








Children as Witnesses and Trauma/Background for Hearsay Exception for children

Summary of Research by DCF/FSD staff – 3.8.16:

Title	Author(s)	Source	Summary	Document
<p><i>Consequences of Criminal Court Involvement for Child Victims</i></p>	<p>Jodi A. Quas, Gail S. Goodman</p>	<p>18 Psychology, Public Policy, and Law. 392 (2012)</p>	<ul style="list-style-type: none"> • Numerous psychological issues are raised when children are suddenly thrust into the legal system, an institution known for austerity and harshness in virtually every country. • This debate about the effects of children’s participation in a legal case is perhaps best exemplified in controversies surrounding face-to-face confrontation, a right protected by the U.S. Constitution’s 6th Amendment and supported in several international doctrines. • In theory, facing one’s accuser compels the witness to speak the truth. Yet, facing a defendant, especially one who threatened or harmed a victim, or to whom loyalty is felt, can be traumatic. The trauma associated with the crime that led to legal involvement--the most common being child maltreatment--already places children at risk for numerous adverse outcomes including poor mental health, low academic achievement, insecure attachment, and relationship problems. 	 <p>Adobe Acrobat Document</p>
<p><i>Innovations for Child Witnesses: A National Survey</i></p>	<p>Gail S. Goodman, Jodi A. Quas, Josephine Bulkley, Cheryl Shapiro</p>	<p>5 Psychology, Public Policy, and Law 255 (1999)</p>	<ul style="list-style-type: none"> • As more children came into contact with the legal system, numerous techniques or reforms were proposed to accommodate children’s needs. In recent years, many innovations and procedural reforms have been suggested to reduce the number of times children are interviewed and must testify, alter the conditions under which children testify, and affect the medium by which information about the child and the allegations are presented. • These reforms typically possessed two complimentary goals: (a) to decrease potential harm to children because of their involvement in criminal cases and (b) to facilitate prosecution of adults who commit crimes, especially sexual abuse, against children. 	 <p>Adobe Acrobat Document</p>

<p><i>Helping a Child be a Witness in Court: 101 Things to Know, Say, and Do</i></p>	<p>Alison Cunningham, M.A., Lynda Stevens, M.Ed., R.S.W., C.P.T.</p>	<p>http://bit.ly/1Q8WgE3</p>	<ul style="list-style-type: none"> • Most children are testifying about someone they know. Children are usually victimized by or witness crimes committed by people they are related to or live with, neighbors, family friends, or people they meet in professional capacities. So there may be some degree of on-going contact, or the potential for contact, between the child and the accused. • Children find testifying to be an extremely stressful experience. Anticipatory anxiety in children can manifest as sleep disturbances, lack of appetite, poor concentration at school, social isolation, somatic complaints such as tummy aches, apparent over-reaction to little problems that arise, agitation, etc. Symptoms can increase in frequency and intensity as the court date approaches and, as suggested in the next section, be more intense and debilitating in children who were traumatized by what they experienced or saw. As we have documented in our research, children vividly recall their worries and anxiety even years after testifying. 	 <p>Adobe Acrobat Document</p>
<p><i>Measuring up: Evaluating implementation of Government commitments to young witnesses in criminal proceedings</i></p>	<p>Joyce Plotnikoff, Richard Woolfson</p>	<p>http://bit.ly/1RYVdLv</p>	<ul style="list-style-type: none"> • Even with implementation of supports such as: direct help, pre-trial visits to court, youth needs assessments, evaluation of young witness support, ensuring appropriate questioning at court, avoiding delay of cases in court (timeliness), addressing safety, and listening to the young witness, the study suggests that there still are no real mechanisms to get feedback from children under 16, and inconsistent use of court room accommodations resulting in dissatisfaction of the children and youth. 	 <p>Adobe Acrobat Document</p>
<p><i>The Victimization of Children and Youth: A Comprehensive, National Survey</i></p>	<p>David Finkelhor, Ph.D., Richard Ormrod, Ph.D., Heather Turner, Ph.D., Sherry L. Hamby, Ph.D.</p>	<p>http://bit.ly/1UkvRrT</p>	<ul style="list-style-type: none"> • A problem within our current fragmented approach is that it fails to show the interrelationships among different kinds of victimization. Some victimization types characteristically involve multiple offenses. Other victimizations are precursors or catalysts for new victimizations. • Focusing on defining different types of victimization may take away from more important issues. 	 <p>Adobe Acrobat Document</p>

<p><i>Poly-victimization: Children's Exposure to Multiple Types of Violence, Crime, and Abuse</i></p>	<p>David Finkelhor, Heather Turner, Sherry Hamby Richard Ormrod</p>	<p>http://1.usa.gov/20T9TMt</p>	<ul style="list-style-type: none"> • Children who were exposed to even one type of violence, both within the past year and over their lifetimes, were at far greater risk of experiencing other types of violence. For example, a child who was physically assaulted in the past year would be five times as likely also to have been sexually victimized and more than four times as likely also to have been maltreated during that period. 	 <p>Adobe Acrobat Document</p>
<p><i>Two critical evidentiary issues in child sexual abuse cases: closed-circuit testimony by child victims and exceptions to the hearsay rule</i></p>	<p>Allison C. Goodman</p>	<p>American Criminal Law Review, Spring 1995</p>	<ul style="list-style-type: none"> • The United States Supreme Court has acknowledged the difficulties inherent in detecting and prosecuting child sexual abuse cases. Legislatures and courts at both the federal and state levels have also responded to claims that courtroom appearances are traumatic and even damaging to children, enacting statutory procedures to make the courtroom more child-friendly. • The Supreme Court's decision in Craig left many issues unresolved. The Court did not determine the level of trauma that a court must find the child would suffer if she were to testify in front of the accused before denying the accused the right to face-to-face confrontation with the witness. In addition, the Court did not establish requisite procedures for the trial judge to follow in making the necessity and concomitant trauma findings. 	 <p>Adobe Acrobat Document</p>