they feel the child is “too young” to understand, appears to be unaffected, or suffered the victimization years ago. While a child’s traumatic reaction to victimization cannot be prevented, it can be minimized when assistance is provided quickly.

Children who are victims of or witnesses to violence need to be identified quickly and their continued safety ensured. They need to be able to communicate what happened and to have the reality of their experience validated. Child victims and witnesses need emotional support from nonoffending family members, their caretakers, the school, and the professionals involved in any investigation or civil or criminal case. Child victims need age-appropriate therapeutic services from mental health professionals who have training and experience working with violent victimization and traumatized children.

Not all children who are exposed to violence develop symptoms associated with the trauma. Many children, supported by nonoffending family members and other support systems, can be very resilient. The criminal justice response can be a critical turning point in defining how experiencing violence will impact a child’s life.



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Children disclose abuse and facts regarding traumatic events over time. The more comfortable a child becomes with an adult, the more likely he or she is to provide additional information. This dynamic can present particular problems for police and prosecutors who may face challenges to the child's credibility because the child did not present complete information at the initial interview.

Child Victims and Witnesses in the Criminal Justice System

Child victims and witnesses face some difficult issues that may impact their ability to participate effectively in the criminal justice process. First, children are just that — children. The way they understand, communicate, and participate is determined by their developmental status. The adult professionals working with children must be able and willing to adjust their approach to the child's developmental level. Since most law enforcement officers and prosecutors are not child development specialists, it becomes critical to do two things — to involve other professionals who can provide advice and assistance in dealing with children and to give police and prosecutors enough training to provide them a basic understanding of child development.

If the perpetrator is a family member, child protective services and the dependency court are likely to become involved. Disclosure of abuse or violence can result in total upheaval of the child's life. Caregivers and parents often initially disbelieve the child, minimize the acts, or withdraw affection. The suspected abuser may be arrested, causing havoc in the family, including loss of financial support and recriminations from family members. The child may be removed from the home and placed in foster care. Social service and legal system responses may feel like punishment to the child, prompting the child to recant the disclosure. A child victim may have tried to report previously but the report was not documented. The child may have been threatened with personal harm, harm to a loved one, or public embarrassment.

Children are more likely than adult victims to blame themselves, particularly when they have a close bond with the abuser. Perpetrators often tell their child victims that the abuse or violence was the child's fault. Since adults are powerful authority figures, the child is likely to accept that explanation. In a child's mind, it is easier for the child to believe he or she was somehow to blame for the abuse than to recognize and accept that an adult who was supposed to protect the child instead intentionally harmed the child.

Like adults, children find it upsetting to talk about traumatic events. As they talk about it, children may "re-live" the abuse and feel the associated emotions again. This is particularly true of younger children. Professionals should be sensitive to the potential impact of this "re-emergence" into the details of the crime. This "re-living" of the abuse may intensify the victim's trauma and generate behavior that poses additional barriers to successful investigation and prosecution.

Most children do not make up stories of abuse. False allegations are the exception. Professionals should not let the possibility of a false report prevent a thorough investigation. They should know that it is far more likely a child will lie to conceal abuse to protect the abuser.

Children disclose abuse and facts regarding traumatic events over time. The more comfortable a child becomes with an adult, the more likely he or she is to provide additional information. This dynamic can present particular problems for police and prosecutors who may face challenges to the child's credibility because the child did not present complete information at the initial interview.

A System Designed For Adults

The criminal justice system is not designed to accommodate the special developmental needs of children. Many police officers, attorneys, judges, and other criminal justice professionals find it difficult to work with children. Many children find the criminal justice system intimidating, particularly the courtroom experience. Under these circumstances, the child can be a poor witness, providing weak testimony and contributing less information than needed to make or win the case. Also, the lengthy process of navigating the formal and adversarial criminal and civil justice systems can affect the child's psychological development in significant and long-lasting ways. Listed below are a number of court-related factors that have been identified as stressful for child victims and witnesses:

- Multiple interviews and not using developmentally appropriate language.
- Delays and continuances.
- Testifying more than once.
- Lack of communication between professionals.
- Fear of public exposure.
- Lack of understanding of complex legal procedures.
- Face-to-face contact with the defendant.
- Practices that are insensitive to developmental needs.
- Harsh cross-examination.
- Lack of adequate support and victims services.
- Sequestration of witnesses who may be supportive to the child.
- Placement that exposes the child to intimidation, pressure, or continued abuse.
- Inadequate preparation for testifying.
- Lack of evidence other than the testimony of the child.⁷

It is clearly in the best interest of the child and criminal justice system to handle child victims and witnesses in the most effective and sensitive manner possible. A number of studies have found the following: reducing the number of interviews of children can minimize psychological harm to child victims (Tedesco & Schnell, 1987); testifying is not necessarily harmful to children if adequate preparation is conducted (Goodman et al., 1992; Oates et al., 1995; Whitcomb, Goodman, Runyon, and Hoak, 1994); and, having a trusted person help the child prepare for court and be with the child when he or she testified reduced the anxiety of the child (Henry, 1997).

To ensure children receive special assistance, all professionals working with child victims and witnesses must be willing to learn the basics of child development, to tailor their methods of practice to children, and to take advantage of the skills and services of allied professionals such as victim-witness advocates and child interview

⁷ Lipovsky, J., and Stern, P., "Preparing Children for Court: An Interdisciplinary View," *Child Maltreatment*, vol. 2, no. 2, May 1997.

specialists. Studies indicate that the participation of victim–witness advocates in child sexual abuse cases appears to increase the percentage of guilty verdicts. One study found the conviction rate for child sexual abuse cases almost doubled (38 percent to 72 percent) after offices implemented child victim–witness advocacy programs. The proportion of offenders receiving prison sentences also almost doubled, from 25 percent to 48 percent. Over the same period, prison sentences increased from 9.24 years to 16.48 years (Dible and Teske, 1993). Research consistently suggests that prepared and relaxed child victims and witnesses are more credible, enabling prosecutors to present stronger cases and win more convictions.

Working effectively with child victims is emotionally demanding. While some adults have a natural ability to relate comfortably to children, many do not, especially to children whose lives and experiences are different from their own. With training and guidance, however, all professionals can develop skills that improve their ability to work with young victims and witnesses.

What Works: Innovative Practices and Programs

During the past 15 years, the criminal justice system has seen a huge increase in the number of cases involving child victims and witnesses. Over time and with experience, many individuals and agencies have developed programs and practices that enhance the ability of criminal justice professionals to handle these cases more effectively and to prevent unnecessary system-related trauma for children. These programs include multidisciplinary initiatives that do a number of things: they coordinate the responses of the various agencies involved with the child victims; they enhance support and representation for child victims in the criminal justice and juvenile court system; and, they access treatment programs to help children recover and to help prevent future revictimization. Ultimately, improving practice with child victims benefits both the child victims and the cause of justice. Some helpful strategies are listed below:

- Apply “*child friendly*” practices when working with children.
- Use *personnel trained in interviewing children to meet with the children* as soon as possible after the event. Use standard interviewing protocols for child victims and witnesses.
- Involve *victim advocates and clinicians in the early stages* to help manage these cases and ensure that assistance is provided to child victims on a continuing basis.
- Prepare children for court in a manner that is developmentally appropriate* and sensitive to the child’s mental health needs. In many cases, it may be necessary to have a clinician assess the psychological capability of the child to testify in court.
- Use *a multidisciplinary, team approach* when handling cases involving child victims and witnesses. Maintain good communication with representatives from other agencies involved with the child.

Specialization and Training of Criminal Justice Professionals

Police officers need to be trained to recognize the situations in which children may be victims and witnesses. Both prosecutors and police officers need information and training on how to interview children. Police also need information on how to appropriately handle children on crime scenes.

Law enforcement agencies and chief prosecutors should designate specialists or create special units to handle child victims and witnesses. Officers and prosecutors assigned to child cases need to have a basic understanding of normal child development and limitations for children of different ages. Cases involving child victims and witnesses require more time and resources than do most other types of cases. A national survey of prosecutors found that of all cases, child abuse and adult sexual assault required the most time and resources.⁸ To be effective, professionals handling these cases should have reasonable case loads and access to victim assistance professionals who also have special training for working with child victims.

Criminal justice agencies should provide a “child friendly,” developmentally appropriate place to work with children. Many police departments and prosecutors’ offices set aside a room designed to be comfortable and appropriate for interviewing or preparing children. Other agencies use existing facilities created for these purposes, which may be housed in children’s hospitals or children’s advocacy centers.

Dallas Crimes Against Children Unit, Dallas, Texas

The Dallas Police Department Investigations Unit has developed four specialty areas for crimes against children:

- The Child Abuse Unit works with four other partner agencies at the Dallas Children’s Advocacy Center to conduct investigations in a child friendly environment in cases of physical, sexual, and fatal child abuse and neglect.
- The Child Exploitation Unit investigates child sexual offenses and exploitation involving nonfamily members.
- The Internet Crimes Against Children Unit handles Internet child pornography cases.
- The Sex Offender Apprehension Program (SOAP) was developed in response to the Sex Offender Registration Law. By strictly enforcing compliance with the law, the SOAP arrested 600 registered sex offenders within its first 2 years of operation and won the Weber–Seavey Award for innovative law enforcement.

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⁸ *National Assessment Program: 1994 Survey Results*, National Institute of Justice, U.S. Department of Justice, Washington, DC.

Professionals conducting forensic interviews should use consistent methods and should follow a tested protocol. To be effective and legally defensible, any forensic interviewing protocol should include techniques based on updated research.

Use of Child Interview Specialists

Conducting a forensic interview with a child about traumatic events the child experienced or witnessed can be difficult. If done incorrectly, it can jeopardize a case. To obtain reliable information from a child, the interviewer must assess the developmental level of the child and adapt the interview accordingly. Professionals conducting forensic interviews should use consistent methods and should follow a tested protocol. To be effective and legally defensible, any forensic interviewing protocol should include techniques based on updated research.

It is extremely important that professionals who interview child victims have adequate training. Cases involving very young children (under age 6), severely abused children, children who have witnessed extreme violence, and children with developmental disabilities require experienced, highly trained interviewers. Children's Advocacy Centers and hospital-based child protection teams are frequently good sources for finding experienced interviewers and receiving training. Interview training is also offered at many regional and national child abuse conferences and on-site through organizations funded by the Department of Justice. (See the section at the end of this monograph for training and informational resources).

The environment in which the child is interviewed is also very important. Many jurisdictions now have facilities that allow observation through a two-way mirror, by closed-circuit television, or by videotaping the interview. The American Professional Society on the Abuse of Children (APSAC) has developed a series of practice guidelines for professionals on a variety of issues, including use of anatomical dolls, videotaping of child interviews, and medical evaluations of suspected child abuse victims. (For information on how to contact APSAC, see the resource section of this monograph.)

District of Columbia U.S. Attorney's Office

When prosecutors in the U.S. Attorney's Office in the District of Columbia must work on a murder case involving a young child as the only witness or if they must prosecute a case in which children were the victims of violent crime, they can go down the hall for help. Working and closely with the prosecutors to conduct forensic interviews in the Children's Advocacy Center and to meet with children to prepare for trial are Child Interview Specialists — Licensed Clinical Social Workers with extensive experience working with children and knowledge of child development. By building relationships with the traumatized children, the specialists are often able to get clear statements, bolster the children's confidence, and make it far more likely that child witnesses will be credible in court. Equally important, the children have the opportunity to have their experience validated, to receive help understanding and verbalizing their feelings about the crime they experienced, and to be linked to community resources for help with recovery from their ordeal. This demonstration project, funded by the Office for Victims of Crime, is being replicated in other U.S. Attorneys' offices throughout the country.

Interacting with Children Who Witness Domestic Violence

Children often see or hear domestic assaults. Children may become injured when they attempt to intervene and protect the victim parent, or they may be intended targets of the assault along with the victim parent. When police arrive on the scene, children may not be in plain view. Police officers responding to the crime should not assume that the children did not hear or see the violence. It is important for the police officers to ascertain what the children saw or heard, while taking care not to interview the children in the presence of the perpetrator. In some States, committing domestic violence in the presence of children may result in child endangerment charges or enhanced sentences. In most cases, prosecutors should avoid using children as witnesses against the perpetrating parent since doing so may cause additional trauma to the child.

Prosecutors may encounter cases involving severe violence where a child may be the only witness or may be able to provide crucial testimony. Criminal justice officials should take special care to let the child know that the trial and the outcome are not the child's responsibility, but the direct result of the violent parent's behavior. In some circumstances, children may be empowered by testifying—particularly if the perpetrator is not a natural parent or if the child witness feels very negatively about the perpetrator. Children who witness domestic violence need support, as does their battered parent; both will need counseling and education about domestic violence.

Children who witness violence against a sibling should not be ignored. Many of the same issues found in domestic violence cases occur when the victim is another child. Children may feel responsible for the violence or for not protecting the victim. Children who witness the homicide of another family member will need special support services, including mental health services, from professionals trained to work with highly traumatized children.

The San Diego Children's Hospital Family Violence Program, San Diego, California

The San Diego Children's Hospital Family Violence Program assists battered mothers in their efforts to establish a safe environment for their children and themselves. Serving 120 women and 350 children each year, the program pairs battered women and their children with a two-person team of advocate and therapist. Mother and child receive free intensive advocacy, legal consultation, and mental health services. The children are often treated for PTSD and receive a range of preventive and therapeutic interventions, including age appropriate play therapy and teen groups. At intake, 88 percent of the program participants report physical assault. At the six-month followup, the level of physical violence the women experience has decreased to 10 percent. The proportion of children exposed to family violence decreased from 85 percent to 20 percent.

Apparent inconsistencies in young victims' statements are often caused by the phrasing of questions and differences in the way individuals interpret answers. Jointly conducted or monitored interviews can reduce inconsistencies and improve the quality of information.

Multidisciplinary Initiatives

Cases involving child victims tend to involve multiple agencies and professionals from various disciplines. In such cases, both the professionals and the child victims benefit from effective communication and collaboration. Experience indicates that coordinated responses to child victim cases can:

- Reduce the number of interviews a child undergoes.
- Minimize the number of people involved in a case.
- Enhance the quality of evidence discovered for criminal prosecution or civil litigation.
- Provide information essential to family and child protection service agencies.
- Minimize the likelihood of conflicts among agencies with different philosophies and mandates.⁹

Cases involving child witnesses also involve complex medical issues and family relationships. These cases often involve a number of people and systems, including family members, police, clergy, hospital staff, prosecutors, guardians *ad litem*, civil attorneys, criminal defense attorneys, child protection agencies, family courts, and therapeutic clinicians. Prosecutors and victim advocates have to be particularly diligent in managing the case to monitor and provide for the well-being of the child witness.

Many communities have some form of multidisciplinary team (MDT) to effectively manage child abuse cases that involve several agencies. The purpose of multidisciplinary child abuse teams is to reduce duplication of agency procedures and the number of child interviews and to coordinate intervention and services. Apparent inconsistencies in young victims' statements are often caused by the phrasing of questions and differences in the way individuals interpret answers. Jointly conducted or monitored interviews can reduce inconsistencies and improve the quality of information.

Sharing information, expertise, and experiences with other professionals can improve the quality and outcome of child victim cases. Law enforcement officers and prosecutors with limited knowledge of child development stages should consult social workers and therapists who have studied and are experienced with troubled children. They should also meet with pediatricians and medical examiners. Social workers and medical providers may consult with police officers who can provide guidance on investigation and evidentiary issues.

Many States have laws requiring joint investigations and cooperation between law enforcement and child protection agencies in child abuse cases. Other States have laws authorizing creation of multidisciplinary and multiagency child protection

⁹ *Joint Investigations of Child Abuse: Report of a Symposium*, National Institute of Justice, U.S. Department of Justice (p. 3), July 1993.

teams. Many more States have informal information-sharing arrangements. A formal MDT is not necessary for effective collaboration and information sharing, but the interagency relationships do need to be developed and institutionalized through written policies or memoranda of understanding.

Children’s Advocacy Centers

One of the best examples of a team approach to handling child victim cases is children’s advocacy centers. More than 350 communities have established or are in the process of developing children’s advocacy center programs. These centers allow law enforcement officers, child protection workers, prosecutors, victim advocates, medical professionals, and therapists to coordinate the investigation, prosecution, and treatment of the child victim. A single or limited number of investigatory interviews are conducted in “child friendly” settings rather than multiple interviews in intimidating environments. The children’s advocacy center approach makes it easier for a team of professionals with varied expertise to work together to ensure that maltreatment of children is responded to in the most appropriate way with the least amount of additional trauma to child victims during the various stages of criminal justice intervention. Some centers are affiliated with medical centers and/or have facilities for medical examinations. Many are equipped with one-way mirrors and have videotaping capacity. All children’s advocacy centers are furnished with young children in mind. The coordinated approach and team decision-making processes also improve the quality of information and increase the number of successful prosecutions. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) in the U.S. Department of Justice provides funds to communities seeking to establish or strengthen children’s advocacy centers. The funds are administered by the National Children’s Alliance, which maintains a directory of existing centers (see the resource section of this monograph).

Child Death Review Teams

Homicide is the leading cause of nonillness death of children under age five. More than half of these child victims are under age two. A significant number of these deaths are initially misidentified as SIDS or accidental deaths. Until recently, the death of a child as a result of chronic child abuse or severe neglect was not recognized under most State laws as an intentional homicide, nor prosecuted as first-degree murder. Today, more than 23 States and the District of Columbia have adopted “homicide by abuse” laws that do not require proof of specific intent to kill when a child’s death results from abuse, thus allowing stiffer sentences, sanctions, and penalties. Child death review teams, first initiated in Los Angeles County in 1978, now exist in all 50 States and the District of Columbia and are charged with examining the circumstances surrounding certain child deaths known or suspected to be preventable or the result of child abuse or neglect. Child death review teams try to correctly determine when children have died from abuse or neglect, identifying risk factors and systemic problems in hopes of preventing future deaths. Most teams consist of representatives from law enforcement, the prosecutor, child protective services, the medical examiner or coroner’s office, public health agencies, and emergency medical personnel and pediatricians.

The ICAN National Center on Child Fatality Review was launched by the Interagency Council on Child Abuse and Neglect in 1996 with support from the Los Angeles Times Mirror Foundation, the U.S. Department of Justice, and others. The Center provides technical assistance and information to communities seeking to develop or enhance a child death review team. The Center also facilitates the exchange of information among teams across the country. The Center's repository of information from case reviews provides a valuable resource for teams to identify and to prevent future child fatalities, serious abuse and neglect, and accidental injuries and death.

Child Development — Community Policing

The New Haven Department of Police Services and the Child Study Center at the Yale University School of Medicine, New Haven, Connecticut, have developed a unique collaborative program to address the psychological impact of family and community violence on children and families. The Child Development–Community Policing (CD–CP) program brings together police officers and mental health professionals to provide each other with training and consultation and to provide direct interdisciplinary intervention for children who are victims, witnesses, or perpetrators of violent crime. Police officers can call for support from a mental health clinician at the scene of a crime 24 hours a day. Clinicians respond immediately to work with traumatized children; if needed, they continue to work with the child and the family in a clinic or school setting. Families who become involved in the CD–CP program can receive ongoing intervention and support coordinated by a multidisciplinary case-conferencing team.

CD–CP Addresses Gang Violence and Domestic Violence

Through the Community Outreach Police in Schools (COPS) program, police officers and mental health professionals offer school-based support groups in the New Haven schools most affected by gang violence. These groups help fifth and sixth graders learn about themselves, understand their reactions to the violence around them, verbalize their fears, and learn to solve problems. Children who have participated in this program show a marked change in their relationships with their community police officers.

Focusing on the neighborhood of Fair Haven, the CD–CP program is implementing an approach to intervention in domestic violence cases where children are present that combines: 1) external authority to interrupt the violence, 2) concrete support for mothers' and children's safety through legal advocacy and linkages to other social services, and 3) acute and follow-up counseling services for women and their children. This approach is based on the assumption that the best help for battered women and their children is achieved by increasing their safety through the arrest of the perpetrator, heightened police presence, and realistic safety planning.

Legal Representation for Child Victims

For children who are the subject of protection proceedings in juvenile or family court, the Child Abuse Prevention and Treatment Act requires States to provide child victims with independent representation. In some communities, children are represented in such cases by an attorney appointed to act as guardian *ad litem*. Courts in hundreds of communities are also using volunteer court-appointed special advocates who perform independent assessments of the children's circumstances and file their own reports with the court. The National Court-Appointed Special Advocate Association is funded by OJJDP to help courts establish a volunteer program and to standardize training for volunteer advocates. The American Bar Association has developed standards and practices for lawyers representing children in abuse and neglect cases. While most of these programs are available only in family or juvenile courts, there has been an increase in the use of independent legal advocacy for child victims in criminal court proceedings.

Reform of Juvenile/Family Court Handling of Child Abuse and Neglect Cases

In recent years, several important developments are helping improve the ability of juvenile and family courts to work with greater effectiveness and speed in cases involving maltreated children. State court systems in 48 States received funding from the Children's Bureau at the U.S. Department of Health and Human Services to evaluate and improve operations in child abuse and neglect-related proceedings. Based upon administrative reforms undertaken by the Hamilton County, Ohio, Juvenile and Family Court, the National Council of Juvenile and Family Court Judges in 1995 developed and published a document entitled "Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases." This publication sets forth the essential elements of properly conducted court hearings and describes how courts can more efficiently manage their work to ensure each child receives a fair, thorough, and speedy court process.

Using the "Resource Guidelines" as a blueprint, the Child Victims Model Courts Project of the National Council of Juvenile and Family Court Judges and the OJJDP focus on improving how courts handle child abuse and neglect cases. Since 1995, eighteen courts have adopted the model court practices developed in Hamilton County, Ohio. The model courts practices are characterized by the use of alternative dispute resolution; community-based services; multidisciplinary, court-led meetings and training; court calendar improvements; assignment of a single magistrate for the life of the case; more substantive preliminary hearings; and, increased representation for families and children.

Criminal courts can learn from the example of the juvenile and family court innovations to improve system responses to children. Children who are crime victims or witnesses may be involved in both juvenile and criminal courts and benefit from close coordination between the two systems.

Model Children’s Court, El Paso, Texas

The Honorable Patricia Macias, Lead Judge for the El Paso Children’s Court, guides that community’s effort to improve the court’s response to abused and neglected children. In all cases requiring foster care placement for abused or neglected children, the Court involves local networks of professionals to provide “front-loaded” services to increase the likelihood of safe permanent homes. A new assessment foster home project has been established to provide a nurturing home environment where the child’s special needs can be immediately identified. To ensure that the child’s support system is fully involved in the proceedings, the Court provides simultaneous language interpretation for all non-English-speaking court participants, and foster parents testify at each hearing and participate in permanency transition teams. Through such innovations, the court has streamlined court procedures and reduced the length of time children spend in foster care.

Use of Victim Assistance Professionals

Numerous victim assistance programs provide special support services for child victims who are involved in criminal justice system cases. Research indicates that participation of a victim–witness advocate appears to increase guilty verdicts in sexual abuse cases, suggesting that better prepared and more relaxed child victims and child witnesses are more credible at trial (Dible & Teske, 1993). Advocates working with child victims and child witnesses should have specialized training and experience with abused and traumatized children. A child advocate or a child interview specialist may provide a great deal of assistance, including the following: interview or help interview child victims or child witnesses; assess safety issues; assess the mental condition and developmental level of the child; as necessary, refer the child for more in-depth psychological assessment; participate in support groups or individual counseling; explain the legal process to the child and the nonoffending caretaker; make crisis intervention and social services referrals; conduct court preparation; provide logistical support for the child victim and family, including transportation and assistance with medical and therapy appointments; and, support the victim during trial, including accompanying the child to court when he or she testifies. Advocates can also help the victim and/or caretaker complete victim impact statements for sentencing, if desired. Victim advocates can help monitor the child’s situation and alert prosecutors when the child is not supported, when stay-away orders are violated, or when the child is threatened or coerced into recanting. Many police departments and prosecutors’ offices have their own victim assistance units and advocates who work closely with officers and prosecutors.

Preparing Children for Court: Court School Programs

Every witness needs some preparation prior to testifying. To bring a child into the complex and often stressful process of testifying in court without careful preparation

is unthinkable. A child who knows what to expect and is prepared for his or her role will provide more credible testimony. Child victims and witnesses require extra time and special effort to prepare for court. There are two primary methods of preparing a child — individual preparation by the prosecuting attorney or through a group process that focuses on general orientation programs, such as court school. Individual preparation is best handled by the case prosecutor and a victim advocate. It should be tailored to the specific age and needs of the child. Specific case issues are covered in this type of preparation. Many prosecutors will take the child witness to an empty courtroom to familiarize the child with the setting.

Court school programs are designed to orient the child victim and child witness to the court process and to the role of the witness. These programs are usually facilitated by victim advocates and prosecutors and include a group of children scheduled to testify in the near future. Most programs include role-playing, a courtroom tour, and opportunities to practice answering questions in the courtroom. Individual cases are never discussed, and the program is designed to avoid jeopardizing the child’s testimony in any way. Court school programs may use props, such as puppets, child-sized judges robes, coloring/activity books about court, and a wooden model of a courtroom with moveable figures. Court school programs help reduce anxiety in children and normalize what may have been a strange and frightening process. Many programs include a concurrent session for nonoffending parents and caretakers to provide information about the court process and how they can support their children.

Kids’ Court, King County, Seattle, Washington

In King County, Washington, Kids’ Court and Teen Court empower child crime victims and their parents through education about the legal process. In the five-hour Saturday court school, children meet with a judge and prosecutor and participate in activities that help them understand the roles of court personnel, discuss their concerns about testifying in court, and feel comfortable in the courtroom. Judges and prosecutors lead discussions about the importance of telling the truth and answer children’s questions about the upcoming trial. Children and their parents learn stress reduction techniques to help them through the trial. Kids’ Court has developed a comprehensive curriculum and has served over 1,200 children in the last 9 years. It is being replicated in several cities throughout the United States and abroad.

Special Courtroom Accommodations

Judges should make efforts to ensure that the trial process and courtroom atmosphere help the child witnesses provide true and accurate information without unnecessary revictimization. Judges need to know and understand the special developmental needs of children. Judges can do many things to prevent trauma to children in court, such as making sure all objections are argued outside the

Judges can do many things to prevent trauma to children in court, such as making sure all objections are argued outside the hearing or presence of the child, requiring that all attorneys use developmentally appropriate language when questioning child witnesses, and arranging the courtroom to be less intimidating for the child witness.

hearing or presence of the child, requiring that all attorneys use developmentally appropriate language when questioning child witnesses, and arranging the courtroom to be less intimidating for the child witness. A simple example of how to arrange the courtroom to avoid intimidating the child witness would be to allow the child to sit in a child-sized chair or to allow the child to sit next to a support person. Continuances should be limited unless it is in the best interest of the particular child or in the cause of justice. Speedy resolution of child victim cases should be encouraged. In Federal cases, when a child will be called to give testimony, judges can designate the case as being of special public importance which gives the case precedence over all others on the judge's calendar (18 U.S.C. §3509(j)). Safe and separate waiting areas should be available to prevent the child from encountering the defendant and the defendant's family. If a separate waiting area is impossible, a victim-witness advocate should remain with the child and caretaker to monitor the situation. Children should be allowed to have a support person in court with them. Judges should take care to ensure that the defense attorney does not unnecessarily subpoena support persons.

Courts should consider alternatives to live testimony. If the child would be too traumatized by seeing the defendant in the courtroom, prosecutors should consider making a motion for him or her to testify via closed circuit television. The use of closed circuit television has advantages and disadvantages. It may help reduce trauma and enable the child to testify more effectively, but it may be less compelling than a child's live presence in the courtroom. Prosecuting attorneys should weigh the advantages and disadvantages of testimony via closed circuit television on a case-by-case basis, always keeping in mind the level of trauma to the child. The Federal courts and many States allow videotaped testimony of children under special circumstances; some States include tapes of original forensic interviews with children. These videotapes may be particularly useful when child victims recant their testimony.

Los Angeles County Children's Court, Los Angeles, California

Children's Court in Los Angeles County, California, was built with the 550 children who come to court each day in mind. Courtrooms have child-size proportions, a lower judge's bench, no jury box, and limited seating. Children who await hearings are protected from contact with offenders through private waiting rooms and seating areas that carry the Disney Channel and other children's programming. During the inevitable delays, an arts program and play rooms safely occupy the children. On site, immediate services and personnel, including school system personnel, mental health providers, and victim advocates are available for planning and consultation with children and families. Dependency Court administrators insist that more important than the new child-friendly facility is the court's philosophy that supports children's involvement in a secure court environment in all court proceedings affecting them.

Victim Impact Statements: In a Child's Words

A victim impact statement (VIS) from a child can be a powerful evidentiary tool, bringing the full impact of the crime home to the judge or jury in a potent way. Clearly, child victims should not be forced to make a VIS nor be made uncomfortable or fearful while making one. The process of making the VIS actually becomes an important step in the healing process for many children.

In most States and the District of Columbia, children have the right to present a VIS at the time of sentencing or to have an adult present a statement on their behalf. Since most children need help preparing a VIS, a victim advocate can work with the child to develop one that is accurate and age-appropriate. Knowledgeable professionals should assess the substantial body of research documenting the initial and long-term psychological effects of abuse on children and be sure to present this evidence as part of the VIS.

In most cases, the primary impact of abuse is psychological, not financial. However, the treatment of medical and psychological damage resulting from the abuse will often have a significant financial impact on the victim and the victim's family. Therefore, the financial impact portion of the victim impact statement should cover expenditures for medical treatment and psychological counseling expenditures. A restitution order should be requested for these expenditures, with contingencies for possible future medical and psychological expenses related to the crime.

While most VIS are technical documents unlikely to be reviewed directly by children, many children understand and like the idea of writing a letter to the judge describing what happened and how they were affected. Very young children can be encouraged to draw pictures of how they feel about the crime, themselves, or the defendant. Victim-witness advocates may wish to ask the child questions and transcribe the answers. Some courts allow audiotapes or videotapes of children making statements during an interview. Oral statements by the child at sentencing can be effective in helping judges understand the crime's impact. If a severely traumatized or injured child cannot provide a statement or drawing, the caretaker, physician, or therapist should prepare the primary statement and present it as part of an information package. Copies of research articles that document the short- and long-term impact of victimization on children can be attached. Nonoffending parents are usually good sources of information on how the abuse affected the child, the siblings, and the entire family. Siblings are often forgotten secondary victims and should be allowed to participate in the process or make their own VIS. Older children should be encouraged to write a letter to the judge expressing their feelings about the crime and the defendant. Some adolescent victims express their feelings and thoughts related to their abusive experience by keeping journals, writing poetry, or creating artwork. Copies of these can be presented as part of their VIS.

Knowledgeable professionals should assess the substantial body of research documenting the initial and long-term psychological effects of abuse on children and be sure to present this evidence as part of the victim impact statement.

Recommendations for Improving the Response to Children Exposed to Violence

Recommendations for All Criminal Justice Professionals

- (1) To ensure the earliest possible recognition and reporting of crimes against children, all criminal justice professionals who come in contact with children should be trained to identify children who are exposed to violence as victims or witnesses and should be informed of the impact of victimization.
- (2) Criminal justice professionals assigned to handle cases involving child victims should have more indepth training in forensic interviewing, child development, identification of abuse-related injuries, the emotional and psychological impact of abuse, and legal issues related to child victims and witnesses.
- (3) 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.
- (4) Criminal justice agencies handling cases involving children as victims and witnesses should work in collaboration with other agencies having responsibility for at-risk children, such as family and juvenile courts, social services agencies, medical and mental health providers, and victim services agencies. When multiple agencies are involved in a child's life, communication among professionals is critical to ensure complete and accurate information is available to decisionmakers to ensure the child is adequately protected.
- (5) Criminal justice professionals should adapt their practice to recognize the developmental stages and needs of child victims and witnesses to ensure they are sensitively treated throughout the investigative and trial process.

Specific Recommendations for Law Enforcement Agencies

- (1) All officers should have at least basic training in recognizing and responding to children who are abused, neglected, or exposed to violence.
- (2) Agency heads should specially assign officers to handle cases involving child victims and witnesses, ensuring these officers receive indepth training in interviewing children, identifying injury, child development, and understanding the impact of victimization and witnessing violence on children.
- (3) Police agencies should have written child abuse policies that provide sufficient guidance for making important decisions, such as whether to arrest a suspected

perpetrator, whether to place a child in protective custody, and how to deal with unusual or difficult situations.

- (4) Law enforcement investigators should work in collaboration with medical and mental health providers, child protective services agencies, and victim assistance providers.

Specific Recommendations for Prosecutors' Offices

- (1) Chief prosecutors should ensure that cases involving child victims and witnesses receive priority and are handled as expeditiously as possible, minimizing unnecessary delays. They should ensure that child victims and witnesses receive support services as they go through the criminal justice process.
- (2) Prosecutors should be specially assigned to handle cases involving child victims and witnesses, receiving indepth training on issues related to victimization of children, including medical and legal issues.
- (3) Prosecutors should ensure that child victims and witnesses are adequately and appropriately prepared for the court process and testifying.
- (4) Prosecutors should work in collaboration with medical and mental health providers, child protective services agencies, and victim assistance providers.

Specific Recommendations for Criminal Court Judges and Administrators

- (1) Judges should ensure that cases involving children as victims and witnesses receive high priority and are handled as expeditiously as possible, minimizing unnecessary delays and continuances.
- (2) Judges who handle cases involving child victimization should receive adequate training in the dynamics of child maltreatment as well as the impact of victimization and witnessing violence on children and child development.
- (3) Judges and court administrators should ensure that the developmental needs of children are recognized and accommodated in the arrangement of the courtroom. Separate and safe waiting areas should be provided for child victims and witnesses.
- (4) Judges should ensure that the developmental stages and needs of children are recognized and addressed throughout the court process by requiring that all attorneys use age-appropriate language, by timing hearings and testimony to meet the attention span and physical needs of the child, and by allowing the use of testimonial aids when necessary to facilitate the ability of the child to testify.

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- (5) Children should be presumed to be competent to testify.
- (6) Judges should be flexible in allowing the child to have a support person present while testifying and should guard against unnecessary sequestration of support persons.
- (7) Judges should ensure that child victims and witnesses, or their support persons, have an opportunity to present victim impact information. Judges should allow the victim impact information to be presented in a format consistent with the child's age and developmental level.

Conclusion

We ask a great deal of children who have been victims or witnesses to crime when we ask them to participate in the criminal justice system. It is a system designed for adults, not for children. We expect young children to take part in a process that many adults find complex, confusing, and intimidating. We want children to answer detailed questions about terrifying events in the presence of strangers and the defendant. If an investigation and a trial are a search for the truth, then we must do everything we can to enable children to tell what happened to them as clearly and completely as possible. Just as the criminal justice system makes accommodations for victims and witnesses who do not speak English or who have physical handicaps, it must also make accommodations for children. It is important that criminal justice professionals adapt their practice to the special needs of child victims and witnesses. If children cannot participate effectively in the criminal justice system, it may be impossible to protect them from future victimization and to hold the offenders accountable for their actions.

Resources for Information and Training

The following professional organizations and clearinghouses provide information on research, best practice, and training opportunities.

American Professional Society on the Abuse of Children (APSAC)

407 S. Dearborn Street, Suite 1300
Chicago, IL 60605
312-554-0166
E-mail: APSACAdmn@adl.com

Child Victim Model Court Project

National Council of Juvenile and Family Court Judges
P.O. Box 8970
Reno, NV 89507
775-784-6012

National Center for Child Fatality Review

4024 Durfee Avenue
El Monte, CA 91732
626-455-4585

National Center for Missing and Exploited Children

2101 Wilson Boulevard, Suite 550
Arlington, VA 22201-5302
1-800-THE-LOST (1-800-843-5678)
World Wide Web: <http://www.missingkids.org>
Internet E-mail: 77431.177@compuserve.com

National Center for Prosecution of Child Abuse/American Prosecutors Research Institute

99 Canal Place, Suite 510
Alexandria, VA 22314
703-739-0321

National Center for State and Local Law Enforcement Training

Fox Valley Technical College
Criminal Justice Department
P.O. Box 2277
Appleton, WI 54913-2277
1-800-648-4966

National Children's Alliance

1319 F Street, NW, Suite 1001
Washington, DC 20004-1106
1-800-239-9950

National Clearinghouse on Child Abuse and Neglect Information

300 C Street, SW
Washington, DC 20447
703-385-7565 or 1-800-FYI-3366
E-mail: nccanch@calib.com

National Court Appointed Special Advocate (CASA) Association

100 W. Harrison Street, North Tower, Suite 500

Seattle, WA 98119

1-800-628-3233

206-270-0072

World Wide Web: <http://www.nationalcasa.org>

National Criminal Justice Reference Service (NCJRS)

1600 Research Boulevard

Rockville, MD 20850

E-mail: askncjrs@ncjrs.org

Juvenile Justice Clearinghouse 1-800-638-8736

Office for Victims of Crime Resource Center 1-800-627-6872

Fax: 301-251-5212

National Organization of Black Law Enforcement Executives (NOBLE)

4609 Pinecrest Office Park Drive, Suite F

Alexandria, VA 22312

703-658-1529

Police Executive Research Forum (PERF)

1120 Connecticut Avenue, NW, Suite 930

Washington, DC 20036

202-466-7820

Innovative Programs

Child Development–Community Policing (CD–CP) Program

Yale Child Study Center

47 College Street, Suite 212

New Haven, CT 06520

203-785-7047

Dallas Police Department

Youth and Family Crimes Division

106 S. Harewood Street, Room 225

Dallas, TX 75201

214-670-5936

King County Kids' Court

3020 Issaquah Pine Lake, SE, Suite 514

Issaquah, WA 98029

206-386-KIDS or 206-296-9067

San Diego Children's Hospital Family Violence Program

3020 Children's Way, Mail Code 5087

San Diego, CA 92123

619-495-7719

U.S. Attorney's Office, District of Columbia

Child Interview Specialists

555 4th Street, NW

Washington, DC 20001

202-305-4882

References

Alexander, E., Chapter on Child Victimization, *National Victim Assistance Academy Manual*, Office for Victims of Crime, U.S. Department of Justice, 1996.

Benson, K., "From the Mouths of Babes," *Police*, (pp. 36–41), October 1993.

Berliner, L., "The Child Witness: The Progress and Emerging Limitations," *University of Miami Law Review*, 40:167; 1985.

Berliner, L. and J. Conte, "The Process of Victimization: The Victim's Perspective," *Child Abuse and Neglect*, Vol. 29, 1990.

Berliner, L. and Conte, J., "The Effects of Disclosure and Intervention on Sexually Abused Children," *Child Abuse and Neglect*, Vol. 19 (pp. 371–384), 1995.

Briere, J., "Child Abuse Trauma: Theory and Treatment of the Lasting Effects," Sage Publications, Newbury Park, CA, 1992.

Bottoms, B. and G. Goodman, editors, *International Perspectives on Child Abuse and Children's Testimony*, Sage Publications, Newbury Park, CA, 1996.

"Child Victim Witness Investigative Pilot Projects: Research and Evaluation Final Report," Attorney General's Office, State of California, 1994.

"Child Victim–Witness Protocol," San Diego Regional Child Victim–Witness Task Force, June 1991.

"Child Witnesses in Criminal Court: A Protocol for Action," Prepared for the State Justice Institute by the Crime Victims Research and Treatment Center, Medical University of South Carolina, December, 1990.

Deblinger, E., "Diagnosis of Post-Traumatic Stress Disorder in Childhood," *Violence Update*; 2(4); 1991.

Dible, D. and R. H. C. Teske, Jr., "An Analysis of the Prosecutory Effects of a Child Sexual Abuse Victim–Witness Program," *Journal of Criminal Justice*, Vol. 21, (pp. 79–85), 1993.

Dixon, S. and M. Stein, "Encounters With Children: Pediatric Behavior and Development," Mosby–Year Book, St. Louis, MO, 1992.

Dziech, B. and C. Schudson, "On Trial: America's Courts and Their Treatment of Sexually Abused Children," Beacon Press, Boston, MA, 1991.

Finkelhor, D. and A. Browne, "The Traumatic Impact of Child Sexual Abuse: A Conceptualization," *American Journal of Orthopsychiatry*, Vol. 23 (pp. 215–218), 1984.

Flin, R., "Child Witnesses in Criminal Courts," *Children & Society*, 4:3 (pp. 264–283), 1990.

Gray, E., "Unequal Justice: The Prosecution of Child Sexual Abuse," The Free Press, New York, NY, 1993.

Goodman, G. and B. Bottoms, editors, "Child Victims, Child Witnesses: Understanding and Improving Testimony," The Guilford Press, New York, NY, 1993.

Henry, J., "System Intervention Trauma to Child Sexual Abuse Victims Following Disclosure," *Journal of Interpersonal Violence*, Sage Publications, Vol. 12, No. 4 (pp. 499–512), August 1997.

Herman, J., *Trauma and Recovery*, Basic Books, 1992.

"Investigation and Prosecution of Parental Abduction," American Prosecutors Research Institute, 1995.

Jones, D., *Interviewing the Sexually Abused Child: Investigation of Suspected Abuse*, Royal College of Psychiatrists, London, 1992.

Kilpatrick, D., and B. Saunders, *Prevalence and Consequences of Child Victimization*, Crime Victims Research and Treatment Center, Medical University of South Carolina, Research in Brief, National Institute of Justice, 1997.

King, N., W. Hunter, and D. Runyan, "Going to Court: The Experience of Child Victims of Intrafamilial Sexual Abuse," *Journal of Health Politics, Policy and Law*, Vol. 13 (pp. 1–17), Winter 1988.

Lanning, K., "Criminal Investigation of Suspected Child Abuse; Criminal Investigation of Sexual Victimization of Children," J. Briere, L. Berliner, J. A. Bulkley, C. Jenny, and T. Reid, editors, *The APSAC Handbook on Child Maltreatment* (pp. 246–264), Sage Publications, 1996.

Lipovsky, J. and P. Stern, "Preparing Children for Court: An Interdisciplinary View," *Child Maltreatment*, Vol. 2, No. 2, (pp. 150–163), Sage Publications, May 1997.

Morgan, M., "How to Interview Sexual Abuse Victims: Including the Use of Anatomical Dolls," Sage Publications, Newbury Park, CA, 1995.

McGough, L. and A. Warren, "The All-Important Investigative Interview," *Juvenile and Family Court Journal*, 45:4 (pp.13–29), 1994.

Myers, J. E. B., "Legal Issues in Child Abuse and Neglect," Sage Publications, Newbury Park, CA, 1992.

Myers, J. E. B., "Paint the Child Into Your Corner: Examining the Young Witness," *Family Advocate*, Vol. 42, Winter 1988.

Myers, J. E. B., "The Child Witness: Techniques for Direct Examination, Cross-Examination, and Impeachment," *Pacific Law Journal* (pp. 804–942), April 1987.

"A New Approach to Interviewing Children: A Test of Its Effectiveness," National Institute of Justice, U.S. Department of Justice, (Research in Brief) 1992.

Oates, R., D. Lynch, A. Stern, B. O'Toole, and G. Cooney, "The Criminal Justice System and the Sexually Abused Child," *Medical Journal of Australia*, 162 (pp. 647–653), 1995.

Pence, D. and C. Wilson, "Team Investigation of Child Sexual Abuse: The Uneasy Alliance," Sage Publications, Newbury Park, CA, 1994.

Perry, N. and L. Wrightsman, "The Child Witness: Legal Issues and Dilemmas," Sage Publications, Newbury Park, CA, 1991.

Portable Guides to Investigating Child Abuse, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, 1996:

- *Battered Child Syndrome: Investigating Physical Abuse and Homicide*
- *Child Neglect and Munchausen Syndrome by Proxy*
- *Diagnostic Imaging of Child Abuse*
- *Interviewing Child Witnesses and Victims of Sexual Abuse*
- *Photo-Documentation in the Investigation of Child Abuse*
- *Recognizing When a Child's Injury or Illness is Caused by Abuse*
- *Sexually Transmitted Diseases and Child Sexual Abuse*
- *Burn Injuries*

Reviere, S., "Memory of Childhood Trauma: A Clinician's Guide to the Literature," The Guilford Press, New York, NY, 1996.

Saywitz, K., "Questioning Child Witnesses," *Violence Update*, March 1994.

Saywitz, K., "Preparing Children for the Investigative and Judicial Process: Improving Communication, Memory and Emotional Resiliency," Final Report to the National Center on Child Abuse and Neglect, U.S. Department of Health and Human Services by UCLA School of Medicine, Department of Psychiatry, 1993.

Saywitz, K., "Methods to Increase Developmental Sensitivity: Matching Form of Question to the Child's Language Level," Unpublished lecture materials.

Saywitz, K., "Bullying Children Won't Work: Interviewing Techniques That Will," *Family Advocate*, 10:3, (pp. 16–20), 1988.

Saywitz, K., "Children's Conceptions of the Legal System: Court is a Place to Play Basketball, in Perspectives on Children's Testimony" (Ceci et al., editors), Springer-Verlag, 1989.

Whitcomb, D., "Use of Innovative Techniques to Assist Child Witnesses," (Research Brief), Educational Development Center, Newton, MA, 1992.

Whitcomb, D., *When the Victim is a Child*, (second edition), Issues and Practices Series, National Institute of Justice, U.S. Department of Justice, 1992.

Widom, C. S., "Cycle of Violence" (Research in Brief), National Institute of Justice, U.S. Department of Justice, 1992.

Zaragoza, M., et al., editors, "Memory and Testimony in the Child Witness," Sage Publications, Newbury Park, CA, 1995.

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