"Second Injury" the re-victimization of child victims in the criminal justice system: a study of the victim witness assistance programs child abuse/sexual assault project

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ABSTRACT

SOCIAL WORK

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B.A. Spelman College, 1988

"SECOND INJURY" THE RE-VICTIMIZATION OF CHILD VICTIMS IN THE CRIMINAL JUSTICE SYSTEM: A STUDY OF THE VICTIM WITNESS ASSISTANCE PROGRAMS CHILD ABUSE/SEXUAL ASSAULT PROJECT

Advisor: Professor Amos Ajo

Thesis dated: May 1993

The purpose of this study was to examine the Criminal Justice System as it relates to the child victim. The study describes the sexually molested child in the preliminary stage of criminal court. As well as the physically abused child in the same level of court. In addition, the study identifies the Child Abuse/Sexual Assault Project of the Victim-Witness Assistance Program located in the City of Atlanta Municipal Court. The study sites examples and randomly selected case studies which describe the process and various issues which may evolve when children are required to participate in the judicial process. In addition, the study identifies the Victim-Witness Assistance programs child abuse sexual assault project as an instrument designed to empower child victims by advocating for their rights and various allowances for
the child victim/witness who must appear in a criminal court hearing.

The study found that the child victim has much to contend with. Children are not equally equipped to handle the intricacies of the legal system.

The study also addresses the systems response to the advocate, which allows the advocate to assess the appropriateness of diversion (or social work intervention) in lieu of prosecution. The study revealed that a number of cases were successfully diverted. Lastly, the Child Abuse Sexual Assault Project allowed social work intervention in almost 100% of the child abuse/sexual assault cases which were heard in the City of Atlanta Municipal Court in the year 1992.
"SECOND INJURY" THE RE-VICTIMIZATION OF CHILD VICTIMS IN THE CRIMINAL JUSTICE SYSTEM: A STUDY OF THE VICTIM WITNESS ASSISTANCE PROGRAM’S CHILD ABUSE/SEXUAL ASSAULT PROJECT

A THESIS
SUBMITTED TO THE FACULTY OF CLARK ATLANTA UNIVERSITY IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF MASTER IN SOCIAL WORK

BY
ZINA LAUREN WELCH

SCHOOL OF SOCIAL WORK

ATLANTA, GEORGIA
MAY 1993
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I give all thanks to God who gives me the strength to keep trying and to go faster and farther even when I want so much to give up.

Thanks to my mother, Ora, who encourages me to keep going and who continues to love me no matter what.

And to Professor Amos Ajo.

Thanks so much
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACKNOWLEDGEMENTS</td>
<td>ii</td>
</tr>
<tr>
<td>LIST OF TABLES</td>
<td>iv</td>
</tr>
<tr>
<td>CHAPTER</td>
<td></td>
</tr>
<tr>
<td>I. INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>Statement of the Problem</td>
<td>3</td>
</tr>
<tr>
<td>Purpose/Significance of the Study</td>
<td>6</td>
</tr>
<tr>
<td>II. REVIEW OF THE LITERATURE</td>
<td>8</td>
</tr>
<tr>
<td>Theoretical Framework</td>
<td></td>
</tr>
<tr>
<td>Child Sex Abuse/Physical Abuse</td>
<td>21</td>
</tr>
<tr>
<td>Child Developmental Factors</td>
<td>25</td>
</tr>
<tr>
<td>The Victim Witness Assistance Program</td>
<td>34</td>
</tr>
<tr>
<td>Definition of Terms</td>
<td>38</td>
</tr>
<tr>
<td>III. METHODOLOGY</td>
<td>40</td>
</tr>
<tr>
<td>Research Design</td>
<td>40</td>
</tr>
<tr>
<td>Sampling</td>
<td>40</td>
</tr>
<tr>
<td>Site and Setting</td>
<td>41</td>
</tr>
<tr>
<td>Data Collection Procedures</td>
<td></td>
</tr>
<tr>
<td>Data Analysis</td>
<td>42</td>
</tr>
<tr>
<td>IV. PRESENTATION OF RESULTS</td>
<td>43</td>
</tr>
<tr>
<td>V. SUMMARY AND CONCLUSIONS</td>
<td>61</td>
</tr>
<tr>
<td>Findings</td>
<td></td>
</tr>
<tr>
<td>Limitations</td>
<td></td>
</tr>
<tr>
<td>Research Directions</td>
<td></td>
</tr>
<tr>
<td>VI. IMPLICATIONS FOR SOCIAL WORK PRACTICE</td>
<td>65</td>
</tr>
<tr>
<td>Lay Advocate vs Legal Advocate</td>
<td>66</td>
</tr>
<tr>
<td>Recantations</td>
<td>67</td>
</tr>
<tr>
<td>APPENDICES</td>
<td>70</td>
</tr>
<tr>
<td>REFERENCES</td>
<td>73</td>
</tr>
</tbody>
</table>

iii
**LIST OF TABLES**

<table>
<thead>
<tr>
<th>Table</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bar graph - 1992 Physical abuse cases in the City of Atlanta Municipal Court where child victim was black female</td>
<td>53</td>
</tr>
<tr>
<td>2</td>
<td>Bar graph - 1992 Physical abuse cases in the City of Atlanta Municipal Court where child victim was black male</td>
<td>54</td>
</tr>
<tr>
<td>3</td>
<td>Bar graph - 1992 Physical abuse cases in the City of Atlanta Municipal Court where child victim was white female</td>
<td>55</td>
</tr>
<tr>
<td>4</td>
<td>Bar graph - 1992 Physical abuse cases in the City of Atlanta Municipal Court where child victim was white male</td>
<td>56</td>
</tr>
<tr>
<td>5</td>
<td>Bar graph - 1992 Sexual abuse cases in the City of Atlanta Municipal Court where child victim was black female</td>
<td>57</td>
</tr>
<tr>
<td>6</td>
<td>Bar graph - 1992 Sexual abuse cases in the City of Atlanta Municipal Court where child victim was black male</td>
<td>58</td>
</tr>
<tr>
<td>7</td>
<td>Bar graph - 1992 Sexual abuse cases in the City of Atlanta Municipal Court where child victim was white female</td>
<td>59</td>
</tr>
<tr>
<td>8</td>
<td>Bar graph - 1992 Sexual abuse cases in the City of Atlanta Municipal Court where child victim was white male</td>
<td>60</td>
</tr>
</tbody>
</table>
Chapter I

INTRODUCTION

In theory, Justice is a woman blindfolded, with a mighty sword in one hand and a set of scales in the other. Her mission is to protect the innocent and punish the guilty. Her task is to take facts and pertinent information and determine guilt or innocence based on the letter of the law. This "theory" is fine. Most adults realize that the "law" is a complex set of rules that takes years for any one individual to completely understand. As such they have lawyers who can explain to them (usually in adult terminology) exactly what's going on. In this way they can better participate in the legal process.

It's different when one of the participants in the legal process is a child. When a child is involved as a major participant, either as a victim or a witness then a problem arises. The scales become weighted on the side of the adult. The child, in many cases, does not have the developmental or cognitive abilities to participate as an equal to the adult participant. For example: when a child victim of sexual abuse goes to court to testify as to specific acts which occurred; the court will require that the child stand before it and state point by point what happened. For a child who is small the court can be
intimidating and traumatic particularly for children who are limited in articulating their various sets of circumstances. Often lawmakers, parents and social workers must question and weigh in the balance whether it is better to prosecute cases of molestation and physical abuse and take children through the legal process or is it better to divert cases by sending victims and abusers through treatment and rehabilitation courses. The legal system is organized to protect the rights of defendants, not children. Children are special witnesses and special allowances must be made for them.

Federal law stipulates that any state receiving Federal Child Abuse and Neglect Funds must ensure that all alleged child victims are represented in court by a "guardian ad litem" -- someone other than the prosecutor or the child’s family whose sole purpose is to represent the best interest of the child. (Hansen, 1989) Some guardians are advocates, have law degree, some are lay persons. The courts supply one advocate in the Municipal Court who also provides service to the superior court. And the Juvenile Courts have numerous advocates. The purpose of this advocate is to assist children and their families through this process.
Statement of the Problem

Children generally are presumed to be immature in their physical, cognitive and emotional development. This immaturity takes its toll when children are involved in court proceedings. From the time an incident of child abuse (sexual/physical) is revealed, the victim is interviewed repeatedly by adults representing different agencies with overlapping information needs. In court continuances are freely granted, by judges causing delays that erode the children's memories and undermine the therapeutic efforts to help get them on with their lives (Debra Whitcom, 1985, p. 1) With this understanding of how our community views children a complex issue for the community arises. The issue is that of second injury or the re-victimization of child as they go through the criminal justice process.

The interview of such a child would raise questions of the child, such as: "Why did the child take so long to report" or "Why didn't the child run" or even "Did the child scream?" Questions such as these and a entourage of others puts a child on the defensive. Basically it asks a child why did he or she not "fend for him-/herself.

Children who disclose acts of physical or sexual abuse or molestation need not be further victimized by the
court process. The Child Abuse/Sexual Assault Project attempts to create an atmosphere which accepts the child-victim and his or her limitations and lends assistance by padding some of the rugged areas of the Criminal Justice System.

A component of the victim witness assistance program in the City of Atlanta Municipal Court is the Child Abuse Sexual Assault Project. For the past three years the Project has utilized Child Victim Advocates. The mission of these advocates is to lessen the traumatic effects of reporting charges of abuse as it is experienced by the child.

There are basically two types of cases which advocates solely concerns themselves. The first type is allegation of Physical/Mental/Emotional Abuse which include allegations of depravation by parent or caretaker. These are instances in which a parent is accused of physically beating a child to a point where they have left a bruise or welt. Also, deprivation cases involve parents or caretakers who fail to provide a child with necessary sustenance. This may be something intangible like emotional support or love or something quite tangible like food or water. In cases like these the perpetrator is in many cases a parent. The advocate must examine the social, emotional and economic factors which impact this family
system and determine if this family, this child-victim, and our community would be better suited by the criminal prosecution of such a case or the re-education of the primary caretakers in more efficient parenting skills and provide the family as a unit, therapy to effect better communication and other various issues relevant to individual family units.

The other case that the advocates concerns herself with are allegations of child rape and sexual molestation. The child advocates' stance in these cases are almost always the perpetrator must be prosecuted. As such the advocate is concerned with making the criminal justice system more child friendly or at least educate those involved of the uniqueness of the child victim.

This is accomplished by the child advocate by effective Pre-trail case management. The advocates goal is to assist the child and family by encouraging the family to seek extended counseling or therapy, providing emotional support, being present for all pre-trial hearings as well as grand jury hearings and trial. It is extremely important for the advocate to keep accurate documents so that parents can be advised of current status of their child's case. The advocate will maintain close contact with families and answer legal questions so that the prosecutor can concern himself or herself with the large
task of "Making A Case". The advocate also concerns herself with advocating to both attorneys and sometimes a judge that the child not be required to testify by the prosecutor. This advocate will also make sure that the prosecutor knows the developmental level of the child victim as well as his or her emotional status. This is important so that the prosecutor knows when he or she is about to "lose" their primary witness.

In general the question of this research stems from questions of how does the criminal judicial system impact the child victim, and how can this system be made to facilitate the child.

Purpose/Significance Of This Study

Lawmakers, social service workers, parents and community members are all in unison when questioning the effectiveness of the judicial system when the victim/witness is a child. The purpose/significance of a study such as this is to allow others to make observations and evaluations of the child abuse/sexual assault project which is part of the victim-witness assistance program located in the City of Atlanta Municipal Court.

The specific and directed goal of this program is to lessen, or ease (if possible) the traumatic experiences that children endure once they report to a responsible
individual that they have been either sexually, physically or emotionally assaulted.

The first injury happens to be the assault itself. This may be a molestation, rape, battery, sodomization, etc. This experience in itself is painful enough for a child victim. Second injury occurs after the outcry. This is when the child must repeat the horrid details of his or her abuse over and over and over again with the child reliving the experience each time. This study will suggest that children are being re-victimized by our judicial system and suggest new and creative ways of reducing the traumatic experience of trial preparation and court appearances of children who are victims of sexual and physical abuse.
Chapter II

REVIEW OF LITERATURE

Theoretical Framework

The study will utilize the ecological perspective as outlined by Germain and Getterman (1980) which suggests that our view of human needs and problems are generated by the transactions between people and their environments. Specifically this conceptual framework states that the social purpose of the profession is the matching of peoples adaptive capacities and environment properties to produce transactions that will maximize growth and development. The work of this prospective specifically tends to align the individual with his or her environment. Its focus is problem identification and solution with client in mind and in participation. This model is phasic as is the criminal justice system in dealing with children. In both are the initial phase or the report, the ongoing phase or matriculation of the Justice System and the ending phase which is equivalent to the disposition of a child abuse or sexual assault phase.

The workers knowledge of this prospective enables her to advocate for her client by dealing with relevant laws, policies, research findings, technical procedures and professional jargon within her field of practice.
The Sexually Molested Child In Criminal Court

The sexually molested child in criminal court is its own paradigm. Children themselves are very unique witnesses, as such, any arena which concerns itself with such a pervasive human issue, must recognize that there is a temptation to look for an easy formula determining truth or falsity. (Sandra Butler Smith, 1985). However, when the witness is a child it becomes necessary for the listener to put away all preconceived notions that we systematically develop about children and their ability to tell the truth and grasp some basic ideas about child development.

Children develop in stages during which they develop the capacity for new functions and understanding. Child victims are specially handicapped. First the Criminal Justice System distrusts them and puts special barriers in the path of prosecuting their claims to justice. Second, the Criminal Justice System seems indifferent to the legitimate special needs that arise from their participation when a child is the victim (David Lloyd, 1982, p. 51.)

The test of a child's competency derives from the landmark U.S. Supreme Court decision in Wheeler v. United States, 159 U.S. 523 (1895) in which the question of a child's competency was found to depend on the capacity and intelligence of the child, his appreciation of the
difference between truth and falsehood, as well as his duty to tell the former. The courts have set four dimensions that are used to measure a child's competency to testify in a court of law:

1. Present understanding of the difference between truth and falsity and an appreciation of the obligation or responsibility to speak the truth;

2. Mental capacity at the time of the occurrence in question to observe or receive accurate impression of the occurrence;

3. Memory sufficient to retain an independent recollection of the observations;

4. Capacity truly to communicate or translate into words the memory of such observations and the capacity to understand simple questions about the occurrence. (Melton, Bulkley and Wulkan, 1981). Whereas it is perfectly understandable to necessitate that there be guidelines for determining truth the issue of developmental abilities must be addressed. The court must tailor its language to accommodate that of the child. In most cases children may have their own repertoire of non-technical words to describe parts of the body and sexual events. The other issue is the court must be cognizant of the anxiety which children may experience when they are required to appear and perform in what is almost always an adult's venue: The
Court Room. As such the child cannot be expected to perform as the adult but rather made allowances for as he or she may have virtually no understanding of the. It seems only fitting that Judges, prosecutors and defense attorneys understand the special needs of child victims as witnesses.

There is no clear cut set of signs that one may use to determine whether a child is telling the truth or not. Neither are there signs for the accused molester. Yet when we are confronted with groups of individuals whose sets of circumstances are so diverse from one another, we are hard pressed to determine abuse, unless either victim or abuser disclose the occurrences. More often than not it is a child victim rather than abuser who discloses the actual abuse. Judge Sandra Butler Smith of Joaquin County, California Municipal Court (1985) has formulated a model or paradigm, to determine children who were "at risk" for child molestation and as such are more likely to be telling the truth about his or her abuse.

The initial suggestion is that adults faced with the dilemma of determining truth or falsity of child molestation often find reasons for not believing the child victim. The Judge cited specific issues which are as follows:

1. If her mother doesn't believe why should I.
2. Why did the child wait so long to disclose abuse.

3. There was no force used.

4. There is no corroborating evidence, even if it is true won’t testifying be harmful.

1. If her mother doesn’t believe her why should I.

In a number of cases the mother of a reporting child has also been molested herself as a child. In such a circumstance this mother; is ill equipped to deal with the drama of reliving her own experience. As such she may choose to ignore obvious signs or passively refuse to act on substantiated assaults. The other reasons parents give for non-compliance to act on such claims are fear. The mother fears losing her family as she knows it, she fears losing the financial support of the abuser/husband and sometimes she simply fears violent retribution on the part of the abuser.

2. Why did the child wait so long to disclose abuse.

Child victims remain silent for numerous reasons. The most prevalent is fear. In a child’s mind accusations and threats are very real. When a molester tells a child "if you tell anyone I’ll kill you" the child will indeed expect to die if he or she tells someone. Children tend to be magical thinkers and will accept the word of adults until they learn otherwise. In many cases children will
remain silent out of ignorance. They have no other experience by which to judge the adults in their lives. Therefore, if the abuse starts early and remains consistent the child actually knows no other way until he or she is old enough to compare their experiences to what they learn from others. Then once they learn that the behavior in their family is not normal then the child must overcome both guilt and shame in order to develop the capacity to disclose the abuse.

3. There was no force used.

Child molestation is a "sex crime". In many "sex cases" the offender in essence becomes the victim's "jailer" jailers don't necessarily have to use physical force because they already posses the force of authority. The child victim knows adults as figures of authority. They simply assume or "know" something bad will happen if they don't submit. As such they will submit to authority. The other point to recognize is that a child cannot consent to sex or sexual type relationships with any person, child or adult. Therefore, any such relationship is illegal.

4. There is no corroborating evidence.

In child abuse cases often it is long after the occurrences that a child develops the skill and or courage to disclose his or her abuse. By this time there may be little evidence, however, medical evidence can allow or
disallow the possibility of molestation in some cases and in other cases can’t substantiate the accusation at all. Most cases lack corroborating evidence but, the child’s account of the molestation may be self-corroborating. Children lie, but they are not very good at it. They can only make up stories within their frame of reference. When lying a child hard-pressed for specific details will lose sight of reference and venture off on a tangent. Where as a child in seclusion can for the most part recount her experience in her own language and right down to specifics; and

5. Even if it is true, will testifying be harmful.

The prosecution of an individual who has harmed a child puts the child back in control of one of the fundamental concepts: of self: the integrity of one’s body. Investigation and prosecutions allows the child a safe arena from which to vent that anger and rage.

Human children depend on adults to feed, clothe, protect and nurture them well into their teenage years, at least in contemporary industrial societies. It is their nature to trust, obey and believe in adults (Jeffrey R. House, 1984, p. 1). As such the abuse makes the child both weary and confused because the abuse itself alters a child’s frame of reference, which is to look to the adult
for guidance. The majority of molestation cases are male adult molester to female child (House, 1984, p.1).

In general the courts are bewildering and intimidating to most adults. A traumatized child will suffer further stress in cooperating with authorities unless the defects in the system are realized.

The central issue in child abuse cases is the credibility of the children (Goldberg, 1990).

In 1983 a mother in Manhattan Beach, California telephoned the police about the possible abuse of her two and a half year old son by Raymond Buckey at the McMartin Pre-School. Interviews with 400 children were conducted by therapist and social workers. From the information gained from these interviews a grand jury indicted 7 people connected with the school. The two and a half year long trial ended with the acquittal on 52 counts for Buckey and his mother Peggy McMartin Buckey (Goldberg, 1990). The case was retried but ended in a mistrial basically no one won. The jurors in the trials believed that the children were abused but they were unwilling to accept the evidence presented.

The evidence presented in the McMartin trials were video taped interviews of the children conducted by therapist and social workers. Many of the jurors thought that the children’s memories had been distorted by
suggestive questioning. By the time the second case came to trial, several years had passed. The children who had testified were 11 and 13 years old. What these children could and could not remember became an issue. The professionals maintained that children in general may be unable to remember chronology, yet they should be able to remember what happened to them.

The increased involvement of children in the legal system has sparked professional and public debate about the accuracies and inaccuracies of child testimony (Goodman, 1984). A study by Rudy and Goodman (1991) addressed the question: Are children so suggestible that false information can be easily elicited from them? And how are children’s suggestibility affected by the type of information provided in leading questions. Specifically the study was designed to explore the effects of participation on children’s testimony.

It was predicted that the participant children would evidence better memory and greater resistance to suggestion than the bystander children and age differences were expected to be stronger when the children served as bystanders than when they served as participants. The results of the study indicated that over all the participant and the bystander children did not significantly differ in the amount of correct, incorrect or
ambiguous information recalled. As expected, older children recalled more correct information than younger children. With the exception of one child. The child’s recall was in general very accurate. The time laps in this study was 10-12 days. The discussion of this study suggest that participation in real life events heightened the children’s resistance to suggestion. An important note was that inaccurate in relationship to time. The children were unable to say how long they had spent in the research trailer or how long it had been from pre-test to past-test. What this implies is that some weaknesses in young children’s testimony can be overcome with age appropriate techniques.

Another similar study by Anne Tobey and Gail S. Goodman (1992) concerns itself with questions relevant to debates about the accuracy of children’s testimony.

This study offers a contextual factor of interest to an understanding of children’s testimony concerns the effects of directly experiencing an event in context versus simply watching as a bystander. The study suggest that participation may serve to strengthen children’s memory to the extent that the events are engaging and personally significant. Also in addition to the positive effects on memory participation has also proven to make children less susceptible to false suggestion. The study found that
participants had better and more accurate reports than bystanders. The implication of this result for child testimony is to the extent that participation strengthens children's free recall concerning the actions that occurred, heightens resistance to suggestion and reduces errors of commission to questions about abuse. Research such as these is essential in counter acting allegations made by Defense Attorneys on a daily basis. For instance, with no clear physical evidence of abuse the jurors in the "Little Rascals" case had to weigh the allegations by children from 2-7 years old at the time of alleged abused against the defendants claim that he was a victim of adult hysteria and the children's suggestibility. There are usually no witnesses to the act. In addition, physical evidence of abuse is lacking or equivocal in many cases. Even when physical evidence is present the success of prosecution is more likely to depend on the quality of the alleged victims verbal testimony. A strict adherence to procedures that are believed to be effective in eliciting the truth from adult witnesses may be counter productive with children. False accusations of abuse by young children are rare. Yet victims who do report their abuse face a number of hurdles before their testimony can be used to convict their abusers. Young children may be deemed incompetent to testify or may recant their accusations
under repeated questioning by investigators or the pressure of cross examination. Under such stressing conditions children cannot be expected to behave on a par with adults. It is not unusual for them to recant, or freeze on the witness stand or just simply refuse to answer any questions (Debra Whitcomb, 1985, Prosecution of Sexual Abuse: Innovations in Practice, National Institute of Justice, November 1985, p. 1).

Margaret Reser (1991) FALSE ALLEGATIONS

Whereas, defendants and defense attorneys involved in trials where children have recanted would like judges and juries to believe children lie about such things, lying appears to be quite rare. In a study reviewing 576 child sexual abuse complaints Jones [1987] found only eight fictitious allegations, or 1.4%. Several studies of child sexual abuse reports that were conducted in Denver and Boston found that only 2% to 4% of the allegations were false [Crewdson 1988]. Almost all of the false allegations came from older teenage girls.

Child sexual abuse is characterized by secrecy in a study by Finkelhor [1979], in which adult survivors of child sexual abuse were interviewed, reveal that most victims never tell anyone. "Most ongoing sexual abuse is never disclosed, at least not outside the immediate family. Treated, reported, or investigated cases are exception, not
the norm" [Summit, 1983]. Maddock [1988] discusses the function of secrecy by describing the family in which incest takes place as having rigid boundaries between itself and the outside world. This creates an exaggerated feeling of family loyalty and "trap(s) the victim in a web of secrecy." Disclosure of the sexual abuse by the child is then aberrant behavior. Following the act of disclosure and its consequences, the child tries to return to the earlier and seemingly easier stance, which is secrecy.

Perhaps the greatest factor that may lead child victims to recant is that they are not getting enough support from those responsible for their health and safety or that they are under direct pressure to take back their admission (Margaret Riser, 1991). The majority of the cases of reported child molestation taken in by the child abuse/sexual assault project are families who report low incomes, as such one can assume that many parents who pressure children to recant are doing so for fear of economic abandonment by the defendant who in many cases are the family's sole provider. (Sgroi, 1982) suggest that children under direct pressure from family members may recant. He also suggest that it is the emotional dependence and loss of financial support caused by the incarceration of the abuser are frequently motives for pressuring children to recant.
Social attitudes towards children also suggest that children are not credible witnesses. Historically, in the United States children have had fewer rights than adults (Riser, 1991).

Although the number of child sexual abuse cases reported to child welfare officials is not known, those that are reported follow a similar course. Pursuant, to the report, children are taken to the hospital where they are interviewed and examined by a doctor. They are then interviewed by one or more police officers. Next, social workers from child protective service interview the child. Sometimes, when it is determined that the child is not safe, she is taken from the home and placed in protective custody. After all of this, the child must then testify in the preliminary court hearing and will be questioned and interviewed again and again (Riser 1991).

The Physically Abused Child in Criminal Court.

There were nearly 2.7 million reports of child abuse in the U.S. in 1991. A total of 1,383 of those children died. In Georgia there were 51,843 reports of abuse investigated that same year. Thirteen children died in Georgia as a result of child abuse or homicide by a parent or caretaker (Sandra P. Wood, 1992). What the clinician will recognize as an alarming fact is a number of these cases reflect serious parental dysfunctioning, high
levels of drug use, extreme poverty and high levels of family violence. Understanding child abuse requires a look at many different dimensions. First the child. The protection of the child should be the major focus of any child abuse intervention. Second, the abuser, often the child’s parent, caretaker, or extended family member. The abuser needs to be held accountable for the behavior and needs an opportunity for treatment and learning non-abusive behavior.

Historically, society has tolerated the abuse of children. Society has taught children should be seen not heard and that to spare the rod and spoil the child. Why even in the state of Georgia many of the school systems still employ corporal punishment to discipline school children (Sandra Wood, 1992).

For many its an issue of whether or not there is a problem. The reasons for this in most cases are not reported. It is not often that people want to involve themselves in these types of cases. Additionally, physically abused children typically cover up the abuse by giving alternative explanations for the abuse.

In relation to the court process the physically abused child has a two tier court involvement. First, the criminal court, which assesses the parent’s wrong doing also will either allow defendant to attend counseling/rehab
or skills training in lieu of prosecution. And the juvenile court which also deals with the issue of parental deprivation. When confronted with a severely mistreated child the juvenile court judge faces the difficult choice of whether to leave a child in a potentially dangerous home environment or to order removal from the parent(s).

Children who are left in the home have a 40% to 70% chance of being re-injured. Serious child mistreatment in Massachusetts: The Course of 206 children through the courts. (Michael S. Jellinek, J. Michael Murphy, Francis Poitrast, Dorothy Quinn, Sandra J. Bishop and Marilyn Goshko, 1992).

The orientation of the juvenile court is whenever possible "keep the family together". With this issue as a frame of reference it is important that a plan be devised to assist these families and the courts so that the case and the child don’t get shuffled about and lost in the cracks.

In Atlanta Municipal Court a four year old boy was ordered to stand and tell a robed judge the fine points of his abuse. Because the boy was so small he was lifted onto the table putting him at eye level of the judge and at arms reach of the defendant. (Hanson, 1989, clash before the bar p. 39).

Many attorneys argue that fundamentally the law must be upheld but proponents will argue that children are
inherently unequal to adults therefore need to be treated differently. As such the child advocate who question the necessity of the child testimony in preliminary hearing and the proximity of defendant to child-victim.

Atlanta, a city with possibly the largest number of abused children in the state (Jane O. Hansen, 1989, p. A-17). There is no special unit in the district attorney’s office to ensure that one prosecutor follows a case to its conclusion. As such the child advocate in this court concerns herself with evaluating assesses, projecting and researching the various solutions to the issue of re-victimization of children by the criminal court.

It was not long ago that the trauma experienced by a sexually or physically abused child continued well past the time of discovery by the authorities. Typically, a child would be questioned and examined by medical professionals. Department of Family and Children Services, police, court officials, district attorneys, prosecutors etc. This study suggests that it is these numerous recounts that aid in the re-victimization of child abuse victims.

Gary Leshaw’s One Solution: A Protocol for the Handling of Child Abuse Cases The Dekalb County Model address the purpose of the child abuse sexual assault protocol as to ensure coordination and cooperation between
all agencies involved in a child abuse case so as to increase the efficiency of all agencies handling such cases and to minimize the stress created for the allegedly abused child by the legal and investigatory process.

**CHILD DEVELOPMENTAL FACTORS**

As professionals who work with children know, children think, feel and act differently from adults. Cognitive, emotional and social growth begin at birth and gradually develop through childhood, with limits at each stage defining their ability to recall and relate events. The child’s perception and feelings about abuse are also determined by individual rates of growth. Personality, family characteristics, other life experiences and any pre-existing physical or psychological disabilities are clearly important. Characteristics of the abuse itself and especially its duration, the victim’s relationship to the offender, the presence of absence of violence, and the possible consequences of full disclosure all influence how the child will report and what she will say about the abuse. The relationship of child developmental stages to the reporting and describing of abuse are discussed below.

1. **Infants and Toddlers/Pre-Verbal Stage**

When the child is unable to give verbal accounts of abuse and possesses only the most rudimentary verbal skills, she may use these in combination with gestures to
suggest an abusive episode -- e.g., the child may point to
the genital area and say, "Owee, Dada, owee." There must
be additional evidence to form a basis for concluding
sexual abuse: medical evidence (evidence of injury and/or
infection), eyewitnesses, and/or evidence of the child’s
unusual or changes reactions to the offender (e.g., fear,
crying).

2. Preschoolers (3-5 Years of Age)

Children at this age are still completely dependent
on adult family members to meet all their physical and
emotional needs. They think in an egocentric way. They
are the center of their world, and they do not understand
interrelationships among individuals or families. Security
is their uppermost concern. They have no real awareness
of outside events or options and look to the family for all
their information.

Pre-conceptual, concrete, intuitive thinking is
characteristic. They do not understand casuality,
abstractions, metaphors, analogies or irony. Early
verbalizations are likely to be loose, disorganized,
circumstantial, brief and will usually contain relevant and
irrelevant details. Although they can recall events, they
cannot give accurate information regarding antecedents,
sequences, or context. Time and space are personalized and
not necessarily logical. There may be some understanding
of the concepts of "before" and "after," but information about specific times or dates is not at all reliable, no matter what the child actually says. Verbal abilities may exceed the actual cognitive capabilities of the child. Children play and learn by duplicating behaviors and situations they observe. At this age, children have a very short attention span, become restless, are active and spontaneous, will change the subject, quickly lose interest in a topic and may revert to "I don’t know," or "I can’t remember," during an interview to avoid boredom.

The offender is almost always a relative or caretaker since this age group does not usually have independent relationships. When sexual abuse is involved they do not know the behavior is sexual or wrong; they may be aware that it hurts or feels good or because it is concealed, is unusual. If committed by an authority figure, children will be fearful of telling since they see adults as omnipotent. Their feelings toward the offender will reflect the degree of dependence they have on him. Children at this age are unable to make up sexually explicit stories or to have learned about sexual behavior except through direct experience. They may exhibit reactions to the experience because they do not yet verbalize adequately.
When abuse is suspected in this age group, clues may come from the child’s behavior. The child may simulate sexual activities with dolls, pets, or other children, or demonstrate sexual behavior such as open mouth kissing, touching the genitals of adults, or talking in a sexual way. They may react in fear or discomfort if touched on the genitals while being bathed or changed -- e.g., "Don’t hurt me like Daddy does" -- or display knowledge about sexual acts -- e.g., erections, oral or anal sex, ejaculations. They may ask unusual questions or react differently to the offender than they have in the past -- e.g., thumb sucking, nightmares after visits, crying, bed-wetting. Finally, the child may have medical symptoms or psychosomatic symptoms such as vaginal infections, bladder infections, stomach aches or headaches.

Often a child discloses because of a change in circumstances that makes the child feel it may be safe to tell (e.g., parents’ divorce). Documentation of behavioral changes or indicators, the context of disclosure, and the exact words of the child may be used as supportive evidence.

3. First Through Fifth Graders (6-10 Years of Age)

At school, children begin to have a life of their own with activities and relationships outside the family. Their world expands to include friends and other adults
such as teachers or neighbors, and their sources of information correspondingly increase. Although they continue to rely on the family for most physical and emotional needs, there is a gradual shift. They do not, however, have a clear sense of separate identity from family and adults and may feel responsible for external events such as their parent’s divorce. Peers become important as playmates but not as a basic source of emotional support. Same sex relationships are most common, often accompanied by negative attitudes toward the opposite sex.

At this stage, children still think in fairly concrete terms but they begin to understand concepts and symbolism. As knowledge and skills increase, they learn to read, write and communicate better. They can generally place themselves in time and space using events and activities as identifying markers. They also learn about secrets and deception.

Abused children at this stage generally know that certain behavior is unacceptable since it usually occurs under forced or deceptive circumstances. Their lack of control over their lives, however, prevents them from challenging or resisting it. The experience usually confuses and scares them. Some children do not seem to mind the abuse or tolerate it because they are getting
something in exchange like money, presents or special attention. Once they have become a part of an ongoing situation, they feel as much to blame and as worthy of punishment as the offender.

Behavioral clues to sexual or physical assaults at this age may include becoming withdrawn, having nightmares, coming home with unaccounted-for money, depression, aggressiveness or regression to younger behaviors. Relationships to peers and others may show change. They may demonstrate sexually stylized behavior, reflecting children's versions of adult behavior. Documentation of these behavioral indicators can be used as supportive evidence of abuse.

4. Puberty/Fifth Through Seventh Graders (10-13 Years of Age)

Physical changes of puberty affect girls about one to two years earlier than boys. Their developing bodies produce feelings of self-consciousness and awkwardness. Almost everything is embarrassing. Sexual thoughts and feelings begin at this time. Changes in hormones and accompanying major physical developments cause moodiness, extreme swings in feelings and emotional outbursts.

There is a strong desire to be accepted by the peer group, and anyone who is different is ostracized. Friendships start to be significant sources of emotional
intimacy while family relationships become conflict-ridden, although still the primary source of support. The child begins to challenge family and societal rules but usually only tentatively. Shoplifting, drug experimentation and sexual contact may be attempted.

The preteen sexually abused child knows that such behavior is wrong. Self-consciousness, fear of blame, feeling responsible for the abuse, perhaps because of her own physical changes, all inhibit her from disclosing the abuse. She may tell a friend or indicate something is happening, and subsequently feel guilty about her participation and previous silence. A common reaction is to block it out and act as if everything is fine.

When children in this age group are being victimized, their behavioral changes may be interpreted simply as part of normal development. A new relationship with the adult offender -- i.e., treatment as a social equal, worse treatment, or treatment as the mother or head of household -- may become apparent. The child may exhibit age-inappropriate behavior such as acting or dressing older or younger than she is or associating with older or younger children. She may have few friends and rarely invite people home or talk on the telephone. Depression or violent aggressiveness typifies severe cases.
5. Adolescents/Eighth Through Twelfth Graders (13-17 Years of Age)

This age group is almost fully physically developed. Many adolescents are sexually active with peers to some degree, and most are certainly well aware of and interested in sexual matters. Peer relationships are often of greater immediate significance than family relationships.

The shift toward greater independence continues, often accompanied by a high level of testing behavior. Conflict with authority, represented by parents and societal expectations, is normal. Teenagers may be very intense, have extreme reactions to situations and take themselves very seriously. They want to appear competent and find it hard to admit when they need help.

In many cases, sexually abused adolescents have a long history of abuse perpetrated by a parent whose behavior they are now no longer willing or able to tolerate. Aware now of the difference between what is normal for others and what their experiences as victims have been, they begin to consider alternatives to living in an abusive situation.

Adolescent victims may have overt emotional or behavioral problems in response to victimization. They may be rebellious, fail, be suspended or truant from school,
get in trouble with the law, use drugs or alcohol, suffer depression, have suicidal tendencies or self-mutilate, sexually act out though promiscuity or prostitution, run away or experience psychosomatic disorders such as headaches, abdominal pain or hysterical reactions.
The Victim-Witness Assistance Program:

The victim witness program was established by the Metropolitan Atlanta Crime Commission 8 years ago to protect the rights of crime victims. Its primary function is to assist victims of crime by helping them to decipher and matriculate the confusing processes of the criminal justice system. Most crime victims (70%) come in contact with the program through referral by judges, bailiffs, clerks, police officers, prosecutors and at times public defenders. Others are referred by community service agencies, significant others, offense reports and court calendars.

The Atlanta Municipal Court determines whether there is probable cause to prosecute persons arrested for both misdemeanors and felonies. It is in this forum that a case is bound over to the Grand Jury for indictment and ultimate prosecution in a State or Superior Court or dismissed for lack of sufficient evidence. A witness who testifies at the probable cause hearing can make the difference between a case being dismissed or going to trial.

Many witnesses are discouraged by the system which requires numerous trips to the Court, does not notify them of delays or postponements, and does not advise them of the disposition of the case. Owners of small businesses cannot
close their doors for indefinite periods of time while waiting to testify, and employers are reluctant to excuse employees for excessive time in court.

Victims who are generally the only witness to the crime are intimidated by appearing in court to confront and testify against their assailant; it is that fear which is responsible for some violent offenders not being prosecuted.

A primary function of the witness component is to reduce the number of cases dismissed because witnesses do not appear in court to testify and increase the conviction of offenders. Typical services include notification and encouragement to appear, on-all systems to avoid wasted time due to postponements, explain court procedures, and notify the witness of the disposition of the case.

The Victim-Witness Assistance Program (VWAP) is unique in that it recognizes that witnesses have needs other than those directly related to the court experience, therefore, they are assisted accordingly.

In most cases the child victim is the only witness to the crime committed against him or her. As such The Child Abuse/Sexual Assault Project (a component of VWAP) employs a full-time child advocate in Municipal Court to assist the child, his family and/or any out cry witness through the criminal justice system. The advocate will
prepare the child at this level and accompany throughout the process even to grand jury and Superior Court.

The child advocate is essentially a child’s "friend in court". The advocate will provide counseling to the child and family and accompany at the levels of the courts proceedings. The advocate will provide age-appropriate instruction in legal procedure and terminology. In addition, the advocate will take the child on tour of the courtroom and point out the "places" for all people involved. This advocate/counselor also serves as broker to obtain other services for the child and family. In cases of child abuse and intra-familial sexual assault the Department of Family and Children Services (DFACS) are contacted to make personal investigation within 48 hours of the report, to determine a child’s safety in the home.

In cases where the allegations are of physical assault and DFACS feels the child is safe in home the child advocate will recommend counseling programs and/or substance abuse programs (when necessary) to help the parent get back on the right track. The advocate will recommend that the court divert prosecution in turn of treatment. The cases are held open to be monitored by the child advocate. Upon the satisfactory completion of all recommendations by child advocate and DFACS worker the case will be recommended to the court solicitor for dismissal
(child advocate can recommend only the solicitor can dismiss cases).

The purpose for this type of recommendation is to help parents in raising happy and healthy children. And, to keep these children, if possible, out of the criminal justice system.
DEFINITION OF TERMS

Child Victim - all crime victims under the age of 17 years old.

Rape - a person commits an offense of Rape when he has carnal knowledge of a female forcibly against her will. ... occurs when there is any penetration of the female sex organ by the male sex organ (Laws 1833, Cobbs 1851 Digest p. 787, GA. L. 1866 p. 151)

Sodomy - a person commits the offense of sodomy when he performs or submits to any sexual act involving the sex organs of one person and the mouth or anus of another.

Statutory Rape - when an individual engages in sexual intercourse with any female who is under the age of 14 and is not his spouse.

Child Molestation - a person commits the offense of child molestation when he does any immoral or indecent act to or in the presence of or with any child under the age of 14 with the intent to arouse or satisfy the sexual desires of either the child or the person.

Outcry Witness - the initial person to whom a child reveals that he or she is or has been sexually or physically abused or assaulted.

Initial Police Report - in most cases after a child has admitted to abuse a police report is made. If no detective from the police department was available to go out to the crime scene then the beat officer will send that report to the "Youth Squad" at this time a detective is assigned to the case to do the initial investigation.

Police Interview - the child and parent are asked questions by investigating detective.
PEC - Pediatric Emergency Clinic after all reports, child is taken to a hospital where doctors/pediatricians evaluate whether there is a possibility of sexual or physical abuse.

Rape Kit - specific set of procedures that could help determine what happened to the child; is useful in court.

Probable Cause Hearing (Municipal Court) - alleges that he/she has been abused the police/detective will arrest the perpetrator. This person has the right to have a hearing of the charges before a judge within 72 hours. The sole purpose is to make sure that there is enough evidence in a case to bring the perpetrator to trial.

Perpetrator - person accused of a crime

Prosecutor - the attorney for the state who makes the case against perpetrator.

Defense Attorney/Public Defender - the person who defends the legal rights of the accused.

Bind/Over -- Bound Over - when a judge finds that there is sufficient evidence to transfer a case to a higher court.

Indictment - person accused is formally charged

Plea Bargain - accused person pleads guilty (usually to lesser charges) and takes an agreed upon sentence.

Trial - the accused and the accuser meet before a jury to decide guilt or innocence.

Closed Court - request that all spectators and/or media leave the court during the hearing of a specific case.
Chapter III
METHODOLOGY

Research Design
This study incorporated a pre-experimental design (David Nachmias and Chana Nachmias 1987 p. 149) The one shot case study involves an observation of a single group or event at a single point in time. As such the point of issue for this researcher was the child victim preparing to appear in criminal court.

Sampling Procedures
The data for this study was drawn from a sample of child abuse/sexual assault victims between the ages of 0 to 17 yrs. old. All cases were reported to the criminal justice system from January 1, 1992 and December 31, 1992. The sample pool consisted of almost all the child cases that came through the City of Atlanta Municipal Court for a probable cause hearing.

The sample pool consisted of approximately 602 cases all of which received some type of service from this researcher.

The four sample units selected were so chosen because each represents the so called typical population that a child advocate may confront on a given day. As such these are purposive samples.
Data Collection

This study employs the use of measures in two ways: The first was the gathering of demographic data and specific case information such as the type of crime committed against the child and the relationship of the perpetrator. Also the research measured the number of cases which were bound over to a higher court and those which received Domestic Crisis Intervention (DCI).

Site and Setting

The original site of this project was the old City of Atlanta Police Headquarters located at 165 Decatur St. Atlanta, GA 30335. The courts were located on the second floor of an old dingy dark and gray building which had no windows and often smelled horrible. The holding cells for defendants were also located in the same building, and on the same floor of that building. The court rooms were small. They were very hot in the summer and very cold in the winter. The child-victims was forced on many occasions to stand in these small rooms (sometimes a hairs throw away from the accused offender). The setting was dismal and substandard. The interview/preparation room was a small room on the fourth floor with six desks shared by eight to ten other counselors and interns. There was never any privacy and on many occasions a child was prepped with onlookers listening in.
In September 1992, the court was moved to a new location: 175 Garnett St., Atlanta, GA 30335. The new airy and spacious building offered a larger more equipped courtroom which allows victims to space themselves from defendants, observation rooms which in some cases keep child victims out of the courtroom altogether and a separate office solely for the child advocate to prepare and ready both child and outcry witness for the probable cause hearing, the 1st step of the journey through the criminal court process.

**Data Analysis**

The data for this survey was analyzed in bar charts. The charts will describe the population of child victims in the Atlanta Municipal court over the period of one year. The population was first divided by race: black and white. The cases were not divided into other as there are one (1) in three (3) charges where the child victims were neither black nor white. Yet not one of these children appeared for court. Then the units were broken down by sex. Then the cases were surveyed to determine 1) which cases were bound-over to a higher court, 2) which cases involved intra-familial abusers, 3) which were handled by Domestic Crisis Intervention, and 4) which involved victims who were of low income.
Chapter IV
PRESENTATION OF RESULTS

The findings of this study are presented as follows:

A) 4 case examples
B) Demographic data
C) Case dispositions of 447 child abuse/sexual assault case (out of 602 cases) heard in the City of Atlanta Municipal Court between January 1, 1992 and December 31, 1992.

Case Studies

The following are four case examples chosen by the researcher as they are reviewed to be representative of the sample population.

Case #1. Charge: 2 Counts of Aggregated Child Molestation. S.L and C.L. are 4 and 6 year old black females. The older child, S.L. disclosed to her mother that her natural father touched her in her "private area". The mother took child to Grady Hospital for an exam. The doctor's exam revealed that the child's vaginal tissue revealed numerous scars, rips, and tears. In addition, the child's hymen had a 1.5 cm. opening and the child had an untreated sexually transmitted disease. This medical finding was deemed consistent with child abuse so the hospital (mandated by
law) called the police. APD Sex Crimes Unit responded. The suspected perpetrator was then arrested the following day the child, her sister and mother were all required to appear in City of Atlanta Municipal court. The Victim Witness Asst. Program's child advocate was notified by the Detective to meet family in court. The mother was upset because she had no understanding of the court process. She appeared both angry and fearful. The child advocate explained to this mother that this was only a probable cause hearing. The judge would not find this defendant guilty or innocent. She would only be judging whether there was sufficient evidence to take this defendant to trial.

The girls, both of whom stated they were molested by their father, the defendant, were prepped by the child advocate. The girls were taken into a small room outside the courtroom (with mother present) the advocate explains what the rooms in the building were for and who the various people are. The advocate also explained to the children that the defendant, their father, would be in the courtroom and that his lawyer may want to ask them questions. The advocate and the child dialogued for several minutes about what they may or may not expect. Next the solicitor (prosecuting attorney) is introduced to the mother and both children. At this time the advocate interviews the child
about what actually happened that lead to the child’s injuries. The advocate’s attempts to ask enough information so that the solicitor can do his or her job in the quickest and most efficient manor.

Next, all involved parties go to court. There the child, family, and an advocate sat for almost 3 hours. Next, the case was called. The defendant asked for an attorney and this case was reset for 2 weeks to allow defendant to get an attorney. Two weeks later all parties are back in court. The children are prepped again. This time the family waits again for several hours. Then the defense attorney asks for a reset which is granted. As such, the case is put off another two weeks.

After two more weeks the family returns. The little girls are prepped again for a third time and forced again to wait for hours. Then once the entire court calendar is cleared the case is called. The detective on this case presents all the information that he has about the case including a medical report which substantiate the child’s claims. Then the mother is called to act as an outcry witness and testify in place of her two young daughters. With all of this information at hand this is not enough to declare "probable cause" the defense attorney then calls for the older child to be cross examined. Her mother, who is also a witness, is asked to leave the
courtroom and the six year old child is asked terrifying, personal, embarrassing and painful questions about her abuse. The child advocate holds on to the child for support but can say nothing. Often these scenes end with the child confused and crying because they can’t understand what is going on. What most disturbing is that the questioning of the child almost always suggest that a child "allowed" his or her own abuse. This is what this researcher deems to be systematic abuse or second injury.

The case was bound over to a higher court.

Case #2, Charge: 1 Count Rape  K.L. is a twelve year old girl who lives with her grandmother in Southwest Atlanta. One Saturday afternoon she and her younger brother went to an arcade to play video games. While in the arcade she was approached by a young man who asked her if she wanted to make some easy money.

Intrigued, the young girl said "yes". So the young man convinced her to go off with him leaving her younger brother there "in case someone came looking for them". the man walked her away from the arcade. He took her to a work shed located somewhere in a housing project which she was not familiar with. There he forced her to remove her clothes and he raped her. Then he left her there.

The child walked around scared, alone and injured, until she spotted a police patrol car. She told the
officers what had happened. They picked up her brother and took her to the Pediatric Emergency Clinic (PEC) at Grady hospital for an exam. The child was able to identify her assailant because he had a work shirt on under his jacket which had his last name over the right pocket. In addition to that the man had on a work jacket with a city emblem. It didn’t take long for the detective to find the man and bring him in for a line up.

Two days later the child and her family were in Municipal for a probable cause hearing. The child advocate works with the child and family by being there to explain what is happening, who the people are in the courtroom and by making counseling referrals for everyone involved including the younger brother. The advocate escorts the child into the court.

After weeks and weeks of resets for various legal reasons the case is finally heard.

What takes place next is horrifying. The child is put in the position of defending her actions as to why she would go away with someone she didn’t know. Then she is questioned about her ability to tell the truth and about her ability to recollect what actually took place and finally she is harshly questioned about whether or not she even identified the correct person as her attacker. This
process more times than not moves child victims to tears. So much that they no longer wish to proceed with the case.

This case was bound over to a higher court.

Case #3. Charge: 1 Count Cruelty to Children

G.J. is an 8 year old black male. The child showed up at school one morning with a bruised eye, swollen lip and various lacerations to the body. Upon interview by school officials the child gave an erroneous story which the school was quickly able to contradict.

The school official contacted a worker from the Department of Family and Children Services who contacted the police. The youth squad investigation went out to the child’s home and questioned his parent.

The child’s mother admitted at this time that she did spank her child and sometimes it gets out of hand. The mother was arrested and charged. The youth squad investigation contacts the child advocate at Municipal Court to notify her of when the case will be heard in that court. The child advocate will then speak to the DFACS worker to determine the family’s history in terms of previous abuse. Then the advocate will speak with the child’s teacher, other family members and then the parent (while still in jail). In many cases there are many environmental issues which the child advocate and DFACS counselors notice. In cases where these issues can be
addressed and monitored, the advocate will present this to the courts solicitor who then will chose to prosecute the case or recommend Domestic Crisis Intervention (DCI).

The intervention in G.J.'s case was a) G.J. was taken out of his home and placed with a relative, b) the mother/defendant was placed in a residential treatment for drug abuse, c) the court kept the case open while mother received treatment, d) upon release from treatment mother went to parenting course and family therapy, e) DFACS case open and monitored in conjunction with the child advocate, f) upon completion of all recommendations the mother brought back letter from all treatment agencies and DFACS.

Once the file is complete the child advocate appears with the parent in court and makes a recommendation to the solicitor who then makes a decision to either dismiss or prosecute the case.

This case was dismissed per (DCI) Domestic crisis Intervention.

Case #4, Charge: 1 Count of Cruelty to Children

T.G. is an eight year old black female. In March of 1992 the child was seen by a school nurse who interpreted the marks and bruises on the child's body as consistent with the pattern of abuse. The child stated the bruise came from a whipping she received from her mother several days previous.
The nurse contacted the Department of Family and Children Services who made a report for their own records then contacted the police. After an investigation by DFACS and the police the mother was arrested and charged with cruelty to children.

The child advocate was notified the following day. The mother appeared in Municipal Court for her probable cause hearing. The child advocate was notified by the solicitor to make an assessment of whether or not this case was appropriate for "monitoring" by the court rather than prosecuting this mother and dragging the family and child through the court system.

Upon interviewing the mother she admitted to beating the child. She also shared with the advocate that she had a severe drug problem. Upon her agreeing to participate in rehabilitation, counseling, and family counseling the child advocate recommended that this case be monitored while this parent/defendant comply with recommended treatment program. In this case children remained in the home as the defendant’s mother who is both supportive and stable is also present in the home.

After two months of monitoring the defendant/parent appeared to be working toward cleaning up and completing the court mandated treatment recommendations. About 1 week into the third month the child’s grandmother called the
police. The mother/defendant had relapsed and started drinking and taking drugs again thereby presenting a danger for the child and violating the agreement with the court. The defendant was brought back to court and prosecuted on the charge of cruelty.

The case was bound over to a higher court. DFACS intervened on behalf of the child in support of this prosecution.
The following bar charts represent approximately 447 cases analyzed out of the total of 602 cases that came through the victim witness assistance program’s child abuse/sexual assault project in 1992.

The cases are divided first by Race then by Sex then by Age Groups. The groups are age 0-4, 5-11, and 12-16.

The charts show the reader qualitatively which of these cases were: a) bound over to a higher court for prosecution, b) related to the child (usually a parent or guardian), c) disposed of at the Municipal Court level as per Domestic Crisis intervention, and d) how many of the families were low income (low income was defined as a family of 3 who earned less than $15,000 per year).

On the charts the left axis will represent the number of child cases assessed by the child advocate over the course of 1 year.
VICTIM-WITNESS ASSISTANCE PROGRAM
CHILD ABUSE/SEXUAL ASSAULT PROJECT
1992 PHYSICAL ABUSE CASES - BLACK FEMALES

447 cases analyzed out of a total of 602 cases.
1992 PHYSICAL ABUSE CASES - BLACK MALES

447 cases analyzed out of a total of 602 cases.
VICTIM-WITNESS ASSISTANCE PROGRAM
CHILD ABUSE/SEXUAL ASSAULT PROJECT
1992 PHYSICAL ABUSE CASES - WHITE FEMALES

447 cases analyzed out of a total of 602 cases.
VICTIM-WITNESS ASSISTANCE PROGRAM
CHILD ABUSE/SEXUAL ASSAULT PROJECT
1992 PHYSICAL ABUSE CASES - WHITE MALES

447 cases analyzed out of a total of 602 cases.
VICTIM-WITNESS ASSISTANCE PROGRAM
CHILD ABUSE/SEXUAL ASSAULT PROJECT
1992 SEXUAL ABUSE CASES- BLACK FEMALES

447 cases analyzed out of total of 602 cases.
1992 SEXUAL ABUSE CASES - WHITE FEMALES

447 cases analyzed out of a total of 602 cases.
1992 SEXUAL ABUSE CASES - BLACK MALES

447 cases analyzed out of a total of 602 cases.
VICTIM-WITNESS ASSISTANCE PROGRAM
CHILD ABUSE/SEXUAL ASSAULT PROJECT
1992 SEXUAL ABUSE CASES- WHITE MALES

447 cases analyzed out of a total of 602 cases.
Chapter V
SUMMARY AND CONCLUSION

The summary of this study discusses the findings; limitations; and directions for future research.

This study seeks to address the issue of victimization of children by the criminal courts. The sole purpose of this study is to identify the prevalence of child victims in court and how the court deals with them. In this circumstance we have confined the study to the municipal court where a hearing is offered and held for all individuals charged criminally with a crime in the City of Atlanta and those parts of DeKalb County which are located in the City of Atlanta. The findings are particularly intriguing on a number of areas: less then 50 child victims identified were white children only 2 Hispanic children were identified but neither family ever appeared for court. One Asian child was reported as victim and that child and family also failed to appear for court. As such charges against those defendants were dismissed.

Each chart is within itself demonstrative of the number of children who appear as victims in municipal court. One will find that the number of cases is not consistent with the number of cases bound over. The reason for this is a) because a large number of cases are resolved
via Domestic Crisis intervention and b) often children are unable to communicate to an adult court exactly what happened to them.

What is essential is that the court has available an advocate, a trained social worker who's sole task is to support, encourage and provide services to children who are involved in criminal proceedings as either victims or witnesses. The advocate accomplishes this task by:

A) Explanations, in language understood by the child of all legal proceedings in which the child will be involved.

B) Advice, to judge and/or solicitor (prosecutor) regarding the child's ability to understand proceedings and questions.

C) Assessment of the possibility of referrals to appropriate social service programs and treatment facilities to assist the child and the family in coping with the emotional impact of the crime and the subsequent proceedings in which the child will be involved. In addition, the advocate assesses the appropriateness of "diversion" which is court ordered and monitored treatment and/or counseling for offending parents or guardians in lieu of prosecution of the specific charges.
The limitations of this study are first that time prevented this researcher from researching the higher court dispositions of the 1992 cases which were bound over. Many of the cases have still yet to be indicted by the higher court. In addition, this study is limited to only one portion of a systematic process. The initial portion which is the probable cause hearing. A future study may attempt to assess the entire system as a whole. This would mean study the criminal justice process from the start to grand jury indictment and on through the superior court trial process. A study such as this would take one to three years to complete, considering sometimes it takes that long to complete the judicial process. Another limitation of this study is that it is not comparative to any other study or survey. The researcher addresses this issue in that 602 child victims is a large number to study in a 12 month period and the issue of secondary victimization is not quantitative rather its a qualitative issue that can be demonstrated by case study.

One of the limitations of the child abuse/sexual assault project is that the advocate can easily be accused of coaching child victims. The advocate in this project avoids this specifically by interviewing the child in the presence of a solicitor. A two-fold advantage of this is that the child does not have to be re-interviewed in the
Municipal Court if all those involved are in the initial interview. The advocate offers crisis counseling for both child and family in addition to referrals and court escort.

Future research may want to evaluate the progress of this project whereas the Victim-Witness Assistance Program in Municipal court is over eight years old, the child abuse sexual assault component is only three years old as such there is a plethora directions in which research in this area can go. What necessitates this research is that the number of cases are rising year after year,. The implementation of projects such as these don’t suggest that the number of incidents will decrease but they do suggest that the number of confirmed sexual abuse cases that are prosecutable will be prosecuted with victim compliance. Also, the cases that are appropriate for diversion will either be successfully diverted or successfully prosecuted with less cases slipping through the cracks and less children being traumatized by the process.
Chapter VI

IMPLICATION OF SOCIAL WORK PRACTICE

There are various implications of this study to the field of social work practice. Responding to the needs and rights of the abused child is a profound challenge to the legal, law enforcement, social services, mental health medical and education communities. No one agency can address the problem alone. Many disciplines must work cooperatively to ensure effective intervention in child abuse cases. Child abuse can have nothing but a negative impact on a child; and ultimately on society. It is critical that a well defined, written and agreed upon strategy, guide the investigation, prosecution and treatment of child victims involved in child abuse cases. The Fulton County Child Abuse Protocol encompasses both physical and sexual abuse and severe forms of neglect. The purpose is to ensure coordination and cooperation between all agencies involved in a child abuse case so as to increase the efficiency of all agencies handling such cases, to minimize the stress created for the allegedly abused child by the legal and investigatory process, and to ensure that more effective treatment is provided for the perpetrator, the family and the child (Gary Leshaw 1992).
In 1991 the state of Georgia had 51,843 reports of child abuse (Sandra P. Wood). Even more alarming is the fact that large proportions of the reports reflect serious parental dysfunctioning, high levels of substance abuse particularly alcohol and crack cocaine, extreme poverty and high levels of family violence. Social work practitioners have a complex problem at hand. Not only must they address the issues of understanding child abuse, the practitioner will have to work diligently to defuse the myth and confusions individuals have about a child’s innate ability to truthfully suggest that he or she has been injured and thereby provide aid and assistance without further injury.

Legal Advocate vs. Lay Advocate

Because the law is so complex, many recommend that the child victim have independent legal counsel in the Criminal Court proceeding. But when children are involved, especially when the abuser is a family member the situation becomes slightly clouded. The legal advocate who may be insensitive to conceptualizing the various sets of systems that involve the child and his or her environment. As such a zealous attorney may seek to obtain a conviction rather than attempt to identify the problem. The advocate trained in social work will attempt to look at the big picture. Of course, obvious cases of malicious attempts to injure and torture a child will be met with systematic prosecution.
However, sometimes there are cases where the parent also has stressors acting against him or her which prevent them from providing adequate care or prohibit them from using proper parenting skills. The trained social worker can identify and assess cases which can be better handled without prosecution. Thereby, setting up a family for success.

Another importance of having attorneys as child advocates is their better understanding of the ins and outs of the legal process. The problem with this is that appointing legal counsel for child victims is extremely costly. The advantage of using social workers are that these "lay advocates" are less expensive and in most cases volunteers, lay advocates have more time and ability to investigate, lay advocates have more knowledge (of child development, social and psychological issues), and lastly the lay advocate is more likely to continue representing the child after case disposition.

Recantation

Another direction into which Social Work intervention has yet to explore is that of preventing counteraction or recantation. Many suggestions have been made for court reforms to make court testifying a less traumatic experience for a child (Riser 1991). But, there is no fool proof method to prevent recanting of reported abuse. Even
with medical evidence present scared children will recant in hopes of making the pain and trauma of testifying go away.

Buckley (1988) presents innovative approaches to counter act second injury thereby reducing recantation, fear and trauma (assuming fear and trauma relate to recantation). She suggests that cases of child abuse be investigated by interdisciplinary teams such as Fulton County’s Child Abuse Protocol Management Committee, Coordination of Juvenile and Criminal Court proceedings, appointing a special advocate for the child, video taping interviews or the use of one way mirrors used to limit the number of interviews a child would have to endure and lastly develop an alternative to children having to testify in open court.

The implications for social work in this area is vast. Therefore, this researcher will suggest that social work concentrate of preventative strategy. This would entail prevention programs targeted at specific populations: Children, parents, professionals, and abusers. These programs need to be delivered on three levels: Primary (programs for the general population; secondary (programs for high risk populations); and tertiary (programs for victims).
It seems ironic that this level of energy must be displayed to protect child victims of crime -- not only from his or her abuser, but also from the system itself. Yet dramatic and creative efforts will have to be made, researched and developed if we are going to protect our society. For years the blindfold of justice has served the accused it seems only fitting that the blindfold be dropped, just a little .... In the hopes that we can protect our child victims.

No one could expect a blind witness to describe a painting or a deaf witness to describe a symphony. A child can not be expected to describe experiences with adult language and understanding. The child advocate asks only that children be recognized as having special needs. Unless these special needs are recognized and addressed, the courtroom is an inaccessible arena to a child. A courtroom should offer justice to all.
APPENDICES
Dear Parent/Guardian:

My name is Zina Welch, a Child Victim Advocate for the Victim-Witness Assistance Program’s Child Abuse/Assault Project. My office is located 170 Garnett Street, SW, Atlanta, Georgia in the Atlanta Municipal Court Building.

The Victim-Witness Assistance Program works closely with the Atlanta Police Department and other agencies to provide services to victims of crime. The purpose of this program is to provide assistance to child victims, witnesses, and their families. The staff offers children and their families information, counseling, referrals, court escort, emotional support, practical assistance and advocacy within the criminal justice system.

The Victim-Witness Assistance Program is available to help with problems or questions you may have as a result of the crime. It is not unusual for a victim to experience a number of problems because a crime has occurred. Oftentimes it is helpful to talk to others who can offer guidance through your circumstances.

For further information, I have enclosed information regarding violence against children and information concerning rape. I will be available to accompany you to court. Please contact me at (404) 330-6590.

Sincerely,

Ms. Z. Welch
Child Victim Advocate

ZW/bp
### Victim-Witness Assistance Complaint Form

**Name:**
- Last
- First
- M.I.

**Race:**
- Sex:
- DOB:
- Age:
- DECEDENT:

**Address:**
- 
- # & Street
- Apt.#
- City
- State
- Zip

**Telephone:**
- Home
- Work

**Crime/Charge:**

**Reset Date:**

**Time:**

**Referral Source:**

**Cross Reference:**
- Drug/alcohol
- Handicapped/disabled
- Low income
- Domestic

**Reason for Referral & Presenting Problems:**

(Use back if necessary)

**Complaint #:**

**VWAP #:**

**Defendant's Name:**

**Staff Comments:**

**Service Month:**

**CARRY-OVER:**

| A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | Z |
|   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |

**Disposition Comments:**

**Service Month:**

**CARRY-OVER:**

**Service Month:**

**CARRY-OVER:**

**Service Month:**

**CARRY-OVER:**

**Criminal Justice Support:**

A. Notification
B. Court Escort
C. Preparation for Testifying
D. Assistance with Reporting
E. Investigation Information
F. Legal Referral
G. Victim Impact Statement
H. Legal Advocacy

**Emotional Support:**

K. Crisis Intervention
L. Short-term Counseling
M. Personal Safety
N. Homicide Support Group
O. Personal Advocacy
P. Follow-up (or monitoring)

**General Support &/or Referral:**

G. Community Service Agency
H. Housing/Shelter
I. Physical Necessities
J. Financial Therapy
K. Other (specify)
L. Employer Intervention
M. School Intervention
N. Victim Compensation
O. Other (specify)
P. Counselor Number
REFERENCES


Rudy, Leslie and Goodman, Gail S. Developmental Psychology July 1991 v. 27 n 4 p. 527(12).


Wood, Sandra P., Child Abuse Confirmed ... Unconfirmed ... Unfounded. The Atlanta Lawyer, Second Quarter 1992, p. 22.
