

PREPARING THE CHILD WITNESS

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Might the outcome have been different if the jurors had the opportunity to learn more from Catherine?

Must be willing to take time to:

- Prepare the child
- Develop rapport
- Maximize the information with our questions

Develop a Standard Procedure

Preparation

- Can you remember being six?
- How would you feel?
 - *Testifying against your parent?*
 - *Talking publicly regarding very private matters?*

Goal of Preparation

- Reduce child's stress and potential negative reaction.
- Maximize the ability of child to be a credible witness.
- Help child understand the seriousness of the task.

Mother said:

Do your homework!

No cramming!

What You Need to Know

- Were the disclosure interviews with the child done well? What were their weaknesses?
- Is the child's primary caregiver supportive?
- What was the accused's relationship to child?
- Does the child feel emotionally and physically safe?
- Were there threats, subtle intimidation, grooming?
- Does the child have any special needs? (cognitive, hearing, language, vision)

What You Need to Know (continued)

- What have been the consequences of the child's disclosure?
- Does your DSS worker have a strong relationship with the child?
- Is the child in therapy?
- What is the child's diagnosis?
- What does the child know and understand about court? Judge Judy?
- What are the child's worries and concerns regarding court?

Meet the Child!

Not the day before.

Don't forget the caregiver!

Work to:

- Develop rapport with the child
- Explain your job SIMPLY
- Learn
 - What child has been told about court
 - Child's concerns and worries

Common Fears

- *The judge will yell at me.*
- *Dad will push me in the bathroom.*
- *Dad will shoot me.*
- *I will be put in jail.*

Explain

- Your expectations of child
- Roles of courtroom personnel
- Child will see the defendant

Practice answering general questions in
the courtroom with child.

Strategies to Argue For on Behalf of the Child

- Scheduling the child's appearance
 - Around medication (i.e., ADHD)
 - Best time of day
 - Other events (prom, exam, school outing)
- Determine if accused can be in another room via audiovisual hookup
- Arrange a seating strategy

Strategies to Argue For on Behalf of the Child (cont'd)

- If child is small, can they: sit on a pillow, sit on caregiver's/therapist's/grandparent's lap?
- Have something for the child to hold.
- Close the courtroom.
- Bar entry and exit of the courtroom.
- Be concise, ask simple questions.
- Attempt to put in place limits on how defense counsel objections are made.
- If necessary, request a break.

Goal of Questions in Courtroom

- 1) Assist child in feeling competent and comfortable. Ask closed questions, easy for the child to answer.
- 2) Address rules
 - Remember if you do not know the answer to a question, it is okay.
 - Truth/lie

Goal of Questions in Courtroom (cont'd)

- 3) Move to open-ended questions on neutral topics before introducing the topic of concern.
- 4) Be willing to use props (anatomical drawings, dolls, photographs)
- 5) Give the child cues to predict the topic of conversation.

Catherine Revisited

Introduce Catherine to the Judge and other courtroom personnel (bailiff, stenographer, other attorney)

Remind Catherine she is safe.

Catherine Revisited (continued)

Establishing comfort, competence, and rapport

- Thank Catherine for coming; tell her it is good to see her again.
- Tell Catherine you want to talk to her so Judge Smith can get to know her better.

Catherine Revisited (continued)

- Ask Catherine simple questions:
 - Whole name?
 - Age?
 - Name of teacher, grade?

Catherine Revisited (continued)

- Tell Judge Smith what you like best about fourth grade.
- Who do you live with?
- Are you on Christmas break right now? *Yes.*
- Tell Judge Smith some things you have done on break.

Catherine Revisited (continued)

Review of Rules

- Catherine, when we talked before, I told you some rules. Let's review them:

Catherine Revisited (continued)

- If you do not know an answer to a question, just tell me.
- If you do not understand the questions that I, Mr. Giles, or Judge Smith ask, tell us.
- Remember, we do not know the things you can tell us, so you need to help us.
- Truth/Lie – Agree to tell the truth.

Catherine Revisited (continued)

Broad questions focusing on the topic of concern:

- Tell Judge Smith the reason you are here today. *"What Mr. Alvarez did."*
- Now, Catherine, we will talk about Mr. Alvarez:
 - Have you seen him before?

Catherine Revisited (continued)

- Where have you seen him?
- Tell Judge Smith about Mr. Alvarez (will probably be too broad).
- Tell Judge Smith what happened with Mr. Alvarez (child may not answer – don't panic).
- Who have you talked to about Mr. Alvarez?

Catherine Revisited (continued)

- Tell Judge Smith what you told Officer Smith about Mr. Alvarez
 - *He touched my privates.*
- Where are your privates?
 - *They are here [points between legs].*
- Please show me on this drawing.