

Supporting Children in the Aftermath of Domestic Violence, Part 2

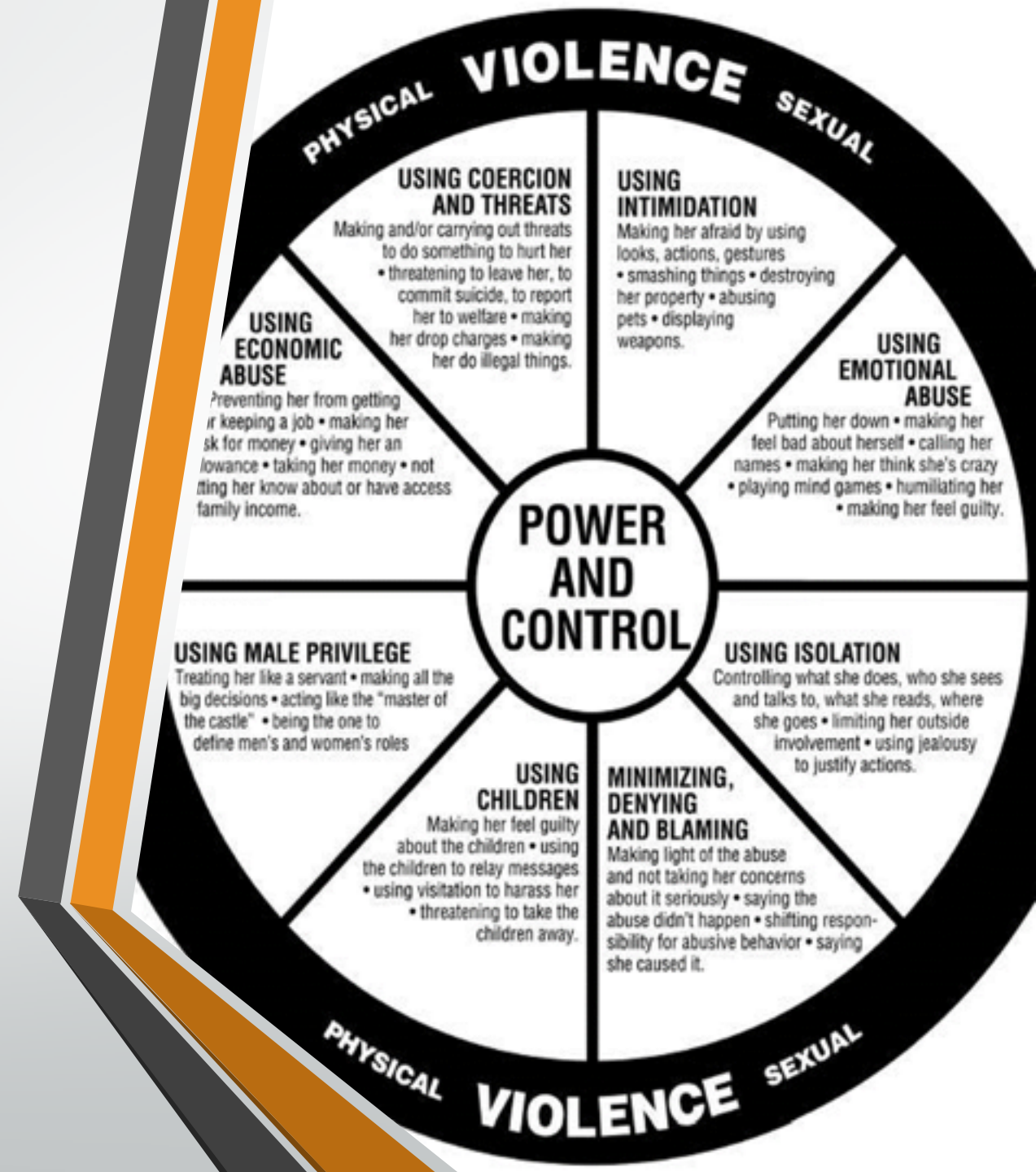
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Recap from Part 1



Objective

- Distinguish Family Court vs Criminal Court
- Learn role of Child Advocate/Guardian Ad Litem & Victim Advocate
- Identify ways to prepare children for court
- Coordination of Advocates within Courts and Victim Services



Criminal Court

- Decide if a person accused of a crime is Guilty
- Order person to follow conditions
- Do not decide custody or plans the best interest of the child



Family Court

- Do not decide if a person accused of a crime is Guilty
- Decide how to resolve issues that partners can't agree on when they separate
- Don't decide why the partners separated, or who ended the relationship

Best Interest of the Child



Family court uses a legal test called the best interests of the child.



In making this decision, the family court looks at behavior that affects a person's ability to be a good parent to a child.

Can include whether a parent has been violent or abusive to the child, their partner, a parent of the child, or anyone living in the home.

Does not include anything done in self-defense or to protect another person.



Role of a Child Victim Advocate Guardian Ad Litem Court Appointed Special Advocates (CASA)

- children in foster care
- see the kids are taken care of
- It's a volunteer position, not a paying position

Tribal Children Advocate Guardians Ad Litem



Guardian Ad Litem - Court

When an infant, or insane, or incompetent person who has not had a general guardian appointed is a party

Court shall appoint a guardian ad litem to represent such person in the suit or action

Usually assigned through the full court case



Children Advocates - Domestic Violence Program

assist the child in addressing witnessing violence
in the home

obtaining services for the child

Parental visitation arrangements and/or
supervision

What does a Child Advocate/Guardian Ad Litem Do?

- Provide a court with objective information
- Recommendations about the best interests of the child
- Should they reunite with their parents?
- Live with relatives?
- Get a permanent guardian?
- Go up for adoption?

- The **child advocate** visits the child and gets to know them.
- The advocate finds out how the child is doing in school and in their current foster home, and whether they need any added service.
- The volunteer talks to adults involved in the case, possibly including foster parents, teachers, therapists or police.
- The advocate reads the documents about the case, learning everything possible.
- Advocates also monitor the case plan approved by the court and make sure it's being followed.
- The advocate monitors any new developments in the case.



What a Child Advocate/Guardian Ad Litem is NOT?

- A **child advocate** isn't a foster parent or a mentor.
- A child advocate doesn't take kids to baseball games or hang out with them, although they'll probably develop a relationship through their frequent contact with the children.
- Once a given child leaves the court system, the advocate usually doesn't have any further relationship with them.

Role of Victim Advocate

Victim advocates are professionals trained to support victims of crime.

Advocates offer victims information, emotional support, and help finding resources and filling out paperwork.

Sometimes, advocates go to court with victims.

Advocates may also contact organizations, such as criminal justice or social service agencies, to get help or information for victims.

Some advocates staff crisis hotlines, run support groups, or provide in-person counseling.

Victim advocates may also be called victim service providers, victim/witness coordinators, or victim/witness specialists.

How Advocates work with Victims

- Advocates offer victims information about the different options available to them and support victims' decision-making.
- Advocates do not tell victims what to do.
- Advocates are committed to maintaining the highest possible levels of confidentiality in their communications with victims.
 - However, the level of confidentiality they can observe depends on their position, education, licensure, and the laws in each state.
 - An advocate in a police department may have to share any information related to an investigation with officers.
 - Yet an advocate at a domestic violence program may be able to keep most victims' confidences private.

Advocating For The Child's
Best Interest Is Our Only Interest!





BEST INTEREST OF THE CHILD

- A good **child advocate** focuses on the best interests of the child throughout their service. After reviewing the facts, talking to adults and listening to the child, the advocate presents the judge with a recommendation.



FAMILY COURT IN FOCUS

Children experiences of going to court

Preparing Children for Court

- If a child has disclosed abuse – BELIEVE her/him!
- Immediately tell the victim that what happened was not ok – “it was not your fault”
- Don’t comment on the circumstances or the behavior of the abuser
- Focus on the needs of the victim to be supported and reass

Victim Contact with the System

- The Victim may ask you not to tell anyone – you must report child sexual abuse
- Don't "make deals" with the victim about who you tell
- Never question the victim about details – leave this to professional interviewers
- Respect the victims desire not to tell parents, spouses, family members about the abuse
- Offer to be with the victim when they talk to authorities
- Make sure people in the system are aware of and respect the child's culture.

Why Children have Fear of the Legal System

Not knowing how
the system works
or what to expect

Having no control
over what
happens

Child Not always
being able to be
with caregiver

Dealing with
strangers/foreign
cultures

Traveling away
from home &
family to go to
court

Timing (legal
process has its
own pace)



Help A Child Feel Safe in Legal Process

Believed

Less Burdened

Important

Cared For

Listened To

Less Alone

Children Worry About

Seeing the abuser again

All the people who ask questions

Embarrassment (talking about the abuse)

What to say if they don't know the answer

Who will believe him/her




Children Think About


- Being scared the abuser will follow through with threats
- Wondering where Mom (caregiver) will be
- If placed out of home, will he/she ever go home
- Not wanting to go; wanting it to be over

Advocates Must Remember

The Prosecutor is too
overworked to be an ally for the
child/family

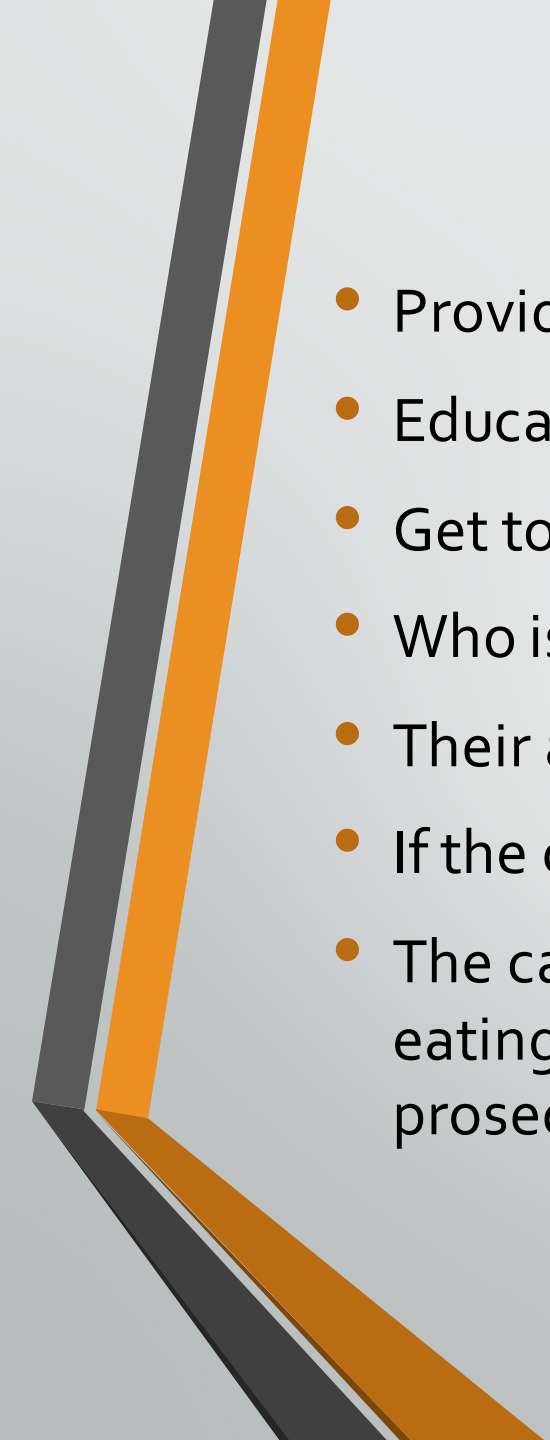


Advocate/Guardian Ad Litem
may assist the prosecutor in
preparing the child & family for
court ~



it is important for everyone
works together



- 
- Provide support and comfort to the child
 - Educate Adults about the Child's Needs
 - Get to know as much as you can about the child
 - Who is in their home & support system
 - Their activities and schedules
 - If the child discloses information to you (advocate) be sure to tell the prosecutor
 - The caregiver expresses concerns about the child's behavior (sleeping problems, eating problems, health complaints, etc.) be sure to tell the child's counselor and prosecutor

Be Caution and Don't....

Don't question

Don't question the child about the abuse

Don't make

Don't make comments about the abuser or unsupportive family members

Don't promise

Don't promise the child that the abuser will go to jail

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DON'T tell

If the child was removed from the family home because of the abuse, DON'T tell the child that they will go home after

Don't forget

Don't forget to check in with the child and their caregiver frequently while waiting for court dates

What can we tell Children about Court

- Tell the child what the court is and what the judge's job is
- Explain that the child is a "witness" and what a witness does
- Tell the child who will be in the court room (prosecutor, judge, defense attorney, defendant, jury)
- The actual court room if possible
- A drawing of the court room showing where each person will be, including the defendant
- Where the jury will sit if it is a grand jury or jury trial

Rules of the Court



Parents or caretakers and other family members might not get to come into court with the child if they are also witnesses



The child's advocate can sit with the child (in most courts)



You don't have to dress up – just wear comfortable clothes



Try to get plenty of sleep the night before court

Questions in the Court

- Some of the questions are very hard to answer and make you feel ashamed or sad but it is important to answer all the questions

If you don't know the answer to a question, don't guess or make up an answer ~ it is ok to say you don't know

Take as much time as you need to answer a question

If you don't understand a question, or if the attorney uses a word you don't understand, it is ok to say you don't understand

If you get nervous – take 5 deep breaths to help you relax

Keep looking at the advocate when you are scared

If you cry or forget something it is ok ~ everyone in court knows you are a special person and need help from the adults

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Advocacy Tools

Validation

Referral

Respect

Compassion

Responsibility

Comfort

Support



NEVER

Tell a Child Victim they should tell,
testify or cooperate because they
might keep other children from being
abused

<https://www.youtube.com/watch?v=dSvtN59ldpg>



Thank you.

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