

## Article 6: Awaiting Trial

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Let us consider the situation where physical or sexual abuse of a child has been reported. That child's family world has been turned upside-down. There is a perceived and perhaps even actual sense of a loss of control. Chaos rules the day. The victimized family, and the child identified as the alleged victim within the family have gone through outcry reports, calls to law enforcement and/or child protective services, forensic interviews, investigations, and perhaps even an arrest. At some point, an indictment of the alleged perpetrator (AP) of the reported crime has occurred. Following a period of fast paced changes, it is around this period of time that the pace of the process changes dramatically.

A very demanding period of troubled, seemingly endless waiting befalls that child's family and there are a number of interventions that can help the family, and the victim, survive what can be a long wait for the trial.

First, let's consider the alleged victim of child abuse. Any kind of abuse can be devastating to a child, but sexual abuse has its own particular collection of problems that can last for a long time in some cases. So, while waiting for trial, considering the needs of the young victim is necessary. Consider the following excerpt on sexual abuse from *The Providence Journal Co.* in an article entitled "Innocence Lost" by Laura Meade Kirk:

"These youngsters, like the vast majority of child molestation victims, were sexually assaulted by people they know and trust. Besides the immediate physical and emotional toll it takes on their lives, there is no way of knowing what the long-term effects will be on their bodies and minds. [Each child will deal with the abuse in a unique way, in spite of certain commonalities.]

"Some youngsters show no outward signs of physical or mental abuse', says Jean Szczepaniak, a clinical social worker at Hasbro Children's Hospital, who has been working with child victims of sexual abuse since 1982. 'They're not necessarily sad, pathetic looking kids. . . . Many of these kids look fine.

"Other children show clear physical or emotional signs of sexual abuse.'"

Counseling support for sexually abused children should be provided as a rule, but sadly enough, it's not done as often as it is needed – for a variety of reasons. Sometimes the adults

involved don't believe in counseling resources. Other parents don't provide counseling because their children state they would be embarrassed to see a counselor, wouldn't feel comfortable, or they don't feel that they need it. Some avoid it because they believe the problems will eventually just go away, or will get better after the trial is over. Some avoid counseling for fear of the cost (though free counseling is often available.) And of course, there are a few parents who simply don't believe the child's outcry of abuse, and therefore, don't believe counseling is necessary. Unfortunately, the latter scenario happens more often than most people would believe.

Nevertheless, for those who do believe the child's need for outside professional support, there are several advantages to therapy for children following an outcry of physical or sexual abuse.

First of all, when a child makes an outcry of abuse, it usually takes a lot of courage and there can be numerous levels of fear involved. We have often seen fear of the alleged perpetrator, fear from threats that have been made by the perpetrator, fear of being publicly embarrassed, as well as the fear of upsetting parents, or destroying family balance. Fear, whether it is logic-based or not, can be a very debilitating problem for a child and counseling support can go a long way toward moderating those fears.

Secondly, if trauma is involved in the abuse, there will be even more obvious signs of stress in the child, and equally obvious needs for counseling support. This support not only helps the child adjust to what is happening, but a good therapist can also provide parents with the best ways to support the child around the home environment. This can be incredibly important in some cases where the abused child's acting out takes on very disturbing qualities that disrupt the home.

Through all of this, the family is still waiting for the trial to happen. As frustrating as that can be, delays and legal hold-ups can make it even worse.

Because most abuse trials can take quite some time to evolve and come to court, child victims can find themselves beginning to make improvement and feeling better in general just about the time the trial date finally approaches. Suddenly, after all the hopeful signs of improvement and recovery, there can be a slight regression as the stress and negativity of what happened begins to surface again due to the looming legal focus. For some children, sitting in front of a jury and the alleged perpetrator is a nerve-wracking experience. Having support already in place can be a huge advantage for the child victims and their parents in getting through this legal ebb and flow.

There are lots of examples of young people who have gone through this process and surfaced on the other end healthier, happier, and stronger than one might imagine. There is much

good to be had when children understand that their support, their family backing, and their personal strengths have seen them through a very difficult time. That sense of personal strength, and of doing the right thing to keep abuse from happening to other young people, can carry them well into the following stages of life.

Now that we've briefly looked at the counseling element of awaiting trial in child abuse cases, let's consider some of the parental reactions to this process, and how they can impact the child's recovery and the trial itself.

Some parents become understandably angry when they first hear the outcry of abuse, or hear their child has reported abuse to someone else (another family member, a teacher, a coach, or a friend). Working out of emotional rage, we have seen parents call, approach, berate, threaten, or even attack the alleged perpetrator. This reaction is a bad choice for several reasons.

For one thing, watching a parent going into a rage over their report may instill enough fear in the child to cause a recantation, or keep that child from giving more detail about their abuse. What the child needs is assurance and support. If they see chaos and rage instead, there are numerous bad consequences. One of the most important consequences is the loss of trust. *If Mom or Dad went crazy from hearing this*, the child might think, *how could I ever tell them about the other stuff that happened?* Ultimately, parental rage can only do harm to the child.

When the parent charges ahead and confronts the alleged perpetrator (AP), sometimes even before law enforcement or child protective services can take action, it immediately informs the alleged perpetrator that the child has reported something. This form of losing parental control gives the perpetrator time to destroy evidence or leave town before legal investigations can be completed. Sometimes, when other family members are involved, it gives them time to place threats on the child about talking further about what happened. Also, if the parent assaults the AP in a rage, the parent can be charged with assault, which can produce even more hardship for the family, the child, and ultimately the prosecution.

As hard as it might be for a parent to maintain self-constraint in such situations, it is highly recommended. If you asked most young people what they wanted from their parents at a time like this, it would be calm support, assured safety, and level-headed responses going forward.

The best posture for the parent is to remain as calm as possible and reassure the child that he or she is not to blame for anything that has happened. The best reaction can be one of belief in what the child is saying, and some verbal assurance of parental support, no matter what the outcome.

Having gotten past the initial disclosure, there is one other bit of advice that we have seen a need for in some abuse cases, and it is largely responsible for the title of this article.

Having patience with waiting is a widely-known requirement in the legal pursuit of a child abuse case, and that ability is very difficult to maintain during such a trying time in a family's life together. Some parents, having been exposed to the initial stages of the investigation with a lot of fast-paced contact with numerous agencies, start losing their patience as days turn into weeks and months when contacts fall away and very little appears to be happening.

This is a time, understandably, when some parents frequently call the district attorney's office wanting updates or additional information on their child's case. Though it is perfectly within a parent's rights to do so, it is also easy to forget that the district attorney's office is working on numerous cases that are at various stages of completion. At times, Kids' Advocacy Place catches calls from anxious, frustrated parents who want someone on our staff to intervene on their behalf and gather updates for them. They believe that because we work closely with law enforcement and prosecution, we might have an inside track to information. Though we try to help parents all we can, we understand the limitations of the process and our exposure to sexual abuse cases has taught us to how to wait. Our best support is helping parents and young people understand the need for patience.

Our message to most parents is to go with what you have been told thus far. If the last message was that the case was progressing and the DA's office would contact you when there are further developments, it is wise to trust that message. Harassing their office for daily or even weekly update information will seldom help any part of the process, and will certainly not help an abused child.

On the other hand, if a meeting or a scheduled trial date is approaching and you haven't heard from the district attorney's office, it is probably a good time to call them just to let them know you have questions. Since your child is usually one of their key witnesses, if not the only witness, it is likely you will get someone to take your call or someone will get back to you in a timely manner.

In the worst case scenarios, when delays occur or mistakes are made, patience is truly a virtue. For a parent that wants a child to recover from abuse, and wants to see justice come down on the perpetrator, focusing on the child's well-being and letting the legal system work at its own pace is always the best course of action. Focusing on your child helps keep your attention on issues

with which you have more control, and the added attention can be a real source of comfort for your child.

I'll offer one final note on preparations for trial. Typically, just before a trial is to start, the prosecution will meet with the child and parents. The attorney will go over a general outline of what is going to happen and at some point, talk about how the child will re-tell their account of what happened. Sometimes KAP staff is involved in this process, and it frequently involves taking the child into the empty courtroom and examining the environment to increase familiarity.

If necessary, the attorney may even have everyone re-visit the site of the incident in order to refresh images and details. It's important to remember that everything the prosecuting attorney is doing at this point is aimed at making the child more comfortable and more familiar with their role in the overall process. In that way, there are no mysterious question marks hanging over the child's head when their day in court arrives.

At that point, the legal eagles will do their thing, the chips will fall where they will, and in the end, the best thing parents can do is stand by their children doing the right thing, encourage their children through the support they've provided, and reassure their children with the love and patience only good parents can provide. If you've done those things, there is very little else you could have done to help your child, or your family.