

# THREE YEARS AFTER THE VERDICT

## A LONGITUDINAL STUDY OF THE SOCIAL AND PSYCHOLOGICAL ADJUSTMENT OF CHILD WITNESSES REFERRED TO THE CHILD WITNESS PROJECT

Child Witness Project  
London Family Court Clinic Inc.

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Wherever possible, we have used their own words to convey the feelings and opinions of the children and their parents with whom we spoke. From this, the reader can get a sense of the reflective and mature comments these young people provided. We also get a glimpse into the minds of these children as they struggled with burdens and decisions that would tax most adults. To illustrate the complexity of these cases, we have provided case vignettes, juxtaposing the qualitative and quantitative data. Fictitious names have been used throughout.

Most importantly, therefore, we want to thank the children and their families for coming to these interviews and sharing their experiences with us. We recognize that these interviews at times were painful, but trust that these efforts will contribute to better experiences for child witnesses in the future

## EXECUTIVE SUMMARY

This is a prospective follow-up study of 126 child victims of sexual abuse who had been referred to the Child Witness Project for court preparation in 1988 and 1989. Pre- and post-court data were available for each of them from an intake procedure, psychological testing, clinical interviews, court observation and file data collection. In this group:

- ! most were female (79 percent);
- ! 38 percent had alleged abuse by someone within their family;
- ! 44 percent alleged one abusive incident while 25 percent described abuse that had occurred over more than one year;
- ! the abuse of 30 percent involved digital or penile penetration of either the vagina or the anus;
- ! 63 percent did not tell anyone after the first abusive incident;
- ! 61 percent had testified at least once; and,
- ! there had been an adjudication of guilt for 68 percent.

For the follow-up, we re-interviewed 61 children and the parents of 73 children. Therefore, we saw a child, a parent, or both in 61 percent of the cases. The follow-up sample was remarkably similar to the non-responding group in all respects but one: victims of intrafamilial abuse were far more likely to have participated than were children who had been victimized by someone outside their family. Our intention, however, was to be exploratory as this is the first empirical attempt to document the long-term impact of court involvement on children who have been sexually abused. Caveats about generalizability were described.

During the interview, the children were asked to recall how their victimization was discovered by the authorities, their impressions of the criminal justice process (from charging to sentencing), what it was like to testify, and their experiences and life events since the court case ended. They were also re-administered a battery of psychological tests. On average, we saw the children two years and eight months after the sentencing hearing, or three years after the verdict.

Regarding the disclosure of the sexual abuse, we learned that:

- ! when children delayed telling, it was because of fear: of harm by the abuser, of rejection by the family, of not being believed, of a negative parental reaction, or of embarrassment;
- ! the most commonly cited triggers for disclosure after an initial delay were: an internal build up of stress to an unmanageable level of discomfort, another victim coming forward, or being asked a direct question about the possibility of abuse; and,
- ! only 62 percent said that at least one parent believed the disclosure.

Reflecting on the involvement of the police, we learned from the children's comments that:

- ! 63 percent had not realized that the police would be called when they made their disclosures;
- ! one fifth, all girls, regretted their disclosure after they learned the police would be called;

! more than half had been against calling the police, especially true of victims of intrafamilial abuse and girls; and,

! contrary to the prevailing belief that disclosure always brought about a sense of relief for children, we found that it brought a host of pressures.

Waiting for the case to be concluded took about one year and this period was a difficult one for many children. They gradually became resigned to their role as witnesses, even though many had been against having charges laid, at first. In addition:

! almost all of those who had been victimized by a family member reported family repercussions from the abuse disclosure that continued to affect them during the entire pre-court period;

! almost half of the children had some degree of direct or indirect contact with the alleged abuser during the pre-court period; and,

! one quarter of the children were pressured not to testify.

News of a guilty plea was typically met with a feeling of relief. Those who had testified recalled the experience as a stressful one. Specifically, the children cited a number of fears and frustrations about testifying, including facing the defendant, describing intimate details of the abuse, testifying in front of strangers, and not being able to understand all the questions put to them. Some of those whose cases ended in an acquittal regretted having gone through the process. The child witnesses identified five ways that the experience of testifying could be made easier for children: 1) not having to see the accused while testifying; 2) receiving preparation for the experience; 3) closing the courtroom to the public; 4) using simpler language; and 5) having support people in the courtroom.

In asking them about their life after the prosecution, we observed a difference between intrafamilial victims and extrafamilial victims. The former group were likely to have suffered a permanent change to the composition of their family once the abuse was disclosed. In addition, there were consequences for non-abused siblings, and half of the child victims became estranged from grandparents. For all the children, the experience could negatively impact their schooling, peer relationships, standard of living and residential situation:

! children and defendant father figures rarely reconciled and there were no post-court custody and access disputes in this group;

! among those who were no longer living at home, 30 percent attributed this to conflict with families over their abuse disclosures;

! the best predictor of subsequent sexual victimization was pre-referral history of sexual victimization; and,

! although the prosecution typically ended any pre-existing relationships between the children and the abusers, one third of the children continued to be troubled by indirect, random or harassing contact by the abuser.

We also concluded that the lives of these children were characterized by many stressful circumstances and events, before, during and after court.

In overall reflection on their experiences in the criminal justice system and how their lives had been affected by it, the results showed that:

! 22 percent of children and four percent of parents said that they would not want the case to be prosecuted if they again faced a similar situation;

! the children's stated willingness to reinvolve the justice system was unassociated with the actual response of those who had been sexually revictimized;

! almost all children said that the experience had had an impact on their lives, the stated effects ranging from positive to extremely negative; and,

! 19 percent had been called upon to testify in another criminal matter.

Underlying the comments of many was the observation that the prosecution itself had done little to resolve the emotional, familial and social consequences of the sexual abuse.

A consideration of the psychological testing revealed that:

! there was a small but significant group of children who were troubled by depression, anxiety, fears of personal vulnerability, and intrusive thoughts of their abusive experiences;

! the criminal justice system factor most related to child adjustment at follow-up was court outcome, with better adjustment on the part of the child associated with adjudications of guilt for their abusers; and,

! support by mothers was one of the most important mediators of children's adjustment at follow-up.

In final reflection on our findings, we saw that these children — who had the advantage of every support service then available — had a difficult experience being court witness to their own victimization. In the courtroom, few concessions had been made to accommodate for their age or vulnerability and many of them made simple and sensible suggestions for alterations in procedures. Based upon their experiences and opinions, and upon our own observations of children in court, we advanced several recommendations for federal and provincial law reform. In addition, we made the following general conclusions:

! delayed disclosure is to be expected from children who are sexually abused, especially if the perpetrator is a family member, and therefore should not be used at trial as an indicator of false allegation;

! fathers, even if available, do not take an active role in assisting children who have been sexually abused so this critical responsibility tends to fall upon the shoulders of mothers;

! there does not appear to have been any long-term effect of testifying in this sample of former child witnesses;

! we are able to identify those children who will require more intensive intervention, and this group includes children who do not have a parent who is able to give effective support;

! cases involving victims abused by someone within the family and cases involving girl complainants were least well served in that these children had experienced longer-term abuse, had received lower levels of parental support, had a higher likelihood of a negative court outcome, and, for girls, had seen shorter penal sentences handed down to their abusers; and,

! there was, in this sample, an apparent overlap between sexual and physical violence within the home, and researchers need to explore the extent to which child victims of domestic violence are at elevated risk of sexual abuse.

The finding that child victims have negative perceptions of their court experiences does not lead us to conclude that children should not be called upon to testify in court. Many researchers have previously documented the poor treatment of rape victims and battered women by the courts. Such findings have been followed by advances in how these two groups have been received in the justice system.

Conversely, the finding that there are no long-term consequences of testifying *per se* does not suggest that children's special needs in court can be ignored. Our findings should be a stimulus to work for the recognition of the specific needs of child witnesses and to make modifications based on knowledge of the conditions under which children give the best evidence. In this way, the administration of justice is best served.