

Resolution 11.14.02

Resolution on Judicial Proceedings Involving Child Abuse and Neglect and Domestic Violence

Whereas, children subjected to civil or criminal judicial proceedings involving child abuse, neglect or domestic violence may be re-traumatized by being put through numerous and grueling interviews, repeated continuances and painful questioning in the courtroom.

Whereas, children who are easily intimidated by adult authorities may therefore compromise or confuse the truth.

Whereas, the Children's Justice Act was passed in 1996 to improve the investigation, prosecution and judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, in a manner that limits additional trauma to the victim.¹

Therefore, be it resolved, that PCA America supports:

Fostering multidisciplinary collaborations, such as child advocacy centers (which offer legal, medical and mental health services to children who are victims of maltreatment in one centralized, child-friendly location).

Familiarizing the child with the courtroom and court procedures prior to trial.

Adapting courtroom procedures to make them less intimidating for the child, such as allowing the child's testimony to be videotaped, reducing the size of the audience, using hearsay evidence in preliminary hearings and/or asking the defendant to leave the room during a child's testimony.

Enactment of state laws that permit courts to protect the anonymity of the child, through measures such as closing the proceedings to the public, keeping the child's name out of public records, or providing a pseudonym for the child and/or family members.²

Increasing funding for the Children's Justice Act to ensure that child victim's rights are adequately protected.

¹ The Administration for Children and Families. "Children's Justice Act Fact Sheet. Revised 2001."

² American Academy of Pediatrics. "Policy Reference Guide Model Bill: Child Abuse Victim Protection Act, June 1995."