



**Testimony on H.727**  
**Senate Committee on Judiciary**  
**March 27, 2018**

**Amy Torchia**  
**Children's Advocacy Coordinator**

Thank you for the opportunity to submit this comment on House Bill 727. This bill allows that a child not be required to testify before the Human Services Board in the case of a child abuse substantiation appeal and that the child's hearsay statements be admissible in the proceedings. The Vermont Network strongly supports passage of this bill.

A diversity of research that considers the impact on children of facing the person who abused them and retelling their stories in non-therapeutic environments is unanimously against it. The US Department of Justice even notes in their '[Rights of the Child](#)' that *testifying can re-victimize a child by causing them to re-live the experience of their exploitation and abuse.*

In my 30 years of supporting children who have both directly experienced and witnessed horrific abuse at the hands of caregivers, I can safely say that I have never known of a time that an advocate or therapist felt it ethical or in the best interest of children to require them to tell their stories. Especially in front of the person who hurt them and who they most likely fear and certainly not in front of a board of 7 to 9 strangers.

Re-living traumatic experiences can be dangerous for children regardless of the type of abuse or trauma they experienced. It can lead to increased anxiety and fear, and can manifest as sleep disturbances, lack of appetite, poor concentration at school, social isolation, and somatic complaints such as tummy aches. Not only can it reverse a child's healing, but it can lead to post-traumatic stress symptoms like nightmares and anxiety attacks.

This is far more complicated for children than it is for us. For children being asked to testify at Human Service Board hearings, it may be the first time they've faced the caretaker who hurt them since a finding of child abuse. Or, they may see this person regularly and have to face them at a visit the following day or week. This may be the first time in a long time that the child has been asked to think about or talk out-loud about the abuse that they experienced. Bringing this back into their lives in this way could impact their ability to live their daily lives in a stable healthy way. The abuse could have happened a month ago or 3 or 7 years ago. Imagine a 7-year-old being required to testify to child abuse that happened to them when they were 4. There are profound developmental differences between 4 and 7-year-olds including their systems for recording memories and their abilities to communicate and make sense of their worlds. Children also disconnect from traumatic events and cognitively avoid them as a strategy for coping. This coping



style can lead to less vivid memories. This scenario could only create confusion and stress for children required to testify in retrospect.

In addition, these children may very well worry about the safety and repercussions of their testimony on the person who hurt them – someone who they may still dearly love. They might also worry about physical and emotional repercussions for themselves, their siblings and their other parent. I know of children who didn't feel safe telling their stories until years into therapy. I know of adult survivors of child abuse who didn't personally decide to face their abusive parents until they were well into their 40s.

It is careless for us as a state to require that any child testify in a process of a child abuse substantiation appeal when the children in these situations have already been brave enough to tell their stories to social workers and therapists and where there is enough evidence already collected to have initially found a substantiated case of child abuse. Testimonies by these professionals and information on DCF documents is clearly enough to provide ample hearsay statements for the case.

In the last three years, the Department for Children and Families has withdrawn nearly 50 cases where a person was substantiated for abuse and neglect and their name was placed on the Child Protection Registry. In those cases, the person appealed to the Human Services Board but it was determined that testifying would re-traumatize the child and rather than reverse the child's healing process, the Department withdrew. This means that 50 people who were substantiated for child abuse or neglect had their names removed from the registry.

The Network appreciates the level of care and concern the Department has demonstrated in their efforts to protect children from such trauma. At the same time, the removal of an abusive party from the child protection registry might put other children at risk. It is an untenable situation to have to choose to keep one child from added trauma at the possible future expense of another child's well-being. By passing this bill, you will be allowing the Department to act in protection of abused children – both known and yet unknown.

The Network asks you to support H.727.

Thank you.