


Memorandum

To: Representative Maxine Grad
From: Ken Schatz, Commissioner of DCF 
Date: March 8, 2016
Re: Children as witnesses and trauma

Thank you for the opportunity to provide input to your committee on H.523 and hearsay exceptions for children. We provided a memo to you on H.398/H.523 that discusses the hearsay exception included in H.398 that we believe would help minimize the level of trauma to involved children. This hearsay exception would relieve children who have been abused from testifying in Human Services Board proceedings when an alleged abuser appeals a determination of the abuse.

During the discussion of H.523, several questions surfaced as to whether the impact on children of different types of abuse has any bearing on the level of trauma they experience as witnesses in a proceeding.

We have pulled together and reviewed numerous articles on this topic. The body of research overwhelmingly points to the extreme stress experienced by children when they are witnesses in a proceeding. More often than not, the person who abused these children is someone they know and likely trust(ed). The research supports that the type of child maltreatment, abuse, or victimization should not be treated differently. Many children who experience one form of abuse are likely to experience other forms. Exploitation of a child in any form has severe and traumatic, physical and emotional effects on that child.

In considering the impacts of trauma on children and adults, it's important to note that children respond and have different post-traumatic stress triggers than adults; and children are even more vulnerable in situations where the caretaker is the alleged perpetrator. Children experience trauma differently than adults, therefore the standards should be different.

In case it is helpful for your committee's deliberations, other states have extended the hearsay exception for children beyond sexual abuse. For example Florida and Kansas allow the exception in criminal and any child abuse/neglect proceedings. We appreciate the committee's willingness to consider this legislation.

A sample of the summary of research by our staff follows this memo. If you wish to see additional references or have other questions, please be in touch with Karen Vastine (karen.vastine@vermont.gov).

