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WAITING FOR COURT

After the flurry of activity which attends disclosure and police investigation, most parents reported relative calm after the charges were laid. There followed a long wait for a trial date, a wait much longer than most had initially expected. All the children involved with this study faced the prospect of testifying. Whether they actually did testify or not involved decisions that were beyond their control. Moreover, they typically had to wait for many months to find out exactly what their role in the prosecution would be. Their accused abusers had all pleaded not guilty at arraignment and the majority of them (78 percent) had repeatedly denied all responsibility for the abuse. The abusers of five children had admitted the abuse, to the family or to the police, but pleaded not guilty anyway. The children were understandably confused by the plea. In the remainder of cases, the defendant's response was unclear or ambiguous. For example, some defendants had made inculpatory statements to the police but then took the stance that the statements were incorrect.

Only three children recalled looking forward to testifying. Ninety-five percent said they were scared at the prospect. Although many children had initially been reluctant or ambivalent — even hostile — about having charges laid, most said they had not wanted the charges to be dropped once the prosecution was initiated. We observed at the time that they became resigned to their roles as potential witnesses, at some point. They adopted rationalizations that made them feel comfortable with their involvement in a process of which they were afraid. These rationalizations could have been provided by parents and other adults who, for example, urged them to think about the other children who could be spared abuse.

Even so, 41 percent of the children recalled times during this pre-court period when they had wished the charges would be dropped. This was more often reported by girls (49 percent) than by boys (ten percent). Victims of intrafamilial abuse were also more likely to have wanted to stop the court process (48 percent) than were victims of extrafamilial abuse (35 percent). Feelings about stopping the court process did not vary by PRADS score or the child's rating of maternal agreement with disclosure. However, two thirds of those children whose parents were rated as having an ambivalent feeling about the prosecution reported they had sometimes wanted the case to stop. This was compared with only one third of those whose parents had been hostile and 30 percent of those whose parents had been supportive.

Regardless of their stated desires to stop the court process, only a quarter of the children felt that they actually had the ability to stop the case going to court. This view was held equally by boys and girls, and by victims of intrafamilial abuse and extrafamilial abuse. Those who felt able to stop the process had been given higher PRADS scores for parental belief in abuse ($t=-2.04$, $df=38.4$, $p<.05$) and parental use of professional services ($t=-2.64$, $df=40$, $p=.012$). For the most part, the children felt like they had no choice but to cooperate.

WHAT DID YOU FEEL AND THINK ABOUT DURING THE TIME BEFORE COURT?

"My concentration was bad, I was in a daze, it was kind of weird. Friends said I would stare at one thing and not answer."

"Because it took so long, I thought the whole thing may have been dropped."

"I found out that my father [the defendant] had a private investigator watching me. So for a while I was scared to go out. I thought it would never end."

"I kept telling my mom [that I didn't want to testify]. I kept pleading with Mother: 'Look what you made me do.' My social life decreased. I wanted to be alone."

"I kept myself busy and tried not to think about it."

"[I thought] this is ridiculous — get it over with. My mom was freaking out about time I was missing from school [for appointments]. [My stepfather] was doing weird stuff, spreading rumours."

"I kept thinking, 'This can't be real,' right up to court — it seemed like a nightmare."

Like the children, the parents commonly reported feeling that the prosecution was like a moving train off of which they could not jump. Most did not want the train to stop but, like the children, many (33 percent) felt that the decision of whether or not to go to court was out of their hands. Half of the parents were scared about the prospect of their children having to testify in court. Their apprehensions were fuelled to a great extent by television portrayals of the treatment of rape victims. Twenty percent were not particularly worried, two parents (four percent) had thought that their children would be unable to testify and two had felt that the experience would be beneficial because it would be cathartic for the children to testify in front of their abusers. Interestingly, 22 percent of the parents told us they had not realized that their children might eventually have to testify. They had assumed that children were not allowed to testify, that their children were too young to testify, or that other evidence would be sufficient for the trial.

STRESSORS DURING WAIT FOR COURT

On the surface, for a few families, everyday life went back to normal soon after the charges were laid. The prospect of testifying became little more than an imaginary date upon the calendar, like a distant dental appointment. For the majority, however, the wait for court was a very difficult year. Intrafamilial victims were left to struggle with the on-going effects of the abuse disclosure on the family. All the children were affected by system stressors, most significantly repeated interviews, the wait for a trial date, multiple appointments, and adjournments. On-going fear of retaliation by the accused person — whether realistic or imaginary — was a daily preoccupation for some children, particularly the younger ones and the ones who had been threatened with violence if they told. And, because all the children in this study had been abused sexually, they were coping with the after-effects of this type of victimization.

On top of all this, they could not let the abuse drop from their minds lest they forget details important for their testimony. Facing a court date, the sexual abuse was part of both the past and the future for these children, and so thoughts of it preoccupied much of their present. Yet, some parents had been discouraged from seeking counselling for their children for fear that the evidence would be contaminated. Most parents had been told not to discuss the abuse with their children for the same reason. This enforced silence must have felt strangely familiar for those children whose silence had been solicited by the abuser. Moreover, it often prevented

discussions about fears of court and other concerns not related specifically to the evidence.

SYSTEM STRESSORS

We found in the evaluation study that one of the most difficult aspects of being a child witness was the length of time it took for the case to be resolved in the courts. Significant delays were the rule rather than the exception. At the time that these child witnesses were involved with the court system, the wait for a preliminary hearing averaged six months. There followed an average of four and one-half months until the trial. Including the sentencing stage, therefore, the children had to wait about one year from the time the charges were laid until the cases were concluded.

Of course, there are a number of pre-trial stages, such as arraignment, that must occur before the witnesses are required to come to court, and the defence attorney must have time to prepare the case. In addition, case backlog is a reality for most court systems today. All these factors combined meant that cases could not come to trial quickly after charges were laid. Being largely inexperienced with the criminal justice system, the length of the delay was unexpected by most families and certainly had not been factored into their decision to pursue the prosecution. However, the principal source of delay-associated stress was the fact that scheduled hearings, where the children expected to testify, could be adjourned.

ON-GOING FAMILY STRESSORS

We noted in Chapter Three that an abuse disclosure could trigger changes in family composition, especially after intrafamilial abuse. Not surprisingly, disclosure-related family problems were more often reported by victims of intrafamilial rather than extrafamilial abuse ($P^2=31.1$, $df=2$, $p<.0001$). Eighty percent of extrafamilial victims could not identify a family problem that related to the disclosure or the prosecution. For intrafamilial victims (see Table 15), family stressors included conflict among siblings over allegiances with the abuser, conflict with or rejection by extended family members, disagreement between parents about court, and maternal rejection. These occurrences were above and beyond the predictable opposition to the prosecution by the family member who was charged. Five children had no contact with their families at the time of disclosure and so were without any type of family support.

Table 15

Most Significant Disclosure-Related Family Problem Before Court, Intrafamilial Victims

	Number	Percent
Sibling Conflict Over Veracity of Allegation	6	16.2
Behavioural Deterioration of Child	2	5.4
Extended Family Conflict Over Allegation	9	24.3
Parental Disagreement Over Allegation/Court	2	5.4
Maternal Rejection of Child After Allegation	4	10.8
Family Unhappy that Father Arrested/Out of Home	3	8.1
Fear of Violent Reprisal by Defendant Father	3	8.1
Mother/Child Conflict Over Allegation	3	8.1

No Family Problem	5	13.5
TOTAL	37	100.0

The effect of the abuse disclosure on the family was so debilitating in some cases that the children were left with no family members on whom to rely for effective assistance in this difficult period:

Crystal disclosed sexual abuse by her stepbrother. Her parents had been separated for quite some time. The abuse started during access visits with her father and his second wife's children. The stepbrother had coerced her into compliance by saying she would lose her father if she told anyone. He effectively chose Crystal's most vulnerable point to maintain her silence. His threats were also prophetic: Crystal's father was angry and rejecting toward her and he took the stepbrother's side in court. Crystal's father married the mother of the defendant a few days before the trial, thus compounding her sense of loss. Her biological brother continued to visit their father and be friends with the defendant. In addition, Crystal's disclosure had triggered memories in her mother of her own childhood sexual victimization which, until that time, had been blocked from consciousness. Her mother was hospitalized under psychiatric care. Thus, at the time when Crystal was most in need of parental support, her father abandoned her and her mother was herself feeling vulnerable.

Decline in Standard of Living: A consequence of the disclosure for 16 percent of the children was that the family's standard of living abruptly declined. In half of the cases, this occurred when an employed father was arrested and removed from the family home, changing a dual income family to a single income family. In the other half of cases, the family had to go onto welfare. This was sometimes because the arrested father had been the sole breadwinner. Less commonly, it was because a mother had to quit her job, either because of emotional upset or, in the case of three children, to protect the children from harassment by the accused.

The child could be made to feel responsible for the decline in financial fortunes, as in the case of one girl whose father was arrested. Her mother did not believe the allegation but, when confronted with the choice, decided to have her husband leave the home rather than have the girl put in foster care. However, the family home was sold so that they could acquire two smaller residences, one for the family and one for the father.

Dissolution of Marriage for Spouses of Defendant Fathers: The time prior to court was especially difficult in those families where a father figure had been charged. In all cases, a restraining order prevented contact between the accused and the child so one or the other had to leave the home. For six women we interviewed, a recent separation had contributed to the disclosure of abuse that had occurred during the marriage. In addition, six marriages had ended abruptly and permanently because of the abuse disclosure. In some of these latter cases, the mothers saw the revelation about abuse as the last straw in a bad marriage; but two women had not wanted their relationships to end.

Defendant-Supportive Mothers: The mothers of four girls remained living with the alleged abusers after the charges were laid. We interviewed the daughters for the follow-up but were not able to talk with the mothers. The views of these mothers would have been much different than those of the parents with whom we did speak. Because they did not believe their daughters, they might have felt that their husbands were treated unfairly by the justice system.

A glimpse into the perspective of the defendant-supportive mothers might be gained by examining the attitudes of two women whom we interviewed. They did not choose to ally themselves with either their children

or their husbands. As one said: "I loved them both." One mother believed her daughter's abuse disclosure while the other found comfort in thinking that her daughter mistakenly assumed she had been sexually abused. The men had to leave the family home because of a pre-court restraining order but the women took great pains to make sure they had comfortable places to live. Moreover, it was always their intention to reunite with their husbands; this intention clearly was made known to the children all along.

These women had unconventional experiences as mothers of child witnesses. They were conflict avoidant and the adversarial nature of the courts was incompatible with their orientation to the abuse. Overall, they resented the involvement of the justice system and saw the prosecution as having negative consequences for the men. For example, they discussed the stress that the defendants experienced, the financial drain of hiring lawyers, and the impact of the prosecution on their careers and employability. Although these women saw themselves as being supportive of their daughters, their support of their husbands precluded anything but superficial assistance.

In general, mothers who were ambivalent about the prosecution recalled being shut out of the process or not being involved in decision making. They tended to place a great deal of importance on the verdict in helping them to verify or dismiss the veracity of the allegation. In not coming down squarely on the side of the victim or the side of the defendant they were bound to be disappointed by any verdict.

SCHOOL STRESSORS

During the time that the children had initially been seen at the Child Witness Project, we learned that many of them were having difficulty concentrating on their school work. Some of the children missed a great deal of school because of appointments pertaining to court and court appearances. In the follow-up interviews, we learned that 12 percent had been taunted by fellow students who knew of the abuse and prosecution. These taunts were often homophobic references or hateful and hurtful comments about incest. Because child witnesses had to miss so much time from school to attend appointments, the parents sometimes decided to tell a teacher about the situation. Other parents did so because they recognized that the children might well manifest uncharacteristic behaviours because of the abuse or because of approaching court dates. There were many, however, who preferred that the school not know about the situation.

Gregory was a reluctant witness in the case against his uncle. He was terrified lest word of his sexual victimization get back to his class mates. His greatest fear was that they would label him as gay. Greg also harboured a great deal of guilt and shame about the sexual abuse, and he blamed himself for his inability to stop it.

Indeed, most children were anxious that their fellow students not know about the abuse and court. Nevertheless, it was difficult to keep secret in many cases, especially when class mates or neighbourhood children were also involved. Publication bans were judicially ordered in almost all cases. This restricted the type of information that the media could present to the public, usually the names of the complainants and the names of the defendants in intrafamilial cases. There was one case, however, where the defendant's name and address had been included in a radio newscast because, as a stepfather, he had a different name than the child victim. Listeners were told that he had just been charged with sexually abusing his stepdaughter. In another case, the name was not used but the family's address was. In both cases, it was not difficult to discern the identity of the child complainants. News spread quickly through the neighbourhoods and school mates soon knew about the charges.

Perhaps the most difficult time at school was had by children who had been abused by teachers.

Although the teachers were relieved of teaching duties after charges were laid, the reaction of the other teachers in the school seemed to depend upon the perceived guilt of the accused teachers. Where a teacher retained the support of his colleagues, the children were placed in a very difficult position relative to the remaining teachers. These cases were also high profile within both the school and the community, being followed by the local press.

PRE-COURT CONTACT WITH THE ACCUSED ABUSER

Except for those defendants who had been compelled to attend court by means of a summons, non-association with the victim was always a condition of the recognizance or promise to appear. In the majority of cases (74 percent) the conditions of non-association were met by the defendants, at least strictly speaking. Although the letter of the non-association requirement may have been met, the spirit was clearly breached in many cases. A surprising 45 percent of the children waiting for their case to come to court had some degree of contact — direct or indirect — with their alleged abuser (Table 16). This contact was almost always overtly or subtly coercive and threatening. And, such contact was almost as common in extrafamilial cases as in intrafamilial ones. As we shall see in a later chapter, even after the court case had concluded, 30 percent of the children continued to have some direct or indirect contact with the person against whom they had to testify.

Table 16
Contact Between Child and Defendant Before Trial

	Number	Percent
No Contact	34	44.7
Direct Contact Facilitated by Parent	1	1.3
Direct Contact — Harassment	9	11.8
Contact by Telephone/With Letters	8	10.5
Indirect Contact Through Mother	9	11.8
Indirect Contact Through Others	14	18.4
Child Initiated Contact	1	1.3
TOTAL	74	100.0

Direct contact with the alleged abuser was facilitated by one parent who took the child to the jail when she visited the defendant, her common-law partner, who was awaiting trial. One girl continued to date the older man she was to testify against because she was fond of him and she was pressured into the prosecution by her father.

Twelve percent of the children reported direct contact that was considered by them to be harassment. For three of them, the abuse had been extrafamilial. The accused persons yelled at them on the street or came to their church. One of these girls seriously contemplated dropping the matter because of these threats and the fact that the man was well known in the neighbourhood for violence. The remainder of the children who reported contact were testifying against family members. The uncle of two girls was charged with obstruction of justice for pressuring their mother to tell officials they had recanted. Two children, on an access visit with their non-custodial father, came face-to-face with their abuser, the father's brother who had been invited for dinner. Their mother reported the incident to the police. In a case involving a stepfather, he continued to harass the entire family in a very threatening way.

Eight children experienced contact with the abuser through letters or telephone calls. Sometimes this was unwanted by the family, as in the case of five children whose abusers made threats over the telephone. They were charged with breaching an undertaking and spent the remainder of their remand period in custody. One man called the child at home several times before the trial. The boy always hung up and the police were never notified. In another case, after the preliminary hearing was adjourned because the defendant had failed to get his legal aid organized, he called the child and her mother and left a message on their answering machine: just laughter. One defendant made harassing telephone calls to both the mother and the child's social worker but the police were unable to act. The mother said:

He was showing up at places I lived at. And I would call and tell the police, they would talk to him and he would deny showing up at my door or calling me at work, and the police would warn him and that was it. I felt like I was the prisoner because I had to move to get him from showing up and had to get a co-worker to answer the phone and ask who it was before I would talk. I felt that [the police] were protecting him more than the ones they should have been, which is my child and I [sic].

Generally, however, enforcement of such flagrant violation was undertaken. It was the subtle violations or those not reported by parents that constituted a far greater problem.

In a small proportion of the cases, the child's contact with the defendant was facilitated by a parent. A letter from a jailed defendant was given to a young girl by her mother and one defendant received the mother's permission to speak with the girl over the telephone and send her money. Nine children had indirect contact with the defendant through their mothers. The mothers of three girls continued their relationships with the defendants even though the men had been removed from the homes after arrest. The mothers of four girls continued to live with the defendants meaning that the girls were effectively ostracized from the family so their stepfathers would not be charged with breaching the non-association requirements of their judicial-interim releases.

The most common source of indirect contact was through relatives and mutual friends. For example, an uncle who was a defendant may have lived with or communicated with the child's grandparents. Each family gathering, holiday, wedding and the like, brought concerns that he might be there. Siblings sometimes maintained contact with both the child and their father, the defendant. In one case, this took the form of court-ordered supervised access visits with the siblings from which the child victim was excluded. For two children in this category, the contact came through neighbours and school mates who passed on threatening messages or who independently tried to pressure the child not to testify.

Contact could be even more subtle as in the case of a stepfather who told all the parents on his daughter's sports team that she had made a false allegation of sexual abuse about him. She played the remainder of the season knowing that everyone, including the coach, believed that. One defendant, a stepfather whose arrest necessitated his leaving the family home, immediately rented an apartment across the street from the girl's school. Another stepfather made a point of standing outside his place of employment each morning at the time his stepdaughter went by in the school bus.

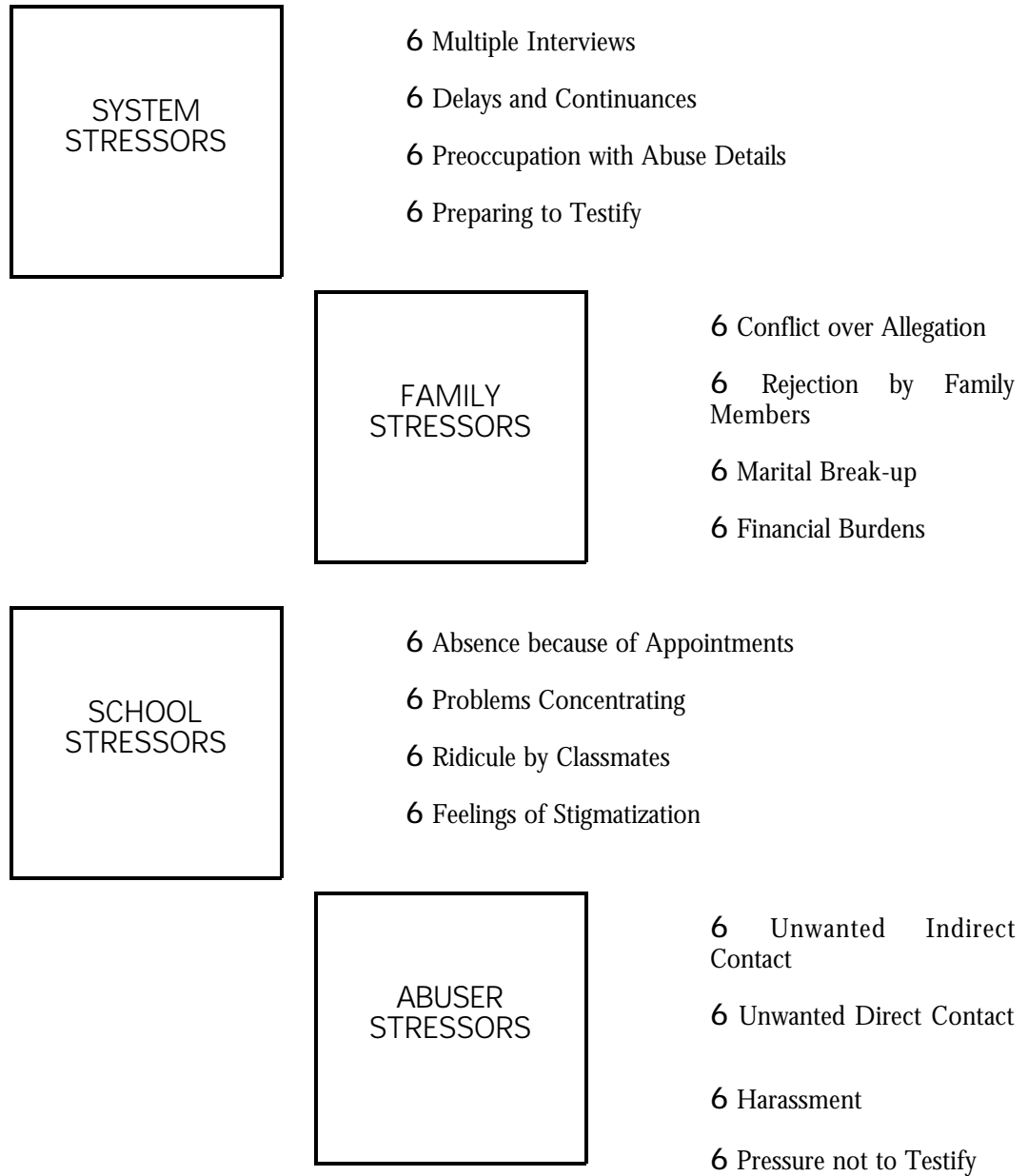
PRESSURE NOT TO TESTIFY

Almost half of the parents (47 percent) were able to identify people whom they knew (besides the accused person) who explicitly suggested that having the children go to court was a bad idea. This was true for 66 percent of the parents of intrafamilial victims and only 29 percent of parents of extrafamilial victims ($P^2=6.6$, $df=1$, $p<.01$). When the defendant was a stranger, none of the parents reported that they knew people who were against court and only 32 percent of parents knew someone who was against court when the defendant had been an acquaintance of the family ($P^2=9.1$, $df=2$, $p=.01$).

More significantly, for one quarter of the children, either they or a parent reported that there was

someone who pressured the child not to testify. Three children said that this person was their mother and four said that it had been the defendant himself. More commonly, however, the pressure came from the relatives whom the defendant and the child shared.

Figure 7
Sources of Stress During the Pre-Court Period



The day her father was arrested, Brittany's paternal grandmother took her shopping. After returning home, she overheard her grandparents talking. Then her grandfather ordered her out of the house. Before this could happen, her grandmother approached her with her hands cupped in front of her, as though holding an injured bird and said, "I hold everything in my hands, everything — money, your future." She told Brittany that it would be hers if she withdrew her statement but that if she persisted she would be ruined and disowned. According to Brittany, her grandparents never said they did not believe her. When the subpoena arrived, Brittany made a suicide attempt. While hospitalized, she had a nightmare about being in court with her grandmother as the judge.

In sum, this post-disclosure, pre-court period was an arduous time for some children (see Figure 7). Severe acting-out behaviours, depression or suicide attempts were more likely to be manifested during this period than either before disclosure or after court. In fact, 18 percent had made a suicide attempt after their disclosure and almost all of these had occurred before court. How were the children able to cope during this period? Did they have people on whom to rely to explain the situation and provide emotional support? Most did and some were even able to report that life went on much as normal. But for some the wait for court was a lonely period.

AVAILABLE SUPPORT SYSTEM BEFORE COURT

In our judgment, one third of the children had good family support to guide them through the court process. A further 40 percent had family and friends who provided adequate support, meaning that three quarters of the children had a community support network. The remainder, a startling one quarter, had only the support of professionals during this period. A few rejected even that and were entirely on their own as their court date approached.

FAMILY SUPPORT NETWORK

Children's View: In the follow-up interview, many children had a bleak impression of their family as a support network during the wait for court. Twenty-one percent of them could not identify any support person at all and 28 percent identified a child protection, mental health or criminal justice professional as their major source of support. Only 29 percent of them indicated that a parent was their greatest source of support and, as was mentioned earlier, it was the mother who provided this support in the majority of these cases. In fact, only sixty percent could say that they had a parent who was even in agreement that they should testify in court. Almost one third (31 percent) could not identify anything helpful that a parent had done during the period before court (see Table 17). Clearly, the temporal juxtaposition of abuse disclosure with court involvement — two highly stressful events — meant that many children had lost their family support at a time when they needed it most. Ironically, this also included the loss of a father figure when he was the defendant. Some children were reluctant to accept assistance from families and professionals but this did not make them immune to feelings of isolation and betrayal.

Table 17

Children's Recollection of Most Helpful Measure Undertaken by a Parent Before Court

	Number	Percent
Emotional Support/Listening	31	57.4
Protective Measure (i.e. locks)	1	1.9
Gave Space/Did not Pry	4	7.4
Forced Child to Testify	1	1.9
Nothing Helpful Done	10	18.5
No Recollection	7	13.0
TOTAL	54	100.0

Role of Non-Offending Fathers in Pre-Court Support Network: We have previously discussed the important role of mothers in providing support to children after abuse disclosures. As we discussed in Chapter Two, we intended to study the role of non-offending fathers in helping child witnesses through court. We were limited in this pursuit, however, by the fact that few fathers participated in the research. Some suggestive findings emerged which indicate that this is an area worth examining further.

When children lived with two parents, almost one third reported that there was a significant disagreement between their parents about the wisdom of the prosecution. The fathers of these children felt either that the abuse was not serious enough to warrant court involvement or that the child should not participate in the prosecution. For example, a teenaged girl reported that her father felt that "she asked for it" by the way she dressed. Fathers may, as a group, be less supportive of prosecuting child sexual abuse than mothers.

Certainly, few children reported that they had discussed the issue of the abuse with their fathers and most could not articulate how their fathers had felt. When the feelings of fathers were known by the children, they reported that the fathers had reacted either with a silence that was interpreted by the children to be sadness; or, on the other hand, they had reacted with anger. One father seriously assaulted the offender and was himself convicted of assault because of it. Generally, however, while it was a typical reaction that the father made vague threats of violence, this anger was rarely carried forward into action and almost never did a father confront the abuser.

Thirty-eight of the children in our follow-up did not live with their biological, non-offending fathers at the time they were waiting to testify. We asked about the role of these non-custodial fathers in helping the children through the court process. Only two of these children reported or described actions or statements by their fathers that could be seen as supportive. The fathers of three children were openly hostile to the process. In the cases of eleven children, the fathers knew of the court proceedings but did not offer any assistance — practical, emotional or otherwise. This was true even though several of these children had to leave their mothers' homes after the disclosure. Many children described being reluctant to tell their fathers, afraid that the reaction would be counter-productive.

Table 18
Role of Non-Custodial Biological Father During Court Process

	Number	Percent
No Child/Father Contact	13	34.2

Father Not Told of Court	9	23.7
Father Not Helpful	11	28.9
Father Against Court	3	7.9
Father Assisted Child in Court	2	5.3
TOTAL	38	100.0

Support Network for Mothers of Child Victims: The parents (the majority of whom were mothers) were asked about the level of services available for them during the pre-court phase. Eighteen percent said that there was not enough attention and resources devoted to them and the difficult time they had following abuse disclosures of their children. The majority, however, said this was not an issue for them because they wanted to have attention and resources focused on their children, not on themselves. Many actively deflected the suggestion that they were deserving of any assistance, even when the process reactivated unresolved feelings about their own childhood abuse or the prosecution had abruptly ended a marriage. Twenty percent reported that they themselves had no support network upon which to rely in the period before court. This situation was sometimes self-imposed because of embarrassment. Fourteen percent had only the support of professionals.

Given the need for support for both child witnesses and their mothers, particularly when the defendant was a father figure, the availability of professional services was crucial. However, despite difficult circumstances, we saw mothers who displayed exemplary care and concern for the children, concern that transcended their own struggles with guilt and loss. They believed the abuse disclosures unequivocally and they took protective action so that the children were shielded from the defendant and felt safe. Some of the strategies we observed to be effective are listed in Figure 8.

Figure 8

Effective Support Strategies for Parents Assisting Children During the Wait for Court

- ! Made clear, unqualified statements of belief and support to their children
- ! Provided unconditional love and affection, especially during the times the children felt vulnerable and exposed
- ! Gained knowledge and understanding of the emotional sequelae of child sexual abuse, and were vigilant for signs of low self-esteem and depression in their children
- ! Sought professional help for their children and themselves
- ! Listened to their children and respected their children's privacy
- ! Established a network of support for their children
- ! Helped their children to feel protected and safe

PROFESSIONAL SUPPORT

The children in our study had access to some of the best support services for child witnesses available in the country at that time.

Investigating Officers: During the long wait for a court date, it was helpful that investigating police officers usually kept in touch with the families. Many parents sporadically contacted the investigating officer with questions or concerns and it was clear that these officials made themselves available to the families. We have previously noted that officers were dedicated to the area of child abuse and worked closely with the Children's Aid Society. The benefits of this approach were clear from talking with the families.

The Children's Aid Society: The Children's Aid Society (CAS) conducted investigations into the cases of almost three quarters of the children. In 60 percent of these cases, CAS workers undertook or continued some level of involvement, providing an important source of pre-court support for the children and their families. Four girls were apprehended after the abuse disclosure, not because of risk of abuse but because of maternal rejection. About one quarter of the children attended CAS group-counselling sessions for child victims of sexual abuse. Ten children were offered but declined this service. Workers ensured that the children were safe, had access to treatment and other services, and often provided emotional support to the non-offending parents.

The Victim/Witness Assistance Program and Crown Attorney's Office: Soon after charges were laid, the Victim/Witness Assistance Program (VWAP) contacted the family. The VWAP is available to help all victims and witnesses of crimes that are being prosecuted. It is operated by the Ontario Ministry of the Attorney General and has offices in the courthouse. Once informed of a charge by the police, personnel from the VWAP contact all victims of sexual assault and the families of any children who are expected to be witnesses. Services are also routinely offered to victims and witnesses of any domestic crime and are available to any victim or witness. The VWAP offers emotional support, information, tours of an empty courtroom when needed, and referral to appropriate groups and agencies. For example, information on the Criminal Injuries Compensation Board is available and VWAP clients are directed to other services that might be useful under the circumstances of each individual case.

At an initial interview with VWAP staff, the children and their parents were told some basic information about the court system, as most people know very little about the legal process. They monitored the progression of each case through the early court appearances and arraignment and informed the families about the outcome of each hearing. Once a preliminary hearing or trial date had been set, the VWAP staff arranged an appointment for the child to meet the Assistant Crown Attorney who had been assigned to prosecute the case. Under a red-flagging system, cases involving child victims/witnesses were identified early in the process and one prosecutor was assigned to follow the case through to completion. This continuity was important in creating and maintaining a rapport between the prosecutor and the child. At the time of initial interview with the Assistant Crown Attorney, the VWAP staff took the child on a tour of an empty courtroom and generally explained the sequence of events that would occur on the day of court.

The Child Witness Project: In addition to the services of the CAS and the VWAP, the families were informed by the investigating officer about the existence of the Child Witness Project at the London Family Court Clinic. For those two thirds of children who were randomly assigned to receive clinical court preparation (during the first phase of the Project), the Child Witness Project provided services which complemented and extended those of the VWAP. Child Witness Project therapists were able to provide more intensive court preparation than would have been available using the finite resources of the VWAP. In addition, the techniques used were clinically designed and tailored specifically for children. The Child Witness Project services were outlined to the parents and they were free to consent to receive services or to decline. Those who accepted were interviewed soon after the referral was received by the Child Witness Project. Background information was obtained and child protection and mental health agencies were contacted for third party information where appropriate. Psychological testing was administered for each child, as described in Chapter Two.

Children who came to the Child Witness Project attended from three to eight individual sessions with a Project therapist. The sessions were focused on education and stress reduction. The purpose of the educational component was to prepare the child in such areas as court procedures, court etiquette, legal terminology, oath taking, and to give general information on the criminal justice process. A courtroom model

with dolls, role playing with judge's robes, and a colouring/activity book⁵⁸ were among the aids used to teach the child about the criminal justice system in a creative and non-directive manner.

The stress-reduction component was necessitated because the majority of child witnesses expressed fear and anxiety over their upcoming participation in a court hearing. The five most salient fears children expressed were: a) facing the accused person; b) being hurt by the accused in the courtroom or outside; c) being on the witness box or crying on the witness box; d) being sent to jail themselves; and, e) not understanding the questions. These fears often manifested themselves prior to court in difficulty relaxing, falling asleep, or concentrating at school. Many children felt powerless to control their fears about testifying and experienced intrusive thoughts and nightmares. All children were taught to employ deep-breathing relaxation exercises as a strategy for managing their anxiety and nervousness when in court. Depending upon the level of fear and anxiety manifested, they were offered a range of stress-reduction techniques. These included deep-muscle relaxation training and, less commonly, systematic desensitization using the imaginary pairing of fears with relaxation exercises.

Empowerment of these children was a challenging task, given their histories of victimization. As part of the stress reduction component, cognitive restructuring was used for all the child witnesses. Positive self-statements of mastery and strength were used to assist children in reversing their feelings of helplessness. For example, children were encouraged to identify positive reasons for going to court. Role playing of courtroom vignettes helped prepare children to answer simple questions competently. The facts of the case were never discussed with the child. Children were encouraged to think about their inner strength and external supports. The different roles of, but common thread of support offered by, the police, the VWAP, the Assistant Crown Attorney, and the Child Witness Project were emphasized.

SUMMARY

During the wait for court, the families reported that criminal justice officials were conscientious in keeping them informed of case developments. This was much appreciated and the families felt like valued participants in the process. Having officers dedicated to child abuse investigations had clear benefits in this regard, as did having the services of a victim/witness support program. Nevertheless, the length of the wait for a court date was something for which many families had not been prepared.

System stressors such as this type of delay merely compounded the emotional distress of the children that predictably followed from the sexual victimization. In fact, their identities as sexually abused children were eclipsed by their identities as child witnesses. Some were actively discouraged from seeking counselling until after court. At the very least, the need to keep the details of the evidence fresh in their minds meant that the abuse was like an open book that they were not permitted to close. We found that the presence and quality of support networks varied widely among the children. Intrafamilial victims especially tended to rely on professionals for support and assistance. With notable exceptions, their families were most likely to have given no, little, or superficial support.

Almost half of the children had some degree of direct or indirect contact with the alleged abuser during the wait for court and one quarter felt pressure not to testify. For the most part, however, even the children who were initially reluctant to be involved in the prosecution came to accept the inevitability of going to court. Even so, few were looking forward to the prospect of testifying.

The period after the disclosure and before the trial was an anxiety-laden one for most child witnesses. It was particularly so for intrafamilial victims. System-related stressors and the effects of the abuse were often

⁵⁸ Victim/Witness Assistance Program, Ontario Ministry of the Attorney General. (1989). *What's My Job in Court? An Answer and Activity Book for Kids Who Are Going to Court*. Toronto: Ministry of the Attorney General.

compounded by family stressors triggered by the disclosure. We found that many victims of intrafamilial abuse experienced a sort of double jeopardy. First they were abused, and then they were left to negotiate their own way through the court system. A significant proportion of these children did not have a community-based support network to assist them during this difficult time. For some, the act of disclosing had unleashed so many problems in the family that there was no one able to attend to the needs of the child. Ironically, children who disclosed abuse by a father figure had lost one parent at precisely a time when parental assistance was so necessary. Their ambivalence about the prosecution was understandable. Professional intervention and assistance — by child protection, mental health and criminal justice systems — were critical for these intrafamilial victims.

Fathers were shadowy figures during this time, apparently not taking an active role in assisting the children. It appears, rather, that the responsibility for assisting these children — after abuse disclosures and through the court process — fell to the mothers. As we shall see in later chapters, a parent's ability to guide a child through this difficult period is crucial to how a child can cope in the long term. Few services are currently available to assist mothers of children who have been sexually abused. In fact, we are just recognizing how difficult a time it can be for these women. And, according to our results, a proportion of the women in this position are not able to access support resources or offer effective emotional support to their children.

HIGHLIGHTS

- ! 95 percent of children were scared about the prospect of testifying;
 - ! three quarters of the children and one third of the parents felt unable to stop the prosecution once it was initiated;
 - ! almost one quarter of the parents had not initially realized that their children might have to testify in court;
 - ! more than 85 percent of victims of intrafamilial abuse reported family repercussions from the abuse disclosure that continued to affect them during the entire pre-court period;
 - ! almost half the children had some degree of direct or indirect contact with the alleged abuser during the pre-court period;
 - ! one quarter of the children were pressured not to testify;
 - ! mothers took the principal role in assisting the children with the court process;
 - ! mothers themselves had little access to professional support services;
 - ! intrafamilial victims often did not have an effective or positive support network;
 - ! rarely did non-custodial fathers provide any assistance to the children after the abuse disclosure; and,
 - ! families appreciated being kept informed of case developments during the wait for court.
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