

Victims Services with Children and Youth

A PRACTICE MANUAL FOR VICTIM SERVICE WORKERS

The following practice manual on **Victim Services with Children and Youth** was originally developed by the Victim Services team at the Victoria Child Abuse and Counselling Centre in Victoria BC, May 2004 with current revisions and updates completed in January 2017.

DEDICATION

This manual is dedicated to Judith Wright and Kelly Montgomery who have worked at the Victoria Child Abuse Prevention & Counselling Centre (Mary Manning Centre) for the last 27 years and were involved in the production of the original Handbook on Victim Services for Children and Youth. It is also dedicated to Victim Service Workers at the Centre and our collaborative victim service partners around the province whose expertise have helped inform this manual. We acknowledge the ongoing support and partnership of the BC Ministry of Justice, Victim Service Division and the Federal Justice Policy Centre for Victims Issues.

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Note Regarding Use of Language:

Throughout this Practice Manual the gender neutral pronouns they/their are used in place of he/she or his/her pronouns in order to be inclusive of individuals of all genders.

Introduction

Victim service work is complex, challenging, and ever-changing. Working with children, youth, and their families requires a delicate balance between the vulnerability of child and youth victims and the requirements of the child protection and justice systems when a child or youth discloses abuse and/or is a witness to a criminal act.

Child abuse is a multi-faceted social problem that necessitates a coordinated multi-disciplinary approach that strives to maintain the well-being of the child or youth victim as central in the delivery of service. Professionals involved in working with child and/or youth victims and witnesses require specialized contemporary knowledge of the legal and social service structures and processes that impact children and youth. It is imperative that they also acquire skills that enable them to relate to the needs of child and youth witnesses and victims, especially in regard to the traumatic effects that may have occurred. Principles, theories, structures, and practices that support and value the well-being of young persons are essential for competent victim service delivery.

This Practice Manual provides Victim Service Workers and agencies with a trauma-informed, child and youth-centred victim service approach in two parts. The first section of this Manual, *Child and Youth Centred Victim Service Work*, presents practice guidelines and information that will be helpful in all aspects of a Victim Service Workers role with children, youth, and families including information on child development, diversity in practice, and current *Criminal Code of Canada* offenses. The second part of the Manual focuses on *Supporting Children and Youth through the Criminal Justice System* including information on reporting child abuse, court processes, and accompanying children and youth witnesses to court hearings.

In conjunction with this practice manual, Victim Service Workers and Agencies are encouraged to access other resources that provide information and practice guidelines for professionals working with children and youth involved in the criminal justice system. These include:

- *Trauma-Informed Practice Guide for Working with Children, Youth and Families* (TIP Guide) booklet to enhance services for providers working with children and youth created by BC Ministry of Children and Family Development. (Currently in production as of 2017).
- *Justice in Matters Involving Child Victims and Witnesses of Crime – Model Law and Related Commentary* (2009)
- *Child Friendly Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime* (2005)
- *Competencies for professional child and youth work practitioners* (Mattingly, & Stuart, Revised 2010)

Victim Service Workers (VSWs) provide a multitude of important support services to children, youth, and their families as they navigate the child protection and justice systems. This practice manual is intended to inform and enhance victim service work specifically with children and youth. Some of the elemental components of this work include, but are not limited to:

- Police accompaniment
- Support and information
- Assistance with Crime Victim Assistance forms
- Court preparation
- Advocacy
- Education and support for community professionals on unique needs of children
- Crown accompaniment
- Court accompaniment
- Post-court support and information
- Referral to support services

Part One: Child and Youth Centred Victim Service Work

Guiding Principles and Practice for Service with Children and Youth

Victim Service Workers provide support for individuals impacted by crime. Victim Service work with children, youth, and families presents unique challenges to the worker that differ from work with individual adults. In order to provide appropriate support, it is important that Victim Service Workers (VSWs) be knowledgeable about working with children and youth and educate themselves on appropriate strategies and key information so that they are best prepared to offer child and youth-centred Victim Service support.

Child and Youth-Centred Approach in Victim Service

Child and youth-centred victim service can be described as a supportive approach with a child or youth that regards, and values, their well-being as central in the processes affecting them. Such an approach views the young person's needs as the primary concern and focus of practice in service delivery.

A child and youth-centred approach will assist the VSW in augmenting their knowledge and practice in victim service delivery. Service delivery evolves through examining professional knowledge and practice in terms of its potential for furthering the best interests of children, youth, and families. In British Columbia the practice of Victim Service delivery with children and youth includes:

- Examining the impact of current professional practice and knowledge on the lives of children, youth, and families;
- Making explicit the ideological and ethical basis on which decisions regarding children and youth are based on, and accepting that our belief system, both professional and personal, impacts significantly on our work;
- Cognizance that personal feelings and “triggers” related to the victimization of children and youth impact the delivery of service;
- Ability to “manage” personal reactions and utilize self-care strategies that retain the focus on the victim service role with children and youth;
- Awareness of the developmental needs and unique vulnerabilities of children and youth;
- Understanding the impact of criminal justice processes on child and youth victims and witnesses; and
- Ability to adapt personal practice, and to advocate as needed, to ensure that young victims' needs are paramount in all criminal justice processes.

Creating a Child and Youth Friendly Environment

It is important that victim services for children and youth be provided in a child and youth friendly environment. While there are a few victim service community programs that specialize in providing services to children and youth, the majority of victim service programs are mandated to meet the service needs of children, youth and adults, which presents a challenge in creating an atmosphere that is welcoming to clients of all ages -- children and youth, as well as adults. Child sized furniture, appealing art and posters, reading material, toys and art supplies that would appeal to a variety of ages and cultural backgrounds will help to communicate to children, youth, and families that they are all important and valued. When possible, it is helpful for VSWs to have snacks and water available for young clients.

It is key that the environment communicate to children and families that they are welcome and important. This includes waiting areas and reception spaces that are child and family-friendly, spaces that can accommodate families with multiple children and/or caregivers and accessible washrooms. It is important to communicate and prepare all staff and workers in the environment on appropriate child-friendly practice, this includes accommodating for noise, multiple person families, and creating and maintaining rules and boundaries for the space that all staff can be aware of (for example: no children behind the desk, staff can assist children with finding colouring supplies but do not distribute scissors, etc.). Make a plan that works for the client-base as well as the staff and workers in the environment. Review this plan often to update it as needed.

Integrating Trauma-Informed Principles with Victim Service Work

As the enormously complex effects of trauma on the bodies and brains of individuals are increasingly understood, Victim Service Workers are faced with unique challenges in supporting the individuals with whom they work in ways that foster Trauma-Informed Practice, as well as integrating skills specific to the unique populations that they serve.

Trauma-Informed Principles:

REALIZING the prevalence of trauma.

RECOGNIZING how trauma affects all individuals involved with the program, organization, or system, including its own workforce; systemic family and community systems.

RESPONDING by putting this knowledge into practice.

RELATIONAL Relationship forms the basis on which trauma-informed approaches and practice occur with children and youth and within systems.

TIP Principles Summary

Acknowledgement of the effects of trauma

Safety created by not re-traumatizing – doing no harm

Trust building in relationships

Choice and Control offering choice and control where possible

Compassion in responding to those impacted by trauma

Collaboration to work together to come up with the best solution

Strengths-based in recognizing each individuals' unique strengths

Adapted from: SAMHSA <http://www.samhsa.gov/>

Recommendations for providing Trauma - Informed Victim Service Support for Child and Youth Victims:

- Children and youth are uniquely impacted by trauma. The neurobiology of trauma is increasingly being understood within practice with adult victims of trauma; however, children experience and express trauma in unique ways that can appear as disruptive behaviour, dysregulation, and regression into early stages of development. These behaviours can be frustrating and confusing for the adults in the child or youth's life; however, it is crucial that these behaviours are recognized for what they are: a real reaction to a lived experience of trauma.

- Children and youth are at different stages of their development and require developmentally appropriate interventions, information, and support from Victim Service Workers. It is important to note that experiencing trauma, particularly in the early years of life can impact development, and therefore developmental stages may not necessarily align with chronological age. Knowledge of different developmental stages throughout the lifespan is critical to providing appropriate interventions and support.
- Centre the child as the primary client. Acknowledge the role and importance of caregivers but recognize that the child/youth's needs are central.
- Provide information and resources to caregivers and parents so that they may be better informed to support the child/youth.
- Help to label emotions, reactions, and feelings.
- Use age-appropriate, consistent and concise language. Be aware of developmental needs when explaining the complexities of the justice system.
- Give honest and clear answers to questions.
- Repeat information and use a variety of methods of teaching new information – activities, art, play, role-playing. Children learn by doing.
- Provide safety by setting limits, boundaries, and clear expectations. Be clear about what your role is as a Victim Service Worker and what the roles of others are.
- Create and utilize child/youth-friendly environments where possible.
- Validate and normalize reactions and challenges – it is very important that children/youth know that they are not the only ones that experience being a victim and/or witness. Educate the child on common reactions they might be experiencing.
- Correct myths, address imagined concerns, and misunderstandings. Give clear information, acknowledge expressed feelings and develop shared solutions for concerns that may be expressed.
- Explore positive coping strategies.
- Recognize and acknowledge strengths.

- Acknowledge that a child/youth victim may be struggling with their caregivers' reactions. Allow choice for the child/youth in how much the caregiver is involved in the process when possible.
- Be aware of available accommodations for child/youth witnesses (under the *Canadian Victim's Bill of Rights*).
- Advocate for the child/youth's needs and collaborate with other service providers and members of Criminal Justice System to enhance knowledge of child/youth-centred approaches.

By integrating Trauma-Informed Practice into the work that Victim Service providers do with children and youth, workers will be better equipped to support children, youth, and their caregivers throughout their experiences with the Criminal Justice System.

Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime

In the spring of 2003, the International Bureau for Children’s Rights published the *Guidelines on Justice for Child Victims and Witnesses of Crime*, retitled in 2005 as *Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime*. The *Guidelines on Justice* are a welcome addition in principle and practice for supporting children and youth victims and witnesses of crime. These guidelines form a foundation for multi-disciplinary cooperation and are intended to guide professionals working with child victims and witnesses of crime. Further, the guidelines are utilized in the reviewing of laws, procedures, and practices to ensure the rights of child victims and witnesses of crimes are recognized and respected.

The Guidelines on Justice were drafted by a committee of experts in criminal law, child rights and victimology, based on consultations with international experts as well as research on existing protocols, legislation, and good practices in implementing child friendly procedures. They bring together the fundamental international human rights standards and principles that apply to issues of child victims and witnesses of crime and provide a framework for protecting these vulnerable victims and witnesses.

It is important to clarify that the Guidelines, although referred to as “rights”, are not embodied in Canadian law as is the Canadian Charter of Rights and Freedoms. However, they are drawn from the principles in the United Nations Convention on the Rights of the Child and are a reflection of an ongoing international process to uphold and implement the Convention, a document which 195 nations around the world, including Canada have endorsed. It is the most widely ratified international human rights treaty in history. The United States of America and South Sudan are the only two countries that have not ratified this Convention.

SUMMARY OF GUIDELINES ON JUSTICE IN MATTERS INVOLVING CHILD VICTIMS AND WITNESSES OF CRIME

1. The right to be treated with dignity and compassion
2. The right to be protected from discrimination
3. The right to be informed
4. The right to be heard and to express views and concerns
5. The right to effective assistance
6. The right to privacy
7. The right to be protected from hardship during the justice process
8. The right to safety
9. The right to special preventive measures
10. The right to reparation

Justice in Matters involving Child Victims and Witnesses of Crime Model Law and Related Commentary (2009)

The *Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime* (2005) in detail are as follows:

1. The right to be treated with dignity and compassion

- a) **Child victims and witnesses should be treated in a caring and sensitive manner throughout the justice process**, taking into account their personal situation and immediate needs, age, gender, disability and level of maturity and fully respecting their physical, mental and moral integrity.
- b) **Every child should be treated as an individual with his or her individual needs, wishes and feelings**. Professionals should not treat any child as a typical child of a given age, or as a typical victim or witness of a specific crime.
- c) **Interference in the child's private life should be limited to the minimum needed** at the same time as high standards of evidence collection are maintained in order to ensure fair and equitable outcomes of the justice process.
- d) In order to avoid further hardship to the **child, interviews, examinations and other forms of investigations should be conducted by trained professionals** who proceed in a sensitive, respectful and thorough manner.
- e) All **interactions described in these Guidelines should be conducted in a child-sensitive and empathetic manner in a suitable environment that accommodates the special needs of the child**. They should also take place in a language that the child uses and understands.

2. The right to be protected from discrimination

- a) Child victims and witnesses should have **access to the justice process that protects them from discrimination** based on the child, parent or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- b) The justice process and support services available to child victims and witnesses and their families should be **sensitive to the child's age, wishes, understanding, gender, sexual orientation, ethnic, cultural, religious, linguistic and social background, caste, socio-economic condition, immigration or refugee status, as well as to the special needs of the child including health, abilities and capabilities**. Professionals should be trained and educated about such differences.
- c) In many cases, **special service and protections** will need to be instituted to take account of the different nature of particular offences against children, such as sexual assault involving girl children.
- d) **Age should not be a barrier to a child's right to participate fully in the justice process**. Every child has the right to be treated as a capable witness, and his or her testimony should be presumed valid and credible at trial until proven otherwise and as long as his or her age and maturity allow the giving of intelligible testimony, with or without communication aids and other assistance.

3. The right to be informed

- a) Child victims and witnesses, their families, and/or their legal representatives, from their first contact with the justice process and throughout that process, have the right to be promptly informed of:

- i. The **availability of health, psychological, social and other relevant services** as well as the means of accessing such services along with legal or other advice or representation, **compensation and emergency financial support, where applicable;**
- ii. The **procedures for the adult and juvenile criminal justice process**, including the role of child victims and witnesses, the importance, timing and manner of testimony, and ways in which “questioning” will be conducted during the investigation and trial;
- iii. The **progress and disposition of the specific case**, including the apprehension, arrest and custodial status of the accused and any pending changes to that status, the prosecutorial decision and relevant post-trial developments, and the outcome of the case;
- iv. The existing **support mechanisms for the child when making a complaint** and participating in the investigation and court proceedings;
- v. The **specific places and times of hearings** and other relevant events;
- vi. The **availability of protective measures;**
- vii. The existing **opportunities to obtain reparation from the offender or from the State** through the justice process, through alternative civil proceedings, or through other processes;
- viii. The **existing mechanisms for review of decisions** affecting child victims and witnesses; and
- ix. The **relevant rights for child victims and witnesses pursuant to the *Convention on the Rights of the Child* and the *Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power*.**

4. The right to express views and concerns and to be heard

- a) Professionals should make every effort to **enable child victims and witnesses to express their views and concerns** related to their involvement in the justice system
- b) Professionals should:
 - i. Ensure that **child victims and witnesses are consulted** on matters set forth under 3, *The Right to be Informed*; and
 - ii. Ensure that **child victims and witnesses are enabled to express freely, and in their own manner, their views and concerns regarding their involvement in the criminal justice process**, their concerns regarding safety in relation to the accused, the manner in which they prefer to provide testimony, and their feelings about the conclusions of the process;
 - iii. **Professionals should give due regard to the child’s views** and concerns and, if they are unable to accommodate them, should explain the reasons to the child.

5. The right to effective assistance

- a) **Child victims and witnesses and, where appropriate, family members should have access to assistance provided by professionals who have received relevant training** as set out in [Implementation section of Guidelines.] This includes assistance and support services such as financial, legal, counselling, health, social services, physical and psychological recovery services, and other services necessary for the child’s reintegration. All such assistance should address the child’s needs and enable them to effectively participate at all stages of the justice process.
- b) In assisting **child victims and witnesses, professionals should make every effort to coordinate support** so that the child is not subjected to excessive interventions.
- c) **Child victims and witnesses should receive assistance from support persons, such as child victim/witness specialists, commencing at the initial report and continuing until these services are no longer required.**

- d) Professionals should **develop and implement measures to make it easier for children to give evidence and improve communication and understanding at the pre-trial and trial stages.** These measures may include:
 - i. Child victim/witness specialists to address the child's special needs;
 - ii. Support persons, including specialists and appropriate family members, to accompany the child during testimony; and
 - iii. Guardian's *ad litem* to protect the child's legal interests.

6. The right to privacy

- a) **Child victims and witnesses should have their privacy protected** as a matter of primary importance.
- b) Any **information relating to the child's involvement in the justice process should be protected** through maintaining confidentiality and restricting disclosure of information that may lead to identification of a child who is a victim or witness in the justice process.
- c) **Where appropriate, measures should be taken to exclude the public and the media** from the courtroom during the child's testimony.

7. The right to be protected from justice process hardship

- a) **Professionals should take measures to prevent hardship during detection, investigation and the prosecution process** in order to ensure the best interests and dignity of the child victim and witnesses are respected.
- b) Professionals should approach child victims and witnesses with sensitivity so that they:
 - i. **Provide support, including accompanying the child** through his or her involvement in the justice process, when it is in his or her best interests;
 - ii. Provide **certainty about the process, including providing child victims and witnesses with clear expectations as to what to expect in the process**, with as much certainty as possible. The child's participation in hearings and trials should be planned ahead of time and every effort should be made to ensure continuity in the relationships between children and the professionals in contact with them throughout the process;
 - iii. Ensure **speedy trials, unless delays are in the child's best interest. Investigations of crimes involving child victims and witnesses should also be expedited**, and there should be procedures, laws, or court rules that provide for cases involving child victims and witnesses to be expedited;
 - iv. Use **child-sensitive procedures, including interview rooms designed for children, interdisciplinary services for child victims integrated under one roof**, modified court environments that take child witnesses into consideration, recesses during a child's testimony, hearings scheduled at times of day appropriate to the age and maturity of the child, an on-call system to ensure the child only goes to court when necessary, and other appropriate measures to facilitate the child's testimony.
- c) Professionals should also implement measures to:
 - i. **Limit the number of interviews. Special procedures for collection of evidence from child victims and witnesses should be implemented** in order to reduce the number of interviews, statements, hearings, and specifically, unnecessary contacts with the justice process, such as through use of pre-recorded videos;
 - ii. **Avoid unnecessary contact with the alleged perpetrator, his or her defence team and other persons not directly related to the justice process.** Professionals should ensure that child victims and witnesses are protected, if compatible with the legal system and with due respect for the rights of the defence, from being cross-examined by their alleged

perpetrator. Whenever possible, and as necessary, child victims and witnesses should be interviewed and examined in court out of sight of the alleged perpetrator, and separate courthouse waiting rooms and private interview areas should be provided.

- iii. **Use testimonial aids to facilitate the child's testimony.** Judges should give serious consideration to permitting the use of testimonial aids to facilitate the child's testimony and to reduce potential for intimidation of the child, as well as exercise supervision and take appropriate measures to ensure that child victims and witnesses are questioned in a child-sensitive manner

8. The right to safety

- a) Where the safety of the child victim or witness may be at risk, **appropriate measures should be taken to require the reporting of these safety risks to appropriate authorities and to protect the child from such risk before, during and after the justice process.**
- b) Child-focused facility staff, professionals and other individuals who come into contact with children should be required to **notify authorities if they suspect that a child victim or witness has been harmed, is being harmed, or where harm is likely to occur.**
- c) Professionals should be trained in recognizing and preventing intimidation, threats and harm to child victims and witnesses. **Where child victims and witnesses may be the subject of intimidation, threats or harm, appropriate conditions should be put in place to ensure the safety of the child.** Such safeguards could include:
 - i. **Avoiding direct contact between child victims and witnesses and their alleged perpetrator** at any point in the justice process;
 - ii. Using **court-ordered restraining orders** supported by a registry system;
 - iii. Ordering **pre-trial detention of the accused** and setting special "no contact" bail conditions;
 - iv. Placing the **accused under house arrest**; and
 - v. **Whenever possible, giving child victims and witnesses protection by police or other relevant agencies and safeguarding their whereabouts** from disclosure.

9. The right to special prevention measures

- a) In addition to preventative measures that should be in place for all children, **special strategies are required for child victims and witnesses who are particularly vulnerable to repeat victimization and/or offending.**
- b) **Professionals should develop and implement comprehensive and specially tailored strategies and interventions in cases where there are risks of further victimization to child victims.** These strategies and interventions should take into account the nature of victimization related to: abuse in the home, sexual exploitation, abuse in institutional settings and trafficking. The strategies include those based on government, neighbourhood and citizen initiatives.

10. The right to reparation

- a) Child victims and witnesses should, **whenever possible, receive reparation in order to achieve full redress, reintegration and recovery.** Procedures for obtaining and enforcing reparation should be readily accessible and child-sensitive.
- b) Providing the proceedings are child sensitive and respect the Guidelines, **combined criminal and reparation proceedings should be encouraged, together with informal and community justice procedures such as restorative justice.**

- c) Reparation may include restitution from the offender ordered in the criminal court, aid from state victims compensation programmes, and damages ordered to be paid in civil proceedings. **Where possible, costs of social and educational reintegration, medical treatment, mental health care, and legal services should be addressed.** Procedures should be instituted to ensure automatic enforcement of reparation order and payment of reparation before fines.

While the International Bureau for Children's Rights outlines the *Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime* (2005), children and youth's rights are limited under current Canadian law. Their experiences with the Criminal Justice System are complex as they often have decisions made for them by the adults in their lives and are given limited information based on a presumed lack of ability to comprehend the intricacies of the Justice System; nevertheless, they are expected to participate in justice proceedings as adults, often with limited acknowledgement of their unique needs and their many strengths. It is crucial that Victim Service Workers and other key players in the Justice System are made aware of the unique needs of children and youth so that there can be a lower likelihood that justice proceedings re-traumatize child/youth victims. By practicing Victim Service Work from a trauma-informed perspective, workers can foster a sense of safety, control, choice, and trust for a child/youth as they navigate the justice system.

Child and Youth Advocacy Centres

What is a Child and Youth Advocacy Centre?

Child and Youth Advocacy Centres (CYACs) are child and youth-focused centres that provide a coordinated approach to investigation, intervention, treatment, and prosecution in child abuse cases. They adopt a seamless and collaborative approach to addressing the needs of child and youth victims or witnesses of abuse to minimize system-induced trauma by providing a child-friendly setting for young victims and their families.

Child and Youth Advocacy Centres (CYACs) bring together a multi-disciplinary team of police, child protection, medical services, mental health services, victim services, and prosecutors in a child-friendly environment. Professional services offered by CYACs include: coordinated forensic interviews; examination of the child by a medical professional; victim advocacy, including court preparation and support; trauma assessment; and counselling or referral to counselling.

CYACs help children and their families navigate the justice system in a number of ways. For example, CYACs provide a child or youth with a safe and comfortable environment in which to be interviewed by criminal justice professionals, and they seek to reduce the number of interviews and questions directed at a child. CYACs may also provide education and training to justice professionals on best practices for interviewing child victims and witnesses. Ultimately, CYACs lead to better communication between agencies supporting young victims and to increased access to services for young victims and their families or caregivers.

It has been shown that investigations conducted by CYACs are cost-effective and can expedite decision making by Crown prosecutors laying criminal charges. Parents whose children receive services from CYACs are more satisfied with the investigation process and interview procedures, and those children who attend CYACs are more likely to say that they were not scared during the forensic interviewing process.

From 2010 - 2015, the Government of Canada allocated a total of \$10.3 million to new or enhanced CYACs. In the Economic Action Plan 2015, the Government committed to providing additional funding to CYACs. It will provide \$5.25 million over four years starting in 2016-17, along with \$2.1 million on an annual basis thereafter, to make the support and services provided by CYACs more accessible in communities across the country¹.

¹ Information Retrieved from Government of Canada website: <http://news.gc.ca/web/article-en.do?nid=997899>

It is increasingly recognized across Canada that Child and Youth Advocacy Centres are an effective model for providing a trauma-informed approach to supporting children and youth through the justice system in cases of violent crimes, abuse, and assault, including domestic violence. Child and Youth Advocacy Centres have been developed across the country and within British Columbia to enhance multi-disciplinary coordinated approaches to working with children, youth, and non-offending caregivers in child abuse cases. Due to differences in community needs and capacity, the programming at CYACs may vary; however, the model of collaborative multi-disciplinary team practice and child-centred practice is the foundation of all CYACs. The Child and Youth Advocacy Centre model promotes cross-sector communication between Victim Service support, law enforcement, Child Protection workers, and other support resources in complex child abuse cases emphasizing the importance of connecting children, youth, and their families to Victim Service supports as soon as possible. Support strategies focus on empowerment and advocacy for rights and needs of children and youth while helping children, youth, and their non-offending caregivers navigate the justice and child protection systems.

What are the goals of a Child and Youth Advocacy Centre:

- Connecting children, youth, and families to trauma-informed, child-centred support immediately.
- Multi-disciplinary, collaborative approach to investigating and supporting victims of child abuse.
- Safe, child-friendly, and trauma-informed environment.
- Continuity and seamless service provision – connecting victims and families with support immediately that can offer continuous support through Justice involvement and connect families to counselling support and other resources.
- Reducing potential for re-traumatization of child and youth witnesses when interviewed by police or other child protection professionals.
- Education and awareness of the impacts of trauma on child and youth witnesses.
- Increasing awareness of, and utilization of Trauma-Informed Practices.
- Increasing education on the implications of specific developmental needs of child and youth victims and witnesses.

What are the benefits of utilizing a Child and Youth Advocacy Centre:

- The safe, child-friendly environment provides a comfortable space to conduct investigative interviews outside of the police stations.
- Connecting children and families to support services immediately helps with continuity of services and takes stress away from law enforcement professionals so they can focus on the case and investigation.
- When children feel safer and more at ease investigators report more successful interviews.
- Child Interviewers and Detectives have reported feeling more relaxed and calm when utilizing the CYAC interview space than when conducting interviews at the station.
- According to the Zebra Centre Child Advocacy Centre in Edmonton, Alberta Crown reports stronger evidence for cases conducted at Child and Youth Advocacy Centres and significantly higher conviction rates.

What is the role of the Victim Services Worker in the Child and Youth Advocacy Centre?

Victim Service Workers at CYACs have specialized expertise in supporting children and youth involved in the criminal justice system. Victim Services for children and youth through the CYAC provides support, information, and continuous follow-up for victims and families until the justice process is complete. Depending on the model and programming of the Child and Youth Advocacy Centre, Victim Services may be professional community-based workers or volunteer police-based workers.

Services may vary from location to location, but Victim Support available at a Child and Youth Advocacy Centre generally includes:

- Accompaniment and family support at the time of police interviews at a CYAC or at police station or other location
- Accompaniment to hospital medical examinations when needed
- Support and information about the criminal justice process for children, youth, and non-offending family members
- Child and youth witness preparation
- Liaison with police and criminal justice personnel
- Assistance with Victim Impact Statement
- Court accompaniment and support and information throughout the criminal justice process
- Advocacy
- Assistance in accessing programs such as the Crime Victim Assistance and Victim Notification programs
- Information about rights under the *Victims of Crime Act*
- Referrals to community resources and counselling

Child Development

A knowledge of the basic stages, processes, and behavioural indicators associated with development is important for Victim Service Workers (VSWs) who are providing service to children and youth. This understanding will provide a baseline from which to assess for possible disruptions due to abuse and/or trauma. In addition, a solid understanding of child development will help VSWs tailor their work to the needs of individual children and youth. Current perspectives of child and adolescent development are based on some foundational theories provided in the following section. It is important to be critically aware that these theories were founded on research and studies that were limited in scope. Therefore knowledge and understanding of the impacts and influences of intersecting and contextual factors such as race, ethnicity, culture, socio-economic class, diet, family history, religion, physiological and/or genetic changes, biological sex, gender, trauma, abuse, and social environment, may all possibly impact and shift what are considered the normative stages of development. The following tables and lists are considered standard assumptions of child and adolescent development, it is important to consider other influencing and contextual factors when and if a child or youth is exhibiting behaviours and/or growth patterns not within expected ranges or stages.

There are many theories of child development that were created to help explain the nature of growth, maturation, and development. While this manual provides an overview of developmental theory in order for VSWs to integrate these theories with their practice to best support children and youth, this is in no way a replacement for additional reading, learning, and education in working with children and youth.

A number of foundational theories of child development are included below:

- **Behavioural** - emphasizes the influence of the environment on the development of the individual (B.F. Skinner)
- **Social Learning** - behaviour is determined by the consequences of both one's own actions and the actions of others; consequences are important determinants of development (Albert Bandura)
- **Cognitive, developmental and information processing-** focuses on the rational thinking of the developing individual. It also stresses that cognitive development unfolds in a stage-like sequence which is ordered and uniform for all individuals (Jean Piaget)
- **Classical Psychoanalytic** - stresses the importance of biology and thought in development but in a manner different from cognitive theories. The belief is that the central core of development consists of the biological unfolding of psychosexual stages. (Sigmund Freud)
- **Neo-psychoanalytic** - stresses the developmental unfolding of personality and the way in which adult characteristics are heavily determined by childhood experiences. Emphasis is placed on rational thought processes and cultural influences in the development of an individual's personality (Erik Erikson)
- **Trauma and the Neurological Impact on the Developing Brain-** In the last 25 years, theories and research on neurobiology and the developing brain has enriched and increased our understanding of normative child development while explaining the negative impact on child development trajectory when trauma/adverse events occur (Bessel Van der Kolk, Bruce Perry, Peter Levine, Daniel Siegel and others). The theories and research from this body of

knowledge is reflected in the TIP booklet, *The Guidelines on Justice* and in this Victim Service Handbook.

Erikson's Stages of Social and Emotional Development

Erik Erikson developed a theory of social and emotional development in 1956 which encompassed the entire life span. He identified eight stages of development from birth through the late adulthood years. Each of Erikson's eight stages of development centres on a salient and distinct emotional concern stemming from biological pressures from within and sociocultural expectations from outside the person. The eight stages are as follows;

Stage 1: Basic Trust vs. Mistrust (Hope) Infants are helpless and vulnerable. Whether they survive depends on whether their adult caretakers nourish them properly. From the infant's perspective, knowing that they will be fed and cared for lovingly, willingly and comfortably generates a basic trust in others. Basic trust is essential for the development of a loving relationship, both in childhood and beyond. The absence of basic trust can express itself in a variety of ways such as the sense of being "no good", the absence of self-confidence or the fear of abandonment.

Stage 2: Autonomy vs. Shame and Doubt (Will) This second stage occurs during early childhood, probably between the ages of 18 months and 4 years. At this stage children become more exploratory and autonomous. Their growing independence raises, for the first time, issues of control. Learning to respond to parental control and learning to control oneself are the crucial tasks at this stage. When parental firmness is blended with patience, children learn not only to control their own bodies (e.g., potty training) but also to cooperate with others and take pride in their abilities. Shame and self-doubt arise when parents have set too rigid or demanding a standard and where they have failed to understand that occasional failures accompany the development of new skills. Children of whom too much has been demanded may approach autonomy as a chore and decision making as a crisis.

Stage 3: Initiatives vs. Guilt (Purpose) This third stage occurs during the later preschool years from three and half until entry into school. As children begin to trust their world and feel autonomous, they begin to initiate behaviours. They begin to learn whether behaviour is safe or dangerous, acceptable or forbidden. In the process of exploration, children may be surprised by the reactions of adults to their adventures. A climb to get to the cookie jar may evoke parental fear and concern; exploring one's own or a friend's genitals may test parent's values, morals and tolerance. If such explorations are greeted with understanding, children will gradually become masters of their impulses. However, if those explorations are met with depreciation, a child may be immobilized by guilt, fearful, be unduly dependent on adults and restricted both in the development of play and imagination.

Stage 4: Industry vs. Inferiority (Competence) This fourth psychosocial stage begins around age six and continues through to age 13 or 14. Attention, learning, perseverance, and mastery are the tasks of this stage. A sense of efficacy - the ability to accomplish things - is the outcome. Here a child learns the formal skills of life: (1) relating with peers according to the rules; (2) progressing from free play to organized play that may involve rules and require teamwork, such

as basketball; (3) mastering school. A sense of personal inferiority can also arise at this stage if the child has not mastered the previous stages and if they are subjected to harsh criticism or is not rewarded or acknowledged for achievements.

Stage 5: Identity vs. Identity Diffusion (Fidelity) This stage occurs from about age 14 to around age 20. By this time children have passed through the crisis of trust, autonomy, initiative and industry. They are at a stage when they must use the foundation of the preceding stages to establish an identity. During adolescence, children turn away from the family and toward peers and the future. It is a time of physical maturation, changes in expectations, sexual preoccupation, and concerns with peers and the future as well as with changing relationships with parents. It is a time of turmoil and a time to answer the question: “Who am I”?

Identity describes a sense of personal coherence and competence, and a sense that there is a place for the individual in society. The development of an identity prepares the individual for adulthood and particularly for the experience of intimacy with another individual.

Stage 6: Intimacy vs. Isolation (Love) If identity is strong, the individual can engage in intimate relationships with others. They can form partnerships, marry, cooperate and collaborate with minimal threat to self. When identity is underdeveloped, however, collaboration is difficult because the potential threat to self is too great. Relationships are shallow. What Erikson calls “distantiation” or “isolation” gives the individual protection against the anxiety of role confusion as well as threats to self-esteem that come from self-doubt.

Stage 7: Generativity vs. Stagnation (Care) Adults in middle-adulthood need to be able to serve the present generations as well as future ones. Erikson calls this need to be of service “generativity”, which implies usefulness to others in the form of parenthood, creativity or productivity. Failure to achieve generativity results in stagnated self-concern and self-indulgence.

Stage 8: Integrity vs. Despair (Wisdom) If the seven preceding psychosocial stages have been successfully resolved, the mature adult develops integrity. If they are able to trust themselves and others, then independence grows and they are able to explore new paths. They have worked hard and found a well-defined role in life. Old age and the prospect of death are met with acceptance of the life cycle and recognition that the individual is part of a larger biological process.

Despair is the opposite pole of integrity. It is a feeling that life was too short and that now there is too little time left to try some other path. It is expressed in feelings of regret about the course of one’s life and in a fear of death.

Stages of Human Development²

Ages 3-5 Preschoolers

Developmental Characteristics

Physical

- Increased motor ability - can stand on one leg, jump up and down etc.,
- Becoming coordinated but still needs to learn some skills
- By age 3 can put on shoes and socks, can button and unbutton
- By age 4 can dress self, wash hands and face
- Enthusiastic, bold, energetic and ready for action
- By age 5 has good balance and smoother muscle action- skates, rides wagon and scooter
- By age 5 can print simple letters, handedness is established
- Pre-school children like lots of movement, large motor skill activity, opportunities for participation
- Learn from hands-on sensory experience

Cognitive

- In general, thinking is based on what children can see, hear, and touch
- Thinking centres on one object or one feature of a problem at a time
- Beginning to be able to classify: can tell similar and different, can sort into two groups
- Don't organize events in their minds in an adult way. They often leave out settings, descriptions or chronology in telling of a past event.
- Short attention span, especially if hungry, tired or needy. This requires a frequent change in activity.
- Love learning, exploring, imagining, role playing and pretending

Language

- By age 3 can say short sentences, has had great growth in communication, can tell simple stories, uses words as tools of thought
- By age 4, uses complete sentences, asks endless questions, learning to generalize, highly imaginative
- By age 5 can tell long stories, carries out direction well, reads own name, can count to 10, asks the meaning of words, and knows colors
- By age 6, vocabulary continues to grow, begins to read and print letters and simple words
- Children are still developing the ability to use representational thought or mental symbols in the use of words/language, play and dreams
- Uses words for time, distance, size etc., long before they understand the meaning of these concepts

² Please note that the stages of development are considered average normative development and do not take into consideration individual difference, cultural differences, diverse abilities, socio-economic status, education, family history, or history of trauma. Stages should be used as guidelines or suggestionz not as concrete assessment tools.

- Uses and interprets language very literally. For example, a child was asked to describe “what happened in your house?” The child could not answer because they lived in an apartment
- Has difficulty with negatives. Even simple negatives like, “Didn’t you see the car?” might confuse them

Social and Emotional

- By age 3, engages in parallel play, takes turns, may begin to understand concepts of gender, likes to help and responds to verbal guidance
- By age 4, cooperative play, highly social, talkative and versatile
- By age 5, highly cooperative play, enjoys games requiring turns and simple rules, feels pride in accomplishments, eager to carry some responsibility
- Egocentric, children focus on themselves, view situations from their own perspective; not able to consider the thoughts and feelings of others
- Relates to adults in playful ways and is capable of forming attachments with adults other than parents
- Desire to take action and assert themselves
- If child becomes aware that behaviours are unacceptable to others, can produce feelings of embarrassment, anxiety or guilt
- The child is still dependent on adult to meet their emotional and physical needs. The loss of adult support leaves the child feeling alone, vulnerable and anxious
- Development of autonomy and a need for self-assertion and control make it extremely difficult for a child this age to have things “done to” them by others

Sexual Development

It is important to note that sexual development in children begins at birth and continues throughout the lifetime. A child’s sexual development is considered to be the learning of information, skills, values, and behaviours over the life-time that include sexual identity, gender, sex, sexuality, and sexual orientation and ways of thinking about the sexual aspects of interactions with others and the self. Sexual development occurs in, and is influenced by, the context in which an individual lives. This includes (but is not limited to) – culture; religion; social location; economic status; race; ethnicity; languages spoken; education; family history; relationships with family, friends, and community members; access to recreation; geographic location; community and family values; and access to media etc. Sexual knowledge and behaviours develop and change over time as children and youth transition through developmental stages specific to a particular age group.

- Gender differences may begin to be understood, child may identify and become aware of their own gender
- Limited information about pregnancy and childbirth
- Knows labels for sexual body parts, but uses slang
- Uses names of elimination functions for sexual parts
- Does not have a strong sense of modesty
- Enjoys their own nudity

- Interested in toileting functions
- Uses elimination words with peers
- Sexual and genital curiosity increases
- May explore body differences between different genders
- Has often developed gendered role behaviours. (This is often observed by age 1 and well delineated by age 3 or 4)
- Often prefers spending time with same gender peers
- Exhibits sex play with peers and siblings
- Experiences pleasure from touching their genitals, and touching self, even in public
- Can experience physical sexual reactions

Victim Service Work with Pre-School Children Age 3-5

- Given that children in this stage learn from hands-on sensory experience, it is useful to have materials on hand to enhance their learning. These would include puppets, model courthouses, paints, drawing and craft materials.
- Sensory stimulation (color, sound, texture, etc.) helps foster learning, provided that it is not chaotic and does not create “sensory overload.”
- The process of doing and creating is crucial. The actual accomplishment or finished product is not important yet.
- Short attention span requires that there are frequent changes in activities.
- When speaking with pre-school children, use concrete, specific words. Use simple sentences (e.g., subject, verb, object)
- Avoid negatives.
- Ask or tell only one thing at a time.
- Use activities with lots of repetition; reinforcement assists learning.
- Pre-schoolers learn from attitudes and behaviours that you model about the court and justice systems.
- Order and structure help create security for these children.
- Usually children at this age don’t know that they don’t understand something; avoid asking them “Do you understand?”

Ages 6-9 School Age Children

Developmental Characteristics

Physical Development

- Steady growth; mastering fine motor skills, coordination, etc.,
- By age 7, shows some skill in sports, skipping; can learn to swim or play a musical instrument
- By age 8, physical play is very lively, sporting skills develop markedly
- By age 9, adept with hands and fingers; special skills such as in sport, dance or music become evident
- By age 10, has natural command of basic physical skills

Cognitive Development

- Has developed concrete operations and better understands cause and effect
- Has limited perspective-taking ability - is beginning to understand that things that happen are not their fault
- The world is experienced in concrete terms. The child is most comfortable if the environment is structured and the rules are understood
- Has a better perspective regarding time; can differentiate days and weeks, but cannot fully comprehend months or years
- Eager to learn how real things work
- Can focus on more than one feature at a time
- Can go through a series of steps and then reverse directions to go back to the starting point
- May have difficulty handling abstract concepts
- Thought is more logical, flexible and organized
- Memory strategies increase. Children use deliberate mental activities such as rehearsal and elaboration to store and retain information
- By age 10, some children are beginning to think and reason abstractly, and to recognize complex causes of events
- By age 10, some children are beginning to understand perspectives other than their own. They may have developed some insight

Language Development

- By age 7, reads simple words and sentences; prints large and small letters
- By age 8, reads with understanding; learns hand writing
- By age 9, has mastered the basic techniques of reading and writing; can write stories and letters
- Vocabulary continues to grow
- Begin to have more precise and flexible understanding of word meanings
- Still has problems processing complex questions and complex phrases that include, for instance, past perfect tense (e.g., where was this supposed to have happened?)
- Still easily confused by complex negative questions. Multiple negative such as, “You don’t deny you did it, do you”? will probably be confusing
- Has difficulty organizing the details of a narrative

Social and Emotional Development

- Child is mastering social and academic skills
- Individual abilities and interests surface
- Child can form significant attachments to adult and to peers
- Derives security from belonging to a same-sex social group
- When a child is encouraged, they develop a sense of competence

- Self-esteem is strongly affected by how well the child does things in his/her daily activities, including academic performance and play activities
- The child is anxious when there is no structure and when she/he does not understand the “rule” or expectations of a new situation
- The child’s primary identification is with the family, and self-esteem is tied to other people’s perception of his or her family
- Is extremely loyal and exclusive in relationships

Sexual Development

- Aware of genital basis of sex; children who identify as opposite gender than at birth may be very sensitive to gender and sex differences
- Aware of sexual aspects of pregnancy
- Increasing knowledge of sexual behaviour: masturbation and intercourse
- Knowledge of puberty changes
- Often choose to associate with own gender
- Sexual activity more concealed
- Documented increases in masturbation in boys (10% at age 7; 14% at age 8; 85 % at age 13)
- Parental attitudes, peers and societal values influence child’s attitudes toward sex
- Sex games with peers, siblings
- Show modesty, embarrassment; hide sex games from adults
- May fantasize or dream about sex
- Interested in media sex
- Use of sexual language with peers

Victim Service work with School Age Children Ages 6-9

- Children in this stage continue to believe that adults know everything that they know. Helpful questions or comments when working with this age group are: “Even if you think I know it, tell me anyway.” Or “Even if you think it doesn’t matter, tell me anyway.”
- At this stage, during the process of doing and creating, the end product is important. Therefore it is essential that children be given enough time to complete any activity you are doing with them.
- Since memory strategies such as rehearsal and elaboration have increased, court preparation could include role playing.
- At this stage, children continue to learn from hands-on sensory experience, so using puppets, model court houses and art continue to be important. This can be supplemented with other reading and writing activities.

Ages 10-18 Pre-Adolescents and Adolescents

Developmental Characteristics

Physical Development

- Rapid gains in height and weight. Growth spurt typically occurs two years earlier for females than for males
- Growth spurt results in temporary loss of coordination and physical mastery
- Development of secondary sex characteristics due to rapid changes in hormone levels
- Continued brain development. Research suggests that the brain is not completely developed until age 25
- Approaching adult level of mastery of large and small motor skills
- May be sensitive about physical appearance

Cognitive Development

Early Adolescence

- Beginning to think and reason abstractly, and to recognize complex causes of events
- Able to understand perspectives other than their own
- Beginning of the development of insight
- Able to generalize experiences from one setting to another
- Understands that rules often change depending upon the situation

Middle-Late Adolescence

- Developing advanced reasoning skills, which include the ability to think about multiple options and possibilities. Also includes the ability to think about things hypothetically.
- Able to ask and answer the question “What if...?”
- Continued development of abstract thinking skills. Abstract thinking means thinking about things that cannot be seen, heard, or touched, such as faith, trust, beliefs and spirituality
- Developing “meta-cognition” – the ability to think about thinking. This allows individuals to think about how they feel and what they are thinking.

Language Development

- Language skills continue to develop
- Early adolescence may continue to have difficulty with complex negation
- Early adolescence – may not be good at narrative skills and may be confused by linguistic ambiguity such as is found in metaphors, proverbs and jokes
- Can still be confused by complex questions

Social and Emotional Development

Early Adolescence

- Self-esteem and identity are still largely tied to the family
- There is an increased ability to cope independently for short periods of time

- The child continues to turn to significant adults for approval, support and reassurance when things are difficult
- Their social world has expanded to include many people outside the family
- Peers are extremely important
- Opposite sex friendships and/or dating relationships may happen

Middle-Late Adolescence

- Between ages 14-16 is a period of emotional ups and downs. May experience daily or hourly mood swings and fluctuations. Moods begin to even out after age 16.
- Physical and hormonal changes generate a beginning awareness of sexuality
- Desires more independence as years pass
- Rejecting of parental values and rules and adopting the values of peers
- May experience anxiety when deprived of structure, support and rules
- Becoming aware of social roles and experiments with different roles and behaviours
- Developing greater self-reliance. More able to independently make, or contribute to making, many decisions about their life
- Identity is being formulated
- Opposite-sex relationships are as important as same-sex relationships, dating relationships are common
- Capable of empathy
- Has the ability to imagine someone else's experience

Sexual Development

- Experimentation with sexual roles and identity
- By late adolescence, may have a clearer understanding of sexual identity

Victim Service work with Pre-Adolescents and Adolescents Ages 10-18

- Early adolescence is an emotionally chaotic period. The additional stress of being involved in the criminal justice system has the potential of creating "stress overload" and may precipitate a crisis.
- Dependence on adults may threaten the adolescent's sense of independence. As a result, she/he may reject the involvement of the VSW. However, persistent attempts often have positive results.
- The adolescent has the capacity to participate in planning and making decisions with regard to his/her involvement in the criminal justice system.
- Increased cognitive and linguistic ability means that the older adolescent may have the capacity to have a greater understanding of the criminal justice process. However, it is important not to make assumptions about his/her level of understanding.
- Given that adolescents have a strong attachment to their peer group, the VSW may want to explore this as an added source of support for the teen they are working with.

Resources and Suggested Reading:

Burman, E. (2007). *Deconstructing developmental psychology* (2nd ed.). New York, NY: Routledge.

Child Development Institute

Stages of Social-Emotional Development in Children and Teenagers

<http://childdevelopmentinfo.com/development/erickson.shtml>

Trauma

Trauma occurs when an individual is exposed to an overwhelming event that results in feelings of helplessness, anxiety and instinctual arousal in the face of intolerable danger. Research has shown that the impact of trauma is far greater on children than on adults (Perry & Szalavitz, 2006). Further, the immediate and long-term consequences of children's exposure to maltreatment and other traumatic experiences are multi-faceted (Cook et al., 2005). Experiencing abuse (direct and/or inter-generational), neglect, ethnic cleansing, war, and witnessing domestic violence can interfere with the development of a secure attachment within the caregiving system; trauma exposure can result in a loss of core capacities for self-regulation and inter-personal relatedness (Cook et al., 2005).

Some types of traumatic events involve (1) experiencing a serious injury to yourself or witnessing a serious injury to or the death of someone else, (2) facing imminent threats of serious injury or death to yourself or others, and/or (3) experiencing a violation of personal physical integrity. Because these events often occur at a particular time and place and are usually short-lived, we refer to them as *acute traumatic events*. These kinds of traumatic events include the following:

- School shootings
- Gang-related violence in the community
- Terrorist attacks
- Natural disasters (e.g., earthquakes, floods, or hurricanes)
- Serious accidents (e.g., car or motorcycle crashes)
- Sudden or violent loss of a loved one
- Physical or sexual assault (e.g., being beaten, shot, or raped)

In other cases, exposure to trauma can occur repeatedly over long periods of time. These experiences call forth a range of responses, including intense feelings of fear, loss of trust in others, decreased sense of personal safety, guilt, and shame. We call these kinds of trauma *chronic traumatic situations*. These kinds of traumatic situations include the following:

- Some forms of physical abuse
- Long-standing sexual abuse
- Domestic violence
- Wars and other forms of political violence

Adapted from *The National Child Traumatic Stress Network*

Traumatic events usually have the following characteristics:

- **Unpredictable** – sudden and arbitrary; the event cannot necessarily be attributed to a rational cause, so recurrence may not be prevented or protected against
- **Uncontrollable** – individual loses control of their life for varying lengths of time
- **Threatens sense of self** – undermines the individual's identity

Child and Youth's Experience with Trauma

It is important to recognize that severe psychological distress is not simply a consequence of experiencing a threatening and/or frightening event; it is also a consequence of how a child/youth experiences the event, coupled with their own unique vulnerabilities. The degree of distress is associated with several factors:

- **Exposure.** The closer the child or youth to a threatening and/or frightening event(s), and the longer the exposure, the greater the likelihood of severe distress.
- **Relationships.** If a child or youth has a close relationship with the victim of a disaster or crime, the more likely they will experience psychological distress. Similarly, the closer the relationship that a child or youth victim has with the person who is harming them (perpetrator), the greater the likelihood of severe distress.
- **Initial reactions.** How children or youth first respond to a trauma will greatly influence how effectively they deal with stress afterwards. Those who display more severe reactions are at greater risk for the type of distress that will require referral to a mental health practitioner.
- **Perceived threat.** The child or youth's subjective understanding of the traumatic event can be as important as the event itself. Among the factors influencing children's threat perceptions are the reactions of significant adult caregivers. In addition, it is important to keep in mind that children may not view a traumatic event as threatening because they are too developmentally immature to understand the potential danger.

Adapted from "Identifying Seriously Traumatized Children," National Association of School Psychologists' website

Personal Factors Related to Severe Distress

Personal experiences and characteristics can place children and youth at risk for severe stress reactions following a traumatic event. These include the following:

- **Family factors.** Children and youth who are not living with a nuclear family member, have been exposed to family violence, have a family history of mental illness, and/or have caregivers who are severely distressed by the disaster are more likely themselves to have stress reaction.
- **Social factors.** Children and youth who face a disaster without a supportive network of friends and relatives are likely to have a more severe reaction to a traumatic event.
- **Mental health.** The child or youth who has a mental health issue such as depression or an anxiety disorder before experiencing a traumatic event will more likely display a severe stress reaction.
- **Developmental level.** Although young children may be protected from the impact of a traumatic event because they do not recognize the threat, once they perceive a situation as threatening, younger children are more likely to experience severe stress reactions than are older children.

- **Previous experiences.** Children and youth who have experienced previous threatening and/or frightening events are more likely to experience severe reactions to a subsequent event.

Adapted from “*Identifying Seriously Traumatized Children,*” *National Association of School Psychologists’ website*

Trauma Reactions in Children and Youth

Children and youth are affected by trauma and death in particular ways. Their reactions and symptoms are usually expressed through the following:

- Behaviour
- Emotions
- Physical reactions
- Thoughts

Although they may take different forms, stress reactions in children at any age typically include:

- Worry, fear and anxiety about people, places or events
- Re-experiencing images of the traumatic event, or recurring thoughts, sensations, talk or play related to the event
- Heightened sensitivity to sights, sounds, smells and exaggerated responses or difficulty with usual activities
- Avoidance of reminders related to the event and heightened distress when reminded
- Searching for reminders of loved ones

Post-traumatic stress is a common problem for children following a trauma. Children who have experienced the death of someone close may also have some of the same symptoms as children who have experienced a trauma, but the source of the problems and the course of the symptoms may be quite different. Further, if a death has been traumatic, a child may exhibit signs typical of both trauma and grief.

Common Reactions to Trauma and Death by Age Level

INFANTS AND TODDLERS: UNDER AGE 3

- Crying
- Searching for parents/caregivers
- Clinging
- Change in sleeping and eating patterns
- Regression to earlier behaviour (e.g., bed wetting, wanting a bottle)
- Repetitive play or talk

What they know and feel about death

- Little understanding of the cause or finality of death
- Reaction to the separation
- Respond to changes in their immediate world, curious about where things go. If something is not visible it does not exist.

Adapted from *Caring for Kids After Trauma and Death: A Guide for Parents and Professionals*

How Victim service Workers Can Assist Parents and Caregivers to Support Children under 3 years

While VSWs are unlikely to see children in this age group, they may have to provide support to parents or caregivers. The following are suggestions that VSWs can give parents or caregivers.

- Expect repeated questions, as if the information has never been heard before
- Reassure children that they will be well cared for
- Explain that adults are always around to care for children until they get old enough to take care of themselves
- Maintain routines as much as possible
- Soothe and comfort in familiar ways by rocking, cuddling and singing/playing songs
- Maintain limits and boundaries
- Involve them in play
- Use picture and story books to explain concepts on their level
- Describe things in terms of the senses and everyday activities such as sleeping, smelling, listening, and/or talking
- Relate information to the child's own world: "Mommy goes to the doctor to help her feel better like you went to daddy when you fell down"
- Offer simple explanations for injury

PRESCHOOLERS AND YOUNG CHILDREN: 3-5 YEAR OLDS

Common reactions to trauma and death

- Separation fears – from parents/caregivers
- Clinging
- Angry outbursts, tantrums
- Fighting
- Crying
- Withdrawal (dissociative response)
- Regression to earlier behaviour
- Disrupted sleep pattern (e.g., nightmares, difficulty sleeping alone)
- Increased fears (e.g., monsters, the dark)
- Magical thinking, believing the person will reappear
- Acting and talking as if the deceased person is still alive
- Fear that the person who harmed them will come back

What they know and feel about death

- Will personalize the experience and believe they may have caused it
- Believe that death is a punishment
- Equate death with things that are still (do not move) and life with things that move
- Believe death is reversible
- Believe the dead person still has living qualities
- Inability to manage time and finality

Adapted from *Caring for Kids after Trauma and Death: A Guide for Parents and Professionals*

How Victim Service Workers Can Support Children in 3 to 5 Years Age Group

- Use age-appropriate language – simple words and short sentences
- Avoid lengthy sessions as children may tire easily – take cues from the child
- Be careful of what you say in conversing with a parent or caregiver in the presence of the child
- Correct misinformation and imagined fears and concerns
- Give honest and clear answer; use simple explanations about the causes of the event; (e.g., “some people do harmful things”)
- Use real vocabulary for the trauma or the death, avoid euphemisms
- Help label emotional reactions and feelings
- Dispel fault; their thoughts, words or behaviours did not cause someone to harm them or someone they know to die
- Reinforce the fact that traumatic events or death are not forms of punishment
- Expect repetition of questions
- Provide safety by establishing structure and setting limits
- Give the child choices where ever possible

- Encourage expression of feelings through art and play. Have puppets, toys, art materials etc. available to help facilitate expression
- Use resources such as books and videos
- Provide information to the child's caregiver about trauma and concrete ways in which a parent can support the child

EARLY SCHOOL-AGE CHILDREN: 6-9 YEAR OLDS

Common reactions to trauma and death

- Denial
- Anxiety
- Irritability
- Self-blame
- Mood fluctuations
- Fear of being alone
- Fear of separation
- Fear of event occurring again
- Regression
- Somatic complaints (e.g., headaches, stomach aches, fatigue, increased illness)
- Self-destructive behaviours
- Difficulty in concentrating
- Dissociation when reminded or thinking of the event
- School problems
- Disrupted sleep patterns

What they know and feel about death

- Fascination with the details of what happened
- Increased understanding of personal safety and health
- Personification of death; belief in evil
- Belief in the power of their own thoughts to cause death
- Child becomes the "perfect child" in order to correct or prevent death, or becomes the "bad child" in order to gain punishment for a death perceived as their fault
- Desire to be reunited with the deceased person

Adapted from *Caring for Kids after Trauma and Death: A Guide for Parents and Professionals*

How Victim Service Workers Can Support Children in the 6 to 9 Years Age Group

- Provide clear and honest information. Describe what you know about the event(s) and acknowledge that sometimes no one knows the answer to certain questions, such as why the incident happened
- Find out what a child already knows and thinks and ask the child questions rather than make assumptions
- Use concrete language
- Encourage the child to communicate unpleasant and confusing feelings either verbally or through art and play
- Validate and normalize the child's reactions and difficulties in school, and with family and peers
- Expect and allow for repetitive questions
- Be alert and sensitive to clues of a child's self-blame and correct myths and misunderstandings
- With written permission from the parent or caregiver, liaise with professionals and supportive adults who can help with the changes in the child's life such as teachers, coaches, babysitters
- Encourage the child's involvement in familiar, age-appropriate activities, both social and recreational
- Encourage expression of feelings verbally, and in play and art
- Assist the child in their relationships with others. Discuss their preferences as to what they want to keep private
- Use resources such as books and games for explanations of information and feelings
- Provide safety for the child by establishing structure and setting limits

PRE-ADOLESCENTS: 9-12 YEAR OLDS

Common reactions to trauma and death

- Longing for someone who has died
- Anger and aggression
- Irritability
- Sadness
- Withdrawal and isolation
- Flat affect – denial or suppression of feelings (e.g., dissociation)
- Extreme fear – panic and anxiety
- Disrupted sleep patterns
- Disrupted eating habits
- Self-blame
- Somatic complaints
- School problems – academic decline
- Inability to concentrate
- Hyper vigilant expressions of concern and need to help
- Crying

What they know and feel about death

- Mature understanding of death. They understand its permanence, irreversibility, inevitability and universality
- Adult-like responses such as anger and sadness
- Exaggerated attempts to protect and help caregivers and family members
- Feelings may be hidden from others
- Increased sense of isolation due to feeling different from others
- May feel conflict between responsibility to family and desired outside social connections

Adapted from *Caring for Kids after Trauma and Death: A Guide for Parents and Professionals*

How Victim Service Workers Can Support Children in the 9 to 12 Years Age Group

- Look for opportunities to address feelings when the child is ready. Let children choose their own pace
- Support and accept expression of all types of feelings
- Educate the child about common reactions they may have, such as anger, sadness, etc.
- Ask the child how and what they want to say to others about the event
- Encourage the child's involvement in activities outside the home
- Normalize the feelings the child may be having by giving examples of common ways in which a child might respond to a trauma or death
- Allow the child to express his or her personal story of events

ADOLESCENTS: 13 -18 YEARS OLD

Common reactions to trauma and death

- Numbing (dissociation)
- Re-experiencing
- Avoidance of feelings
- Loss of trust
- Guilt and shame
- Depression
- Suicidal ideation
- Self-harm
- Distancing and withdrawal from family and friends
- Mood swings
- Anxiety
- Anger
- Exaggerated euphoria
- Acting out by engaging in risky, antisocial or illegal behaviour
- Changes in eating and sleeping patterns
- Somatic complaints
- Decline in school performance
- Inability to concentrate

What they know and feel about death

- Grief reactions similar to an adult
- Feeling pressured to be responsible and engage in adult behaviour
- Fear of expressing strong emotions; anxiety due to feeling overwhelmed
- Change in sense of identity and purpose of life

Adapted from *Caring for Kids After Trauma and Death: A Guide for Parents and Professionals*

How Victim Service Workers Can Support Youth in the 13 to 18 Years Age Group

- Validate and normalize the youth's feelings
- Be alert and sensitive to clues that the youth may be blaming themselves. Make it clear that it was not the youth's fault
- Explore youth's fears, assumptions and questions arising from the event
- Encourage the youth to express feelings
- Educate about the potential risks of acting out behaviour
- Expect variability in moods and behaviour

- Explore positive coping strategies
- Provide information
- Assess the youth for suicidal ideation. Be aware of any verbal or behavioural indicators of suicidal intent
- Avoid using language that is too simple. This could be perceived as condescending

Resources

Caring for Kids After Trauma and Death: A Guide for Parents and Professionals. 2002. Institute for Trauma and Stress, NYU Child Study Center, available online at www.aboutourkids.org/aboutour/articles/crisis_guide02.pdf

Guide for Needs Assessment for Youth. University of Victoria School of Child and Youth Care, available online at <http://web.uvic.ca/cyc/naty/guide/index.html>

Helping Children and Adolescents Cope with Violence and Disasters
National Institute of Mental Health
<http://www.nimh.nih.gov/publicat/violence.cfm>

The National Childhood Traumatic Stress Network
<http://www.nctsn.org/content/defining-trauma-and-child-traumatic-stress>

Parents and Caregivers Information Handbook, Child Abuse Prevention and Counselling Society of Greater Victoria, available by writing to admin@vcapcc.com; or available online at www.vcapcc.com

Complex and Developmental Trauma

The negative impact on child and youth development as seen in developmental trauma occurs when children and youth are exposed (experience or witness) multiple prolonged adverse events beginning in childhood or early adolescence that include significant disruptions of protective caregiving. Research through the Complex Trauma Taskforce - National Child Traumatic Stress Network (NCTSN) is continuing to learn more about the effects on child development of multiple victimizations.

Developmental trauma, often referred to previously as complex trauma or poly-victimization was coined by the NCTSN taskforce to explain a cluster of interruptions in normative development effecting children and youth exposed to prolonged adverse events. These interruptions and mental health effects are outlined in the criteria for Developmental Trauma Disorder (DTD) in the abbreviated chart below. The criteria of DTD is intended to provide health care providers a more accurate diagnosis and treatment for children and youth exposed to this type of trauma. Currently, research continues to expound on the effects and characteristics of developmental trauma in order that it be included in the next edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM VI).

Developmental Trauma Criteria (NCTSN Taskforce):

- A. **Exposure** - The child or adolescent has experienced or witnessed multiple prolonged adverse events over a period of at least one year beginning in childhood or early adolescence and there are significant disruptions of protective caregiving.
- B. **Affective and Physiological Deregulation** - The child exhibits impaired normative developmental competencies related to arousal regulation.
- C. **Attention and Behavioral Deregulation** - The child exhibits impaired normative developmental competencies related to sustained attention, learning, or coping with stress.
- D. **Self and Relational Dysregulation** - The child exhibits impaired normative developmental competencies in their sense of personal identity and involvement in relationships.
- E. **Post-traumatic Spectrum Symptoms** - The child exhibits at least one symptom in at least two of the three PTSD symptom clusters.
- F. **Duration of Disturbances (symptoms in DTD Criteria B, C, D and E) at least 6 months.**
- G. **Functional Impairment** - The impairment causes clinical significant distress or impairment in two of the following areas of functioning:
scholastic under-performance; familial conflict; peer group; legal involvement/disruptions; health, physical illness or problems that cannot be fully accounted for.

For VSWs, when working from a TIP perspective, having knowledge of the effects of multiple ongoing adverse events on child development will help them in their approach and provision of appropriate justice supports and resources for these children and youth. The trauma-informed skills and supports for children and youth who have experienced multiple forms of trauma and interruptions in caregiving include respectful collaboration with other justice, education, mental health and community providers in order to ensure children and youth are adequately supported and advocated for, as their situation requires, at all stages in the justice process and to avoid further re-traumatization (do no harm).

How Victim Service Workers Can Support Children & Youth with Multiple Forms of Trauma and Victimization (Complex/Developmental Trauma)

- Safety first: all children need their safety needs met through positive caregiving; children and youth with multiple trauma and interrupted caregiving may have a difficult time establishing or re-establishing trust with their caregivers and others with whom they come in contact. Develop safety plans and strategies with justice personnel (e.g., police, MCFD workers) and the child or youth and their caregivers regarding planned victim service contact and information to create a safe environment with which to connect the child or youth with support in the community.
- Children or youth who have experienced multiple instances of adverse events (e.g., abuse, assaults, witnessing violence) may find it very difficult to engage with community professionals; use TIPs approach to engage with children and youth from the first meeting. Ensure that victim service support is provided at the time of justice system involvement.
- Focus on network of supports and relationships in place for child or youth and family to help decrease anxiety.
- As caregivers may experience difficulty parenting children who have experienced prolonged trauma exposure and interruptions in caregiving, victim service workers can support the caregiver by providing information on local parenting programs and provide information, resources, web-sites and educational materials on the topic of parenting after trauma.
- If justice matters proceed, follow-up prior to court preparation to ensure that there is ongoing stability at home or in their placement; if there have been further interruptions in caregiving these may have a profound effect on child or youth's mental health and ability to testify in court.
- Refer children and youth to appropriate trauma counselling, mental health or other community support programs.
- Provide justice support information more frequently and consistently to ensure that the information presented is being integrated by the child or youth and their caregiver, particularly if there are challenges or issues with retaining information (cognitive dissociation and disorganization).
- Recommend to caregivers that there be a focus in the home on reducing stress through formal and informal methods of support.

Diversity in Practice

Victim Service Workers (VSWs) provide support to children, youth, and families from diverse cultures and communities. Working in different communities throughout the province, community-based Victim Service Workers will encounter and work with many different cultures, communities, and unique family situations. In order to provide effective support, it is essential that VSWs acknowledge difference, respect diversity, and understand the importance of working from a respectful position.

Just as with the families that Victim Service Workers encounter, VSWs themselves are from all different cultures and communities. Personal experience, attitudes, and beliefs often influence the work that Victim Service Workers engage in. Personal reflection and thoughtful engagement is essential to providing respectful and appropriate support. The role of the VSW is to support the child, youth, and/or family through the Criminal Justice System; this support must reflect the needs, attitudes, and beliefs of the family regardless of the personal attitudes of the Victim Service Worker. Awareness of how one's attitudes, values, and beliefs influence the work is an important part of acknowledging and respecting differences. If a VSW feels that they are unable to work effectively with a client because of a personal bias or belief or discomfort, the client should be referred to another worker for reasons of both professional integrity and the client's well-being.

To be most effective, a VSW will be aware of and sensitive to their client's family history and cultural values, because these have shaped the family dynamics and influenced their response to abuse and other social problems. A VSW also needs to be aware of their own cultural attitudes and values, and to understand how these have shaped their own perceptions and beliefs in areas such as family interactions, sexual abuse, and the rights of children and youth.

Diverse Cultures, Ethnicity, and Language

Victim Service Workers will work with children, youth, and families of different cultures, ethnicities, and language. It is important to reflect on and understand how culture, language, or ethnicity may impact a child, youth, or family's engagement with professionals and the Criminal Justice System as well as influence the family's beliefs on child abuse, children's rights, the role of spiritual or religious beliefs, or education for children and families.

The VSW should provide accurate and appropriate information about the Criminal Justice Process and current Canadian laws and regulations as well as acknowledge and respect how Canadian laws may differ or be in conflict with certain cultures' beliefs or practices. For example, in some cultures, engaging with the police or Criminal Justice process is unsafe for families and criminal activity or child abuse is dealt with within the community and never reported to the authorities, whereas in Canada it is a legal requirement to report child abuse.

VSWs should be aware of language when working with families. If a translator is needed or resources in a different language other than English is required the Victim Service Worker should advocate for this for the child, youth, or family.

Victim Service Workers can reach out to community resources to access appropriate supports for a family as needed and requested by the family. For example, a mosque representative to support a child during a police interview and provide observation for religious requirements.

Stumbling Blocks to Cross-Cultural Communication

In cross-cultural situations, five stumbling blocks may interfere with clear communication and understanding:

- Language
- Non-verbal communication
- Pre-conceptions and stereotypes
- Tendency to evaluate
- High anxiety

Trauma Informed - The Trauma Toolkit 2nd Edition (2013) provides information to service organizations and providers to deliver services that are trauma-informed and cross-cultural, www.trauma-informed.ca/

Diverse Genders, Sexualities, and Orientations

Children, youth, and families, have and identify with diverse genders, sexualities, and orientations. Gender and sexual diversity are increasingly a topic of discussion in the media, in schools, and in the greater community and the diversity of gender identities that individuals, including children, identify with are becoming more widely accepted. While our knowledge as a society on gender and the development of gender identity, transgender identity, and gender identities outside of male/masculine and female/feminine continues to grow, it is important as a Victim Service Worker to acknowledge and respect that individuals may identify with a diverse range of genders and sexualities. This includes, but is not limited to: Lesbian, Gay, Bisexual, Trans, Two-Spirit, Queer, Questioning, Intersex, and Asexual (LGBTQIA³) identities.

³ Throughout different communities there are different iterations of this acronym. It is acknowledged that acronym utilized in this manual does not include all possibly identities but represents one of the more commonly used acronyms to represent these diverse communities of individuals

Victim Service Workers should be aware of how the current beliefs with Canadian society that see heteronormative⁴ identities as the “norm” impact individuals and families that identify otherwise. Victim Service Workers can advocate and work to reduce barriers and acknowledge diversity in their practice in order to create welcoming and inclusive environments for all individuals.

Gender, sex, sexuality, and sexual orientation are separate aspects of identities and it is important to recognize that while some individuals are open about their gender or sexual orientation, not all individuals will be open in all situations. For example, a youth may identify as gay but may not want his parents to know.

Individuals who identify with diverse genders may utilize diverse pronouns or identify with a gender that is different from the sex that is listed on their birth certificate. It is important for a Victim Service Worker to be aware of and respectful of how individuals identify and refer to themselves as well as be aware of complications or barriers that the individual or family may face while proceeding through a Criminal Justice Process.

A VSW also needs to be prepared to respond appropriately if a youth or parent discloses they are LGBTQ and to be sensitive to privacy and confidentiality needs, including between family members. A VSW should familiarize themselves with appropriate resources in the community to direct a child, youth, or family to if needed.

Diverse Abilities

Individuals have diverse abilities, this includes visible and invisible disabilities, undiagnosed and diagnosed disabilities, medical conditions, and other factors that impact abilities and an individual or family’s needs while working with a Victim Service Worker. It is crucial that VSWs be aware of the diverse needs and abilities for the clients with whom they work so that support can be effective and appropriate. VSWs may need to advocate for special accommodations or the needs of the child/youth while supporting them through the Criminal Justice System. For example, a youth may have an auditory processing disorder that impacts their ability to understand and respond accurately to questions or a child may be diagnosed with autism and need special accommodations for their testimony.

Victim Service Workers should familiarize themselves with resources in their communities in order to access supports or direct families to appropriate resources for individuals with diverse abilities.

⁴ Heteronormativity is defined as the belief that people fall into distinct and complementary genders (man and woman) with natural roles in life. It assumes that heterosexuality is the only sexual orientation or only norm, and states that sexual and marital relations are most (or only) fitting between people of opposite sexes. The dominant social culture of Canada and North America is heteronormative and this impacts individuals and families as identities that fall outside of heteronormative standards as they are considered to be different or abnormal. It is important for Victim Service Workers to understand and acknowledge that it is being increasingly recognized that gender and sexual diversity are a normal part of human development and diversity.

Welcoming and Inclusive Environments

Victim Service Workers should strive to create welcoming and inclusive environments for their work with children, youth, and families so that families and clients can feel safe and welcomed. Welcoming and inclusive environments, as well as attitudes and language (i.e., what words are used) while working directly with families regardless of location is an important part of respecting diversity in practice. Victim Service Workers should be aware of appropriate language and terminology while speaking with clients, continue to educate themselves about updates and advances to terminology and language, and be respectful of how individuals and families identify themselves and their communities. Language and terminology change and update regularly, it is crucial to be up to date and aware of current and appropriate language and terminology.

Some examples of welcoming environments include:

- Visual markers displayed that show it is a safe space for individuals of all genders, sexualities, and orientation
- Acknowledgment of the traditional Indigenous territories on which the Victim Service Worker provide service
- Inclusive language, diverse images, and languages displayed on resources and websites
- Accessible work space for individuals of all abilities
- Accessible washroom facilities

Intergenerational Trauma and Colonization

Canada has a long history of colonization and violence against Indigenous⁵ communities. The *Truth and Reconciliation Commission of Canada Final Report* (2015) provides a summary of the findings of the Commission in order to acknowledge the impact of historical violence and trauma colonization has had on Indigenous communities across Canada.

Victim Service Workers should be aware of and continue to educate themselves on the impacts of colonization, the history of residential schools within Canada, as well as the effects of intergenerational trauma on the communities with whom they work. Due to the history of colonization and continuing impacts of colonization on the lives of Indigenous peoples, Victim Service Workers should reflect on their role within the Criminal Justice System, which for many is viewed as the ongoing embodiment of a colonized system. Many communities, children, youth, and families may have difficulties participating in the Criminal Justice System or viewing their participation as positive and necessary due to historical impacts, community beliefs, and ongoing intergenerational trauma.

Many Indigenous communities are viewing sexual abuse and family violence as community traumas rather than as an individual family trauma. These communities are exploring ways of

⁵ Indigenous is utilized throughout this Manual to refer to a diverse range of communities across Canada and is utilized as an inclusive term referring to Aboriginal, First Nations, Inuit, and Metis communities.

healing the whole community and a VSW may be more effective if their approach recognizes community concerns as well as the concerns of individual family members. In recognition of these changing perspectives, restorative justice as a response to crime is becoming integrated into the formal Canadian criminal justice process, especially for Indigenous offenders, with implications for both Indigenous and non-Indigenous victims.

Recommendations for Victim Service Workers

Be aware of personal values, beliefs and cultural influences and how these can differ for people with different cultural backgrounds.

Be aware that some clients may belong to cultural groups who have historically been discriminated against in our society, and that this may affect their response to trauma.

Communication in some families which have recently immigrated may be limited because parents speak the language of their country of origin while their children have learnt to speak English and lost the use of or choose not to use their parent's language.

In some families which have recently immigrated, a child or youth may play an intermediary role between their parents and the services that the family becomes involved with, again because of language barriers, and also because they but not their parents have knowledge of local practices. A VSW needs to assess each such situation as to whether it is appropriate for communication with the parent(s) to be through the children, or whether an interpreter is needed.

In immigrant families, there may be conflict between parents and their children in terms of acceptable behaviour and practices. Parents may be guided by what they grew up with in their country of origin, while their children have been acculturated to Canadian customs and standards of behaviour which may be quite different.

Take every opportunity to learn about diversity and cultural composition in the local community; meet with cultural service providers, inform them about victim services and invite suggestions for appropriate service and attend local cultural events.

The *Competencies for Professional Child and Youth Work Practitioners* (Mattingly, Stuart & Vandervan, 2010) suggest several principals that workers should integrate into their work with children, youth, and families to address diversity in practice. This has been adapted.

Cultural and Human Diversity Awareness and Inquiry

1. Acknowledge own biases, personal beliefs, and attitudes
2. Acknowledge own limitations in understanding and responding to cultural and human differences and seeks assistance when needed
3. Recognize and prevent stereotyping while accessing and using cultural information
4. Access, and critically evaluate, resources that advance cultural understandings and appreciation of human diversity
5. Acknowledge and advocate for reducing barriers to services for children, youth and families
6. Acknowledge and adjust for the effects of age, cultural and human diversity, background, experience, and development on verbal and non-verbal communication

Resources

Difference and Diversity in Basic Training for Victim Services Program Coordinators, Module II, Victim Services Division, Ministry for Public Safety & Solicitor General, October 2003.

Removing Barriers and Building Access: A Resource Manual on Providing Culturally Relevant Services to Lesbian, Gay, Transgendered and Bisexual Victims of Violence (2004). Available from The Centre, 1170 Bute St, Vancouver, BC, 1-800-566-1170
educationoutreach@lgbtcentreancouver.com;

Trans People in the Criminal Justice System. A Guide for Criminal Justice Personnel. Trans Alliance Society, 1170 Bute St, Vancouver, BC V6E 1Z6.

Working with Aboriginal Victims: A Victim Services Training Manual (2004) Indian Residential School Survivors Society, 2406 Nanaimo St., Vancouver, BC, 1-604-258-7326
<http://www.irsss.ca>

Parenting in Canada. Child Welfare League of Canada. A guide for immigrant parents on Canadian attitudes in regard to child abuse, sexual abuse, physical discipline, and Canadian laws on child-rearing http://www.cwlc.ca/pubs/parenting_e.htm

Working with Youth

Sometimes a young person may wish to access service independently, without their parent(s) involvement or knowledge. This should not be a barrier to service, as long as they are able to understand the nature of the service being provided and the limits to confidentiality (see **Services for Independent Youth** below) or they may be attending willingly or unwillingly with a parent. A VSW can help the young person identify and acknowledge their feelings. They can also help identify what other support is available to the young person, such as a school friend they are comfortable with who could support them. This person's support could include going with the young person to any meetings with the police, attending court preparation sessions, and supporting them through the court process and attending court on trial days.

In some cases, a young person referred for Victim Services may also have been a perpetrator in a separate incident with the same individuals, and this may affect their perspective and their willingness to participate in a criminal justice process.

It is recommended that a variety of information resources be available, so that young clients can utilize the resources that work best for them. Resources could include pamphlets that the youth can take home and read, a video to watch with the VSW, and access to interactive websites.

Larger communities may have a confidential support service for youth which young clients may wish to use. Some youth may prefer not to use local resources and prefer the anonymity of support outside their community. Kids Help Phone is a free, confidential, 24-hour/all year counselling and support service available by phone or online. Their online services include "Ask A Counsellor," where a Counsellor responds to posted questions, and a weekly discussion topic moderated by a Counsellor. There are many online resources youth can access for anonymous questions and support.

Services for Independent Youth

Some young people may wish to access Victim Services without the involvement of a parent or guardian. In these cases, services can be provided if the VSW judges that the youth has the maturity and ability to understand the nature of the services being provided and is able to sign an agreement for service with informed consent.

There are no established standards for determining whether a youth has the maturity and ability to provide informed consent. Recent guidelines were developed by B.C.'s Ministry of Children and Family Development for youth receiving counselling through its Sexual Abuse Intervention Program. While services provided by VSWs do not include treatment or counselling, the SAIP guidelines provide useful direction for determining informed consent. The SAIP guidelines identify the following factors for consideration:

- The general maturity and intellectual capacity of the child;
- The child’s ability to understand the nature, consequences, risk and benefits of treatment;
- Whether the child is dependent on parents or other caregivers or is self-supporting; and
- The complexity of the treatment or the issues raised by the request for the release of information.

It may be appropriate for a child or youth to give consent to treatment in some circumstances, but not in others. The determination of whether a minor is a mature minor must be based on a current capacity assessment interview with the minor.

A young person who is able to provide informed consent has the right to service without parental involvement; however, it is preferable, except in extraordinary circumstances, for a parent or guardian to be aware of the youth’s involvement with Victim Services and to participate in key decisions. The VSW should make reasonable effort to educate the youth about the benefits of parental or guardian support and obtain their consent to having their parent or guardian informed and involved in key decisions.

Self-Advocacy

A youth may wish to seek help or advocate for themselves in regard to a government service or support that they believe they should be receiving, or where they feel their concerns are not being heard. Assistance may be available for them through the BC Office of the Representative for Children and Youth (see contact information below).

The Representative for Children and Youth’s mandate areas include family support, child protection, adoption and guardianship; child and youth mental health and addictions; youth justice and transition to adulthood.

Resources

B.C. Office of the Representative for Children and Youth <https://www.rcybc.ca/>

Kids Help Phone, 1-800-668-6868, <http://kidshelp.sympatico.ca/en/>.

Victim Link, 24 hour emergency support line for victims of violence and crime:

1-800-563-0808

Supporting the Family

When a Victim Service agency receives a child or youth referral, services will often be needed for the young person's caregiver(s), and sometimes siblings and other family members as well. The Victim Service Worker (VSW) will need to identify and support the needs of the young person, as their primary client, while also addressing a range of possibly conflicting needs of the family as a whole.

An additional challenge with child and youth referrals is that they are usually for a sexual and/or physical abuse offence, with the young person either the direct victim or a witness to such an offence. In many cases, there has been a recent disclosure of abuse, and the VSW needs to ensure that the matter has been reported to the Ministry of Children and Family Development (or delegated child protection agency); if the accused is 12 years of age or older, the police also need to be informed (see **Reporting Child Abuse** section for information about legal requirements to report, and the recommended procedure for doing so).

If the accused is a parent or other immediate family member, they will usually be ordered to leave the home. The family is likely to be in a state of crisis and dealing with the many implications for family relationships, and possibly family break-up. The young person's non-offending parent may be experiencing feelings of guilt and betrayal, and possibly denial. In these circumstances, it is important not to assume that the young person is in a supportive family environment and to be aware that they may have conflicted feelings about the offender. Support the non-offending parent to be emotionally and physically available to their child but not directly question their child or youth on the specifics of what occurred.

If the accused is a close relative, is well known to the family, or is in a trusted role such as babysitter, then family members, in addition to being in shock that the abuse occurred, are likely to be feeling guilty and betrayed.

Because of the nature of the VSW role, it is easy to become over-involved or to take charge of the family situation. The VSW's job is to support the family, provide emotional and practical support, and support them through the criminal justice process.

Strategies and suggestions are outlined below for supporting non-offending family members. They are also generally helpful for referrals which do not involve intra-familial abuse.

It is important to meet and provide information verbally, wherever possible. Personal contact facilitates the development of a trusting relationship, which in turn enables the VSW to better support the family. It is also recommended that written information in plain language is available so that the family can take home and read during quiet moments; this can reinforce verbal information, and also serve as a handy reference and support when new questions and concerns arise.

Support immediately following disclosure and referral:

- Encourage the non-offending parent and siblings to believe and support the child.
- Be open to and empathize with all feelings. Acknowledge family anger if present. Help identify and dissipate inappropriate anger reactions.
- Be aware that a non-offending parent may want to believe that their child/youth colluded with the offending parent or others to fabricate the story. Educate the family about offender responsibility in order to alleviate feelings of guilt.
- Explain the importance of not questioning the child or youth about details of what occurred to preserve disclosure information obtained in the investigative interview.
- Avoid triangulation with other helping agencies or with family members. Information sharing with all parties should be as open as possible, with appropriate consent obtained. Confidentiality is limited by safety issues and legal requirements.
- Normalize the family's feelings; these may include confusion, shock, and loss of control. Help family members to understand why they are experiencing grief and loss.
- Assist the family in developing a system of support with extended family and friends which maintains confidentiality and privacy for the child and the family.
- Provide information about available services that will support the family.
- Begin to educate, as appropriate, about the criminal justice system, as relevant to the family's present situation.
- Assist the family in developing routines (or returning to familiar routines that were lost following disclosure and family crisis).
- Help the family understand that all family members and the family system as a whole are affected.
- Ensure that all siblings have an opportunity to share their feelings.
- Clarify the VSW role, the services that can be provided, and the limits to service.
- Ensure that family members are safe from further abuse. Assist the non-offending parent with safety planning for the family as appropriate, for example: what safety plan will be in place if the accused needs to return to the home to collect personal belongings? How will the family deal with phone calls from the accused, if calls are legally permitted?

Period after Disclosure

- Assess the need for other services, initiate recommendations and advocate in the community as appropriate (e.g., counselling for an older sibling).
- Inform family members about the Crime Victim Assistance Program (CVAP) and offer assistance in completing applications.
- Acknowledge and support healthy routines and coping skills.
- Assist the family with skills for communication and expression of feelings among the family.

Continuing Support:

- Provide information and support to the child or youth and other family members which will help them understand any ambivalent feelings or sense of loyalty they may have towards the accused.
- Do not collude with the victim's anger towards the accused or non-offending parent.
- Encourage the non-offending parent and family members to have empathy for the victim.
- Continue to educate, as appropriate, about the criminal justice process and what it means to be a witness, and what support can be provided.
- Educate about the limits to support that various parts of the system can provide (e.g., legal, child protection, specialized victim assistance).
- Assist the family with decision-making, problem-solving, and assertiveness.
- Encourage participation in counselling for family members, as appropriate.
- Encourage the non-offending parent and family to broaden the scope of family/friend/supports.
- Acknowledge feelings of grief and/or loss.
- Acknowledge and encourage family strengths; assist the family in developing strategies for dealing with obstacles.
- Encourage maintenance of positive cultural and spiritual supports and practices.

Post-Criminal Justice Resolution

After the matter has been through the criminal justice system, the victim and family are likely to have a range of feelings, regardless of the outcome.

- Support the victim and family members in acknowledging and building on their strengths.
- Discuss current needs with the young person (depending on their age) and with family members.
- Relinquish parts of the support role and reduce involvement as the need for outside support lessens.
- Support new thinking, healthy behaviours and positive role modelling in the family.
- Encourage family change and growth.
- Have a celebratory ending with family members that acknowledges the family's changes and growth; include other significant parties, as appropriate (e.g., police, Crown Counsel).

Resources

Guidelines for Intervention with Family Members Handout 6.6, Module II training, Victim Services Division, B.C. Ministry of Public Safety and Solicitor General, 2003. Provides practical suggestions for providing support for families.

Parents and Caregivers Information Handbook, Child Abuse Prevention and Counselling Society of Greater Victoria, copies available by emailing admin@vcapcc.com

Family Law Resource Manual for Community-Based Advocates Assisting Women Dealing with Violence Issues, January 2004. Prepared by BC Association of Specialized Victim Assistance and Counselling Programs, and BC/Yukon Society of Transition Houses. www.endingviolence.org/publications.php

Offences against Children and Youth

Offences against children and youth generally involve some form of abuse or exploitation. There are currently at more than 20 offences in the *Criminal Code* that may be invoked. Sexual offences are the most frequently invoked *Criminal Code* sections when the victim is a young person. A list of *Criminal Code* offences is provided at the end of this section.

The following sections describe the various offences that most commonly occur against children and youth.

Sexual Abuse

Sexual abuse occurs when a child is used for sexual purposes by an adult or an adolescent. The *Criminal Code* has a number of sexual offences against children which are indicated below. The *B.C. Handbook for Action on Child Abuse and Neglect* (2016) provides fuller description of the behaviours that constitute sexual abuse, as well as guidelines for professionals responding to child maltreatment in British Columbia.

The *Handbook* defines a child as a person under 19 years of age, and provides the following definition of sexual abuse:

Sexual abuse is when a child is used (or likely to be used) for sexual gratification of another person. There are many criminal offences related to sexual activity involving children. The *Criminal Code* prohibits:

- Any sexual activity between an adult and a child under the age of 16. A child under 16 is incapable in law of consenting to sexual activity (s. 150.1 of the *Criminal Code*). The criminal law recognizes that consensual "peer sex" is not an offence in the following situation: if one child is between 12 and 16 years and the other is 12 years or more but under the age of 16, less than two years older, and not in a position of trust or authority to the other.
- Any sexual activity between an adult in a position of trust or authority towards a child between the ages of 16 and 18 years.
- Any sexual activity without the consent of a child of any age (depending on the activity, non-consensual sexual activity may constitute the criminal offence of sexual assault).
- Use of children in prostitution and pornography.

The *Handbook* further notes:

Sexual abuse is any behaviour of a sexual nature toward a child, including one or more of the following:

- touching or invitation to touch for sexual purposes
- intercourse (vaginal, oral, or anal)
- menacing or threatening sexual acts, obscene gestures, obscene communications or stalking
- sexual references to the child's body/behaviour by words/gestures
- requests that the child expose their body for sexual purposes
- deliberate exposure of the child to sexual activity or material, and
- sexual aspects of organized or ritual abuse

Sexual Exploitation is a form of sexual abuse that occurs when a youth engages in sexual activity, usually through manipulation or coercion in exchange for money, drugs, food, shelter or other considerations. The *Criminal Code* defines a young person as a person aged at least 16 years of age and under 18 years.

The *Handbook* provides guidance as to what behaviours are considered as sexual exploitation. These include:

- performing sexual acts
- sexually explicit activity for entertainment
- involvement with escort or massage parlor services, and
- appearing in pornographic images.

Children living on the street are particularly vulnerable to exploitation. Children in the sex trade are not prostitutes or criminals—they are victims of abuse.

Sexual activity between children

The *Handbook's* definition and interpretation of sexual activity between children provides guidance as to when such behaviour is of concern, as follows:

Sexual activity between children or youth may constitute sexual abuse if the difference in age or power between the children is so significant that the older or more powerful child is clearly taking sexual advantage of the younger or less powerful child. This would exclude consensual, developmentally appropriate sexual activity between children where there is no significant difference in age or power between the children.

Physical Abuse

The *Handbook* defines physical abuse as:

Physical abuse is a deliberate physical assault or action by a person that results in, or is likely to result in, physical harm to a child. It includes the use of unreasonable force to discipline a child or prevent a child from harming themselves or others. The injuries sustained by the child may vary in severity and range from minor bruising, burns, welts or bite marks to major fractures of the bones or skull to, in the most extreme situations, death.

Physical punishment

There is much debate in Canadian society about the use of physical punishment with children. Section 43 of the *Criminal Code* gives parents and caregivers the right to use reasonable force to correct a child. Some believe that the use of physical punishment constitutes abuse and contravenes a child's right to freedom from abuse under the Canadian Charter of Rights and Freedoms and the U.N. Convention on the Rights of the Child. Others believe that discipline is a fundamental part of parenting and that parents have the right to determine how to parent their child.

A 2003 study sponsored by several organizations including the Canadian Institute of Child Health and the Child Welfare League of Canada provided strong evidence that physical punishment can impede a child's emotional, physical, and social development and plays no useful role in parenting.

In January 2004, the Supreme Court of Canada upheld Section 43 of the *Criminal Code* affirming the right of parents and caregivers to use reasonable force to correct a child aged 2 to 12 years.

Emotional Abuse

The *Handbook* describes emotional abuse as the most difficult form of abuse to define and recognize:

It may range from ignoring to habitually humiliating the child to withholding life-sustaining nurturing. Generally, it involves acts or omissions by those in contact with a child that are likely to have serious, negative emotional impacts. Emotional abuse may occur separately from, or along with, other forms of abuse and neglect. It includes the emotional harm caused by witnessing domestic violence.

Emotional abuse can include a pattern of:

- scapegoating
- rejection
- verbal attacks on the child
- threats
- insults
- humiliation

When emotional abuse is persistent and chronic, it can result in emotional damage to the child. A child is defined by the *Child, Family and Community Service Act* as emotionally harmed if they demonstrate severe:

- anxiety
- depression
- withdrawal
- self-destructive or aggressive behaviour

If a child is emotionally harmed by the parent's conduct, as demonstrated by these severe behaviours, the child is in need of protection, and a report must be made to the Ministry of Children and Family Development. There are no *Criminal Code* provisions against emotional abuse. Section 215 requires a parent to provide their children with the necessities of life, so as not to endanger their life or health; however, this section does not specifically identify or address the child's emotional health and well-being.

Peer Victimization and Youth Violence

Violence by youth against other youth has received more public attention in recent years and appears to be a growing problem. Canadian statistics show a greater number of violent incidents by youth than ever before. Peer victimization and youth violence has increased dramatically in the wake of advancements in technology and the proliferation of online social media use (see section below "Technology and Online Offences" for more details).

Youth violence may involve emotional, physical, or sexual abuse/assault. Behaviours include but are not limited to: intimate partner violence, physical, and psychological bullying, gang initiation and violence, and fighting with weapons, including knives and sometimes guns as well as hate-crimes such as racist or homophobic assaults and/or verbal attacks.

Victims of Youth Violence

The victims of youth violence are more often than not the young friends and acquaintances of the perpetrators. Canada's *National Clearinghouse on Family Violence* reports that the most common victims of youth violence are peers, including intimate partners, members of minority groups, and the siblings and parents of the offending youth.

Intimate Partner Violence and Dating Violence

Dating violence can include sexual, physical and emotional abuse. Canada's National Clearinghouse on Family Violence describes dating violence as "any intentional sexual, physical or psychological attack on one partner by the other in a dating relationship."

A Canadian study cited by the Clearinghouse found that more than one in three women over 16 had experienced at least one sexual assault since the age of 16. Recently, studies and media attention have shed light on the pervasiveness of dating violence on university campuses and the issue of under-reporting. In 2016, universities across Canada and within British Columbia, started looking at new ways to address sexual violence and increase safety for women and individuals from marginalized communities on campuses as well as increase reporting for sexual violence.

The administration of a sedative in order to sexually (and/or physically) assault a dating partner or acquaintance, is a serious concern for young people. There are several such drugs, including the most commonly used Rohypnol; they are also referred to as “roofies,” “rope,” “forget me pill,” or “date rape drug.” These drugs are powerful and quick-acting tranquillizers which are usually odourless, tasteless and colourless. They can therefore easily be administered by being slipped into another person’s drink. Common effects include drowsiness, muscle relaxation, dizziness, inability to remember what happened while drugged, a dream-like feeling and nausea. Youth may also be subject to victimization when they are under the influence of other substances including alcohol and recreational drugs. A victim may not know that they have been drugged and sexually/physically assaulted.

Role of Victim Service Worker

It is important for Victim Service Workers (VSW) to be aware of the unique complexities of violence between peers and youth, as well as the complex dynamics of intimate partner and dating violence. Recognizing the social implications for youth who report violence perpetrated against them by their peers is an important aspect of effective Victim Service support.

When young victims of youth violence are referred, a VSW needs to be able to assess the immediate situation for the young person, as well as their longer term needs, and make referrals to other services as needed and as available.

The incident(s) may have been reported by a third party and the young victim may not be a willing participant in the reporting or referral process. They may be fearful of retaliation and further violence from the perpetrators because the matter has been brought to police attention, and they may not be willing to testify in court. If the young person reports any threats, the police need to be advised. If the matter is going to court, the Crown also needs to be informed. A VSW can assist a young person in telling the police about the threatening incidents, or make such a report themselves, after informing the youth of the need to do so.

As with other referrals regarding sexual or physical assault, the VSW can assist by validating and supporting the victim and providing crisis intervention as appropriate, and referring the victim to community services, such as counselling. Where charges have been laid for a sexual or physical assault, the VSW will have a longer involvement in supporting the victim through the criminal justice process.

Challenges in Reporting

Reporting peer victimization and youth violence is challenging as young victims may be hesitant or unwilling to engage in reporting processes due to repercussions within their social circles, stigma, and/or fear. Youth intimate partner violence (including sexual assault or “date rape”) is particularly challenging in terms of police reporting as a stigma remains for victims of sexual assault and attitudes within the justice system and limitations on prosecution result in poor outcomes for young victims of youth intimate partner violence.

In Canada, including British Columbia, all individuals who are aware of or have reason to believe that a child (i.e., any person under the age of 18) has been or will be abused or is at risk of harm is required to report this to the appropriate authorities. This legal requirement coupled with practice standards for supporting and empowering survivors of sexual assault to control what is reported to the police/RCMP, as well as confidentiality limitations between youth clients and guardians creates a grey area of practice for Victim Service Workers and other professionals providing support and service for youth who have been sexually assaulted. Victim Service Workers need to keep up to date with current practice standards, agency policies, Provincial and Federal Legislation, and Victim Service ethical standards in order to provide the most ethical and legally responsible support to all children and youth who have been impacted by sexual assault.

Third Party Reporting has been developed for adult victims of sexual assault to increase chances of reporting for marginalized communities who may not have come forward in the past. Third Party Reporting is not currently (as of 2017) a standard of practice for youth victims; however, it can provide a helpful structure for reporting abuse/assault when youth are unsure or unwilling to engage in the reporting process. Ending Violence Association of BC provides a template and guidelines for Third Party Reporting on their website.

Technology and Online Offences

Online communication and social media use has increased dramatically over the past ten years. With increasingly younger user bases and new media and apps being designed more often than most service providers can keep up to date with, online communication and technology use poses unique risks for children and youth as well as new avenues and opportunities for adult exploitation of young people that have not been seen before. Law enforcement continues to work to update protocols and investigation strategies in order to capture this increase in opportunity for online offences; however, with technology rapidly changing, it is often difficult for the Justice System to stay current to the trends in communication technology. It is crucial that service providers working with young people and families be aware of the risks and trends in technology and online communication so that they can provide accurate information and informed support to young people and their caregivers about risks and consequences of online offences.

While communication technology offers young people new and unique ways to connect with friends and interact with peers, many users are not aware of the risks of their digital footprint or of the complex data that social media apps track, data which is accessible to other users with the correct knowledge and skills set.

In 2015, youth were engaging with social media for 6 -9 hours on average per day. Facebook still remained the most used social media platform in Canada in 2015, and had one of the highest user bases world-wide, with more than 1.5 billion active users (more users than the largest country in the world). Despite this ubiquitous use, in 2015 and 2016 young people were favouring other social media platforms such as Twitter, Kik, SnapChat, Whatsapp, and Tumblr⁶.

⁶ Tumblr has one of the youngest user groups out of the major social media platforms as of 2015

With new apps being created regularly, current apps and platforms become obsolete just as service providers and professionals gain knowledge and understanding of them. In 2015 and 2016, many popular apps and social media platforms encouraged users to post photos and videos as methods of communication (e.g., SnapChat and Instagram). Young users often post images of themselves without full understanding of the possible implications of sharing images, personal or otherwise, online including lack of control or ownership over images once they are posted, geolocation and location tagging, data taken from images posted, and many other risk factors.

Many young users are accessing online communication without adult awareness or supervision. Vault applications allow users to hide social media apps and content on their devices without supervisory adult knowledge. This has meaningful consequences for youth's online usage, as many caregivers have little to no idea of how a youth in their care is engaging with communication technology or the content of their posts.

Anonymous social media apps (such as 2015 apps: whisper, ask.fm, and yikyak) allow for complete anonymity in engagement with the platform which poses an enormous threat to young people. In 2015, ask.fm was considered to be one of the most dangerous apps and had been linked to at least nine youth suicides. Youth are accessing these sites of communication where adults of all ages can communicate with them, including requesting photos, videos, and sexualized content with little to no immediate consequences as usage is completely anonymous.

Risks and opportunities for violence and abuse are not limited to adult predators and offenders online. Online communication has opened an entirely new venue for bullying, harassment, and aggression amongst youth of the same age. The tragic case of Amanda Todd⁷ in Port Coquitlam, BC, is a reminder of the devastating impact cyber bullying and online sexual exploitation can have on young people. Young people are also engaging in creating, sending, or sharing sexual images and/or videos with peers which can be exploited by peers or shared with wider audiences online.

Cyber Bullying

Cyber Bullying is defined by the Canadian Centre for Child Protection as “a form of extreme bullying among youth via technology.” It is abusive, targeted, deliberate and repeated behaviour that is intended to damage and harm another young person” (Canadian Centre for Child Protection, 2016). Cyber bullying can involve aggression, teasing, defamation, as well as peer sexual exploitation.

Recent research indicates that with the rapid proliferation of wireless technology among teens and pre-teens, they are creating a cyber community that is largely unknown and unsupervised by

⁷ In 2012, Amanda Todd took her own life after a sexual image of her went viral online. A stranger she had met online using video chat had blackmailed her into showing her bare breast. The individual continually posted the picture online and across Facebook leading to extreme cyberbullying and harassment by Amanda's peers. In January 2014, the RCMP charged a man believed to be responsible for extortion, internet luring, criminal harassment and the possession and distribution of child pornography for his activities against Amanda Todd. The Dutch Police arrested this same man for a case involving multiple victims in the Netherlands, UK, and Canada, charges included indecent assault and child pornography.

adults. This wireless community is often unsafe, with harassment, threats and humiliation by anonymous peers becoming increasingly common.

In 2014, Bill C-14 was passed in parliament adding new laws related to cyber-bullying (see *Offenses under the Criminal Code of Canada related to online interaction and technology* section below for further detail).

In Canada, schools and places of employment have the legal requirement to maintain a safe environment for students and workers. If a cyber bully creates an unsafe environment, where a person is afraid to go to school or work because of exclusion by others, teasing, or violence, the school or employer must take actions that are appropriate to stop the bullying behaviour.

Schools have the mandate to address bullying at school, even if the bullying and aggression occurred online. School across the province are participating in programming to address bullying and cyberbullying. It is important for children, youth, and families to know that because schools are mandated to address these issues, young people facing cyberbullying should talk to an adult they trust to get help.

Programs through Canadian Centre for Child Protection and Safer Schools Together provide resources and support for individuals and families dealing with bullying and cyberbullying.

Cyberbullying is a serious action and individuals participating in cyberbullying can be held legally accountable for their actions, particularly if the aggressor has reason to believe the target of the bullying may commit suicide or harm themselves and then continues to engage in the bullying.

Self/Peer Exploitation

Self/Peer Exploitation has become a major area of concern for parents, caregivers, and school personnel. Often referred to as “sexting,” self/peer exploitation is generally defined as “youth creating, sending or sharing sexual images and/or videos through messaging, social networking sites, and other methods of online communication” (Canadian Centre for Child Protection, 2016).

Images/videos may be shared in an intimate context or between peers; however, the potential for that image/video to be shared with others online leads to exploitation, harassment, bullying, and other significant risks. There are steps that individuals can take to regain control of the situation as it is illegal for a person to distribute an “intimate image” of another person without that person’s consent. Canada now has a law to help deal with non-consensual distribution of an intimate image, this law applies to adults as well as young people under the age of 18.

Criminal Law Regarding Cyberbullying and Online Exploitation

In 2014, Bill C-13 passed in parliament which provided additions to law about cyberbullying including:

1. The distribution of intimate images (both photos and videos) without the consent of the person(s) shown in the images is now a crime in Canada. The legal term for this is, “non-consensual distribution of intimate images.” The common term for this is “revenge porn.”

2. A Canadian court of proper jurisdiction can now compel the removal of the offending images from the Internet and charge the cyber bully with the costs of doing so.
3. Property used in committing the offence is forfeited.
4. A recognizance order is issued by the court to prevent distribution of the images.
5. A convicted offender's use of a computer and the Internet is restricted.
6. For any type of criminal cyberbullying under investigation, Police can compel Internet Service Providers to preserve information that is data about communications or tracking of transactions.
7. For any type of criminal cyberbullying under investigation, Police can get investigative warrants more easily so they may intercept private communications. This extends to all forms of telecommunications on any type of device.

Prior to the implementation of the new provisions from Bill C-13, there were existing laws in Canada and ways to deal with cyber bullying that remain intact. The Canadian laws against cyberbullying are in two areas of law, which are 1) Civil law, and 2) Criminal law. Whether or not the cyberbullying is a crime depends on the nature of the activities involved.

Prosecution for cyberbullying under Canadian criminal law, not including the new changes mentioned above, is for one of two things, which are: 1) Harassment, and 2) Defamatory libel.

Harassment is a crime when a cyber bully makes another person fear for their safety or the safety of others. The punishment in Canada for a conviction of criminal harassment is a prison sentence up to ten years long.

Defamatory libel is charged against a person when an authority is attacked by a libellous action that seriously harms their reputation. In these rare cases, freedom of expression under the Canadian Charter of Rights and Freedoms Section 2, balances against the Section 7 right to life, liberty and security of the person. This balance determines whether a conviction for criminal defamatory libel is made. A conviction has a punishment of a prison sentence of up to five years.

Civil Law

Under Canadian civil law, there is protection against defamation. Cyberbullying can spread false information about the target of the bullying to other people.

Defamation can come in two forms: *Slander* and *Libel*⁸. Slanderous things are spoken and not recorded, they exist temporarily, for example: the perpetrator calls by telephone and makes verbal insults while the phone is on speaker phone and others are present. Libellous things are more permanent, for example online posts.

Cyberbullies can be sued in Civil Court as recourse to these types of defamation. Slander is often difficult to prove; however, as it requires a credible witness to speak to the instance of slander. Libel is often easier to prove as there is a record of the behaviour.

⁸ Libel is defined as a piece of writing that contains false information

What Provinces Have Cyberbullying Laws?

In Canada, the provinces with cyberbullying laws include Alberta, Quebec, Manitoba, New Brunswick, Nova Scotia, and Ontario. British Columbia **does not** have specific cyberbullying laws. Below is a summary of the provincial laws in place in other areas of Canada.

Alberta

Alberta has a zero tolerance anti-bullying policy for all schools. By law in Alberta, the school board must provide a safe learning environment in schools, which includes a code of conduct for students that has provisions against bullying. The law requires students to report bullying and cyberbullying if they witness any. The penalties for bullying and/or failure to report bullying include suspension and expulsion.

Quebec

In Quebec, school boards, by law, must create anti-bullying plans. All the staff of the school must participate in the implementation and enforcement of the plans.

Manitoba

Schools in Manitoba are required to have an Acceptable Use Policy and a written policy that respects diversity, such as the requirement that schools accommodate gay-straight alliance groups. All school staff must report cyberbullying to their principal. Punishment for cyberbullies applies to both the original bully and any others that assist or encourage bullying behaviour in any way.

New Brunswick

Students are guaranteed a positive learning environment free from bullying or cyberbullying. Cyberbullying, even when it occurs off campus is considered serious misconduct, which must be reported by teachers to the principal and then by the principal to the superintendent of the school district. Each school has a Parent School Support Committee that advises the principal on their ideas of how to promote respectful behaviours in students and stop misconduct. Schools offer support and counselling for students who are bullies and those who were bullied.

Nova Scotia

The Cyber-Safety Act in Nova Scotia has provisions for victims of cyberbullying to request “protection orders” to limit a cyber bully’s actions, makes the cyber bullies identify who they are, and holds the parents of a cyber bully responsible for what the cyber bully does.

Ontario

Ontario has a Safe Schools Act, which includes any behaviour conducted online. Even if cyberbullying happens outside the school, students can now be suspended or expelled for this behaviour. Schools must deliver lessons on bullying prevention to all students each year. Schools must have a bully prevention plan.

Resources for Self/Peer Exploitation and Online Victimization

Cybertip deals with online sexual victimization involving individuals under the age of 18 (see *Canadian Law, Child Exploitation, and the Internet* section below for further details). There is a reporting process that anyone can use available on the Cyber-tip.ca website to report online activity that an individual believes to be:

- Child sexual abuse content
- Sexual/intimate image/video that may have been shared without permission
- A person communicating through technology with a child/adult in order to sexually victimize a child
- An adult may be sexually offending against a child

Reports can be anonymous and information is forwarded to law enforcement and/or child welfare for review and investigation.

Need Help Now

The Canadian Centre for Child Protection created a new project in 2015 called Need Help Now (NeedHelpNow.ca) which help teens stop the spread of sexual pictures of videos and provides support along the way. The project offers guidance on the steps that young people can take to get through the process.

Safer Schools Together is an organization that provides programming to schools across British Columbia regarding online safety, bullying, digital citizenship, and creating a safe school community. Safer Schools Together provide presentations, workshops as well as online resources. Resources available on the website: saferschoolstogether.com

Adult Exploitation of Young People Online

The use of the Internet to distribute child pornography and sexually victimize young people is a rapidly growing problem. In 2015, Cybertip.ca processed 37, 352 reports of child sexual exploitation and it is expected that this will continue to increase. The Canadian Centre for Child Protection states that over the past 13 years that their Cybertip.ca program has been operational, they have witnessed the growing proliferation of child sexual abuse images and videos (2016). The role of technology in facilitating sexual offences against children has evolved significantly.

The International Centre for Missing and Exploited Children (ICMEC) reported that a recent study conducted by the U.S. Department of Justice found that one in five young people between the ages of 10 and 17 had received unwanted sexual solicitations online. In response to this increasing worldwide problem, ICMEC have established a Global Campaign against Child Pornography and have published Model Legislation and Global Review, reviewing legislation from around the globe that addresses child pornography and provides recommendations for further advocacy, training, and collaboration to address this global issue.

Child Pornography

The Canadian Centre for Child Protection defines *Child Pornography* as a recording of a child being sexually exploited or abused. The image or video becomes a permanent record of the child's abuse and can propagate indefinitely. There are offenses under the Criminal Code of Canada related to the creation, manufacture, distribution, procurement, possession and consumption of child pornography, as well as luring children with the intent of creating pornography. Offenders participating in the consumption of child sexual abuse images and videos assist by creating a market for this type of material.

Under the *Criminal Code* of Canada it is illegal to:

- **Make** child pornography (includes make, print, publish, possess for the purpose of publication)
- **Distribute** child pornography (includes transmit, make available, distribute, sell, advertise, import, export or possess for the purpose of transmission, making available, distribution, sale, advertising or exportation)
- **Possess** child pornography
- **Access** child pornography

The Web, the Deep Web, and the Dark Web

As the internet, technology, and online communication become increasingly prevalent, many individuals access the internet multiple times a day or spend hours engaging in some sort of online activity. The internet is a complex technology that most regular users do not fully understand. The complexities of this technology are far beyond the scope of this Handbook, but the following offers a brief summary of three terms that may be heard when working with children, youth, and/or families regarding technology or online offenses.

For the most part, regular online communication, searching, posting, reading, etc. is done on what is known as *the web*, however, beneath the surface of accessible internet content exists *the deep web* which is a part of the internet that is hidden from commercial search engines. Much of the content on the *deep web* is mundane and involves encrypted content and registration required forums, for example an email account. The *deep web* is a vast network of information and accounts for approximately 90% of the Internet. Within the *deep web* is a subsection of the internet known as *the dark web* or *Darknet* which accounts for roughly .01 % of the Internet. The *dark web* is accessed by masking IP addresses and maintains anonymity for users and site owners. This *dark web* can be used for an array of purposes, for example journalists protecting the anonymity of their sources; however, it also provides an arena for illegal activity, black market exchanges, and sexual exploitation of children and youth (Greenburg, 2014). It is important for services providers working with children, youth, and families to be aware of this terminology in order to be informed about risk factors for online exploitation and illegal activity.

Pornography and Sexual Content Online

In an age where sexual images are readily available to anyone with access to the internet, children and youth can be inadvertently exposed to or intentionally access pornographic and sexual images in a variety of contexts.

An important part of preventing online sexual exploitation or access of online sexual content by children is to provide skills, tools, and accurate information regarding online sexual content in age-appropriate ways as well as including information about online sexual content in safety skills and prevention education. There are many resources available to families and service providers to help teach children and youth about online boundaries and appropriate internet access.

Canadian Law, Child Exploitation, and the Internet

Under Section 163.1 of the *Criminal Code* it is a criminal offence to make, print, publish, import, distribute, transmit, sell, or simply possess child pornography. This includes transmitting child pornography from one person to another, posting or viewing child pornography on a website, exporting child pornography, or possessing child pornography for the purpose of making it available to others.

The punishment for child pornography offences ranges from a maximum of five years' imprisonment for the possession of child pornography to a maximum of ten years' imprisonment for making or selling it.

In 2002, possession and creation of pornographic images involving children were subject to an "artistic merit" defense; however, as of 2005, the "artistic merit" defense was replaced with a new defense of "legitimate purpose" which now requires that the accused satisfy an objective two-step harms-based test Section 163.1(6) of the *Criminal Code*):

No person shall be convicted of an offence under this section if the act that is alleged to constitute an offence

- a) has a legitimate purpose related to the administration of justice or to science, medicine, education or art; and
- b) does not pose an undue risk of harm to persons under the age of eighteen years.

As a result of the amendments in Bill C-2, the definition of child pornography in s 163.1(1) is now expanded to include audio formats as well as written material whose "dominant characteristic" is the description "for a sexual purpose" of sexual activity involving a person under 18 years of age that would be an offence under the *Criminal Code*. It is no longer required that written material "advocates or Counsels" sexual activity with a person under age 18.

In 2005, Canada ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, signed in November 2001, was ratified by Canada. The Protocol requires signatories to criminalize producing, distributing,

disseminating, importing, exporting, offering, selling or possessing “any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.”

Suggested Reading:

Casavant, L., & Robertson, J. (2007). *The evolution of pornography law in Canada*. Parliament of Canada, CIR 84-3E. Retrieved from <http://www.lop.parl.gc.ca/content/lop/researchpublications/843-e.htm#fn7>

Provides an overview of the evolution of Canadian Law regarding child pornography

Mandatory Reporting

Federal Mandatory Reporting:

An Act Respecting the Mandatory Reporting of Internet Child Pornography by Persons who Provide an Internet Service, Bill C-22 makes it mandatory for those who supply an Internet service to report on-line child pornography. Under this legislation, those who provide Internet services to the public are required to:

- report tips they receive regarding Web sites where child pornography may be publicly available to the Canadian Centre for Child Protection (through its Cybertip.ca program); and
- notify police and safeguard evidence if they believe that a child pornography offence has been committed using an Internet service that they provide.

Suppliers of Internet services are not required to send personal subscriber information under this statute. Since this legislation was also designed to limit access to child pornography and avoid creating new consumers of this type of material, nothing in the Act requires or authorizes a person to seek out child pornography.

Provincial Mandatory Reporting:

In April 2009, Manitoba became the first province in Canada to proclaim the mandatory reporting of child pornography. The *Child and Family Services Act* was amended to include child pornography in the definition of child abuse. Under this legislation, any individual within Manitoba who sees something they believe to be child pornography is required by law to report it to Cybertip.ca.

Currently in British Columbia, under the *Child, Family and Community Service Act* (CFCSA) it is required that anyone who has reason to believe that a child or youth has been or is likely to be abused or neglected, and that the parent is unwilling or unable to protect the child or youth, must report the suspected abuse or neglect to a child welfare worker. This act does not specifically

include child pornography; however, it does include reason to believe that a child has been or is likely to be sexually abused or sexually exploited if the child has been, or is likely to be (a) encouraged or helped to engage in prostitution, or (b) coerced or inveigled into engaging in prostitution.

Cybertip.ca

The Canadian Centre for Child Protection is a charitable organization dedicated to the personal safety of all children with the goal to reduce child victimization by providing national programs and services to the Canadian public. The Canadian Centre for Child Protection operates Cybertip.ca, Canada's tipline for reporting the online sexual exploitation of children. The tipline has been in operation since September 26, 2002 and was adopted under the Government of Canada's *National Strategy for the Protection of Children from Sexual Exploitation on the Internet* in May 2004.

When Bill C-22, *An Act Respecting the Mandatory Reporting of Internet Child Pornography by Persons who provide an Internet Service*, came into force on December 8, 2011, the Canadian Centre for Child Protection (through their Cybertip.ca program) was named the designated reporting entity under section 2. This federal legislation requires all persons who provide an Internet service to report any incident of Internet child pornography.

As Canada's tip-line, Cybertip.ca's, mandate is to protect children from online sexual exploitation by:

- Receiving and processing tips from the public about potentially illegal material, as well as activities regarding the online sexual exploitation of children, and referring any relevant leads to the appropriate law enforcement agency and/or child welfare agency; and
- Providing the public with information and other resources, as well as support and referral services, to help Canadians keep themselves and their family's safe while using the Internet.

Cybertip.ca receives and addresses online and telephone reports from the public regarding:

- Child pornography (child abuse images and material)
- Online luring
- Child exploitation through prostitution
- Travelling to sexually exploit children
- Child trafficking
- Making sexually explicit material available to a child
- Agreement or arrangement with another person to commit a sexual offence against a child
- Non-Consensual Distribution of Intimate Images (of an individual under 18 years of age)

Offenses under the Criminal Code of Canada Related to Online Interaction/Technology Use:

Possession, Manufacture, Distribution, and Accessing of Child Pornography

Under the *Criminal Code*, any of the following amount to child pornography (child abuse) material:

- a. A photographic, film, video or other visual representation, whether or not it was made by electronic or mechanical means,
 - i. that shows a person who is or is depicted as being under the age of eighteen years and is engaged in or is depicted as engaged in explicit sexual activity, or
 - ii. the dominant characteristic of which is the depiction, for a sexual purpose, of a sexual organ or the anal region of a person under the age of eighteen years;
- b. Any written material, visual representation or audio recording that advocates or Counsels sexual activity with a person under the age of eighteen years that would be an offence under this Act;
- c. Any written material whose dominant characteristic is the description, for a sexual purpose, of sexual activity with a person under the age of eighteen years that would be an offence under this Act; or
- d. Any audio recording that has as its dominant characteristic the description, presentation or representation, for a sexual purpose, of sexual activity with a person under the age of eighteen years that would be an offence under this Act.

Luring

A person commits the luring offence who, by means of telecommunication, communicates with:

1. A person who is, or who the accused believes is, **under the age of 18 years** for the purpose of facilitating the commission of an offence of sexual exploitation, incest, making child pornography, distributing child pornography, possession of child pornography, accessing child pornography, parent or guardian procuring sexual activity or householder permitting sexual activity or procuring, living on the avails of prostitution of a person under eighteen, aggravated offence in relation to living on the avails of prostitution of a person under the age of eighteen years or prostitution of person under 18;
2. A person who is, or who the accused believes is, **under the age of 16 years** for the purpose of facilitating the commission of an offence of sexual interference or invitation to sexual touching, bestiality in the presence of or by a child or indecent act – exposure or sexual assault, sexual assault with a weapon, threats to a third party, or causing bodily harm, aggravated sexual assault or abduction of a person under 16 with respect to that person; or
3. With someone they believe to be **under 14 years of age** to facilitate committing an offence of abduction of a person under 14 with respect to that person.

Child Sex-Tourism

Sex tourism or, more specifically, travelling to a foreign country to engage in sexual activity with a child, has become a well-developed component of the commercial-sexual exploitation of children. It is an offence under the *Criminal Code* for a Canadian to engage in this activity. A person can be tried for this offence upon return to Canada. The accused will be treated as if the incident occurred on Canadian soil, and the penalties will be the same as if the offences had occurred in Canada.

Child Prostitution

The *Criminal Code* contains several offences in relation to child prostitution:

1. Soliciting: Purchasing or offering to purchase sexual services from a person under 18 years of age. The purchase need not be for cash – the sexual services may be purchased with anything (e.g., drugs, food, the promise of a ride home, etc.).
2. Procuring: Encouraging or forcing a person under 18 years of age to become a prostitute (selling the sexual services of – holding out for sale – procuring in s.170 means providing a child for sexual services).
3. Living on Avails (Pimping): Obtaining income by requiring a person under 18 years of age to surrender all or part of the earnings made through prostitution. The maximum penalty for this offence is 10 years' incarceration.

Child Trafficking

Any person who recruits, transports, transfers, receives, holds, conceals, or harbours a child, or exercises control, direction or influence over the movements of a child, for the purpose of exploiting them or facilitating their exploitation is engaging in the act of child trafficking. It is an offence under the *Criminal Code* of Canada to engage in this activity. Child trafficking can occur within Canada (i.e., recruiting children from one Canadian city to another Canadian city for the purpose of exploiting them) or involve other countries (i.e., transporting a child from Russia to Canada for the purpose of exploiting them).

Making Sexually Explicit Material Available to a Child

A person commits this offence if they transmit, make available, distribute or sell sexually explicit material to

- a. A person who is, or who the accused believes is, under the age of 18 years, for the purpose of facilitating the commission of an offence of sexual exploitation, incest, making child pornography, distributing child pornography, accessing child pornography, possession of child pornography, parent or guardian procuring sexual activity or householder permitting sexual activity or procuring, living on the avails of prostitution of a person under eighteen, aggravated offence in relation to living on the avails of prostitution of a person under the age of eighteen years, or prostitution of a person under eighteen with respect to that person;

- b. A person who is, or who the accused believes is, under the age of 16 years, for the purpose of facilitating the commission of an offence of sexual interference or invitation to sexual touching, bestiality in the presence of or by a child or indecent act – exposure or sexual assault, sexual assault with a weapon, threats to a third party or causing bodily harm, aggravated sexual assault or abduction of a person under 16 with respect to that person; or
- c. A person who is, or who the accused believes is, under the age of 14 years, for the purpose of facilitating the commission of an offence of abduction of a person under 14 with respect to that person.

Sexually explicit material is defined as:

Material that is not child pornography, and that is

- a. A photographic, film, video or other visual representation, whether or not it was made by electronic or mechanical means,
 - i. That shows a person who is engaged or is depicted as engaged in explicit sexual activity, or
 - ii. The dominant characteristic of which is the depiction, for a sexual purpose, of a person’s genital organs or anal region or, if the person is female, their breasts;
- b. Written material whose dominant characteristic is the description, for a sexual purpose, of explicit sexual activity with a person; or
- c. An audio recording whose dominant characteristic is the description, presentation or representation, for a sexual purpose, of explicit sexual activity with a person.

Agreement of Arrangement with another Person to Commit a Sexual Offence Against A Child

A person commits this offence if they, by means of telecommunication, agrees with a person, or makes an arrangement with a person, to commit an offence

- a. Of sexual exploitation, incest, making child pornography, distribution of child pornography, possession of child pornography, accessing child pornography, parent or guardian procuring sexual activity or householder permitting sexual activity, or procuring, living on the avails of prostitution of a person under eighteen, aggravated offence in relation to living on the avails of prostitution of a person under the age of eighteen years, or prostitution of a person under eighteen with respect to another person who is, or who the accused believes is, under the age of 18 years;
- b. Of sexual interference or invitation to sexual touching, bestiality in the presence of or by a child or indecent act - exposure or sexual assault, sexual assault with a weapon, threats to a third party or causing bodily harm, aggravated sexual assault or abduction of a person under 16 with respect to another person who is, or who the accused believes is, under the age of 16 years; or
- c. Of abduction of person under fourteen with respect to another person who is, or who the accused believes is, under the age of 14 years.

Non-Consensual Distribution of Intimate Images (of an individual under 18 years of age)

A person commits this offence if they have an intimate image of another person and knowingly posts it online, shares it with someone else, sells it, makes it available, advertises it, or publishes it in any manner, knowing that the person depicted in the image would not consent to it being posted/shared/sold/made available/advertised or published.

An “intimate image” is a visual recording of a person made by any means (e.g., picture or video) in which the person is nude or exposing his or her genitals, buttocks or breasts, or is engaged in explicit sexual activity if:

- at the time the recording is made, there are circumstances that made it reasonable for the person in the recording to expect privacy; **AND**
- at the time the recording is shared without consent, the person shown in the recording still has a reasonable expectation of privacy.

Victim Service Workers’ Role

Children, youth, and families need to be supported to learn about safe choices online and reducing risks while using technology. Children and youth who use technology and online communications know a lot about how the usage can benefit them but often are unaware of risk factors. Education and awareness is important for reducing risk of exploitation and online bullying.

Caregivers can help by learning about the technologies, talking about it at home, and developing age-appropriate usage guidelines. A victim service worker can direct parents and youth to current information and tips for safe usage.

Victim Services Workers should be knowledgeable about current Canadian Laws and how this impacts work with children, youth, and families relating to technology and online interaction so that they are prepared to answer questions, access resources, and provide appropriate support.

Resources:

Canadian Centre for Child Protection - <https://www.protectchildren.ca>

- Need Help Now
- Cybertip.ca

International Centre for Missing and Exploited Children

Safer School Together – <http://saferschoolstogether.com>

Criminal Code Offences against Children and Youth

- Section 151 Sexual interference with a person under age 16
- Section 152 Invitation to sexual touching with a person under age 16
- Section 153 Sexual exploitation of a person aged 16 and under 18
- Section 153.1 Sexual exploitation of person with disability
- Section 153.1.2 Exploitive Relationship
- Section 155 Incest
- Section 159 Anal intercourse with a person under age 16
- Section 160 Commits bestiality in the presence of a person under age 16
- Section 161.1 Uses a computer to communicate with a person under age 16 if convicted of a sex offence and ordered not to do so
- Section 162.1 Voyeurism
- Section 163.1 Makes or distributes pornography that depicts a person under age 18
- Section 170 Parent/guardian procures sexual activity for their child under age 18
- Section 171 Householder permits a person under 18 to engage in a prohibited sexual activity on the premises
- Section 172 Endangers the morals of a child under age 18
- Section 172.1 Communicates by computer with a person under age 18 for the purpose of committing a sexual offence
- Section 173(2) Indecent acts – Exposure of genitals to person under 16 years
- Section 212(2.1) Living on the avails of prostitution of a person under age 18
- Section 215 Failure to provide the necessaries of life for a person under age 16
- Section 218 Abandoning a child under age 10 so as to endanger life or health
- Section 245 Administering a noxious substance
- Section 265 Assault
- Section 267 Assault with a weapon or causing bodily harm
- Section 268 Aggravated assault
- Section 271 Sexual assault
- Section 272 Sexual assault with a weapon, threats to a third party or causing bodily harm
- Section 273 Aggravated sexual assault
- Section 273.3 Removal from Canada of a person under 18 for purposes of committing a sexual offence
- Section 281 Unlawful concealment or harboring of a person under age 16

Youth Criminal Justice Act

In Canada, young offenders aged 12 to 17 are subject to the same criminal offences in the *Criminal Code* as adults, but when an offence is alleged to have occurred, they are dealt with under the *Youth Criminal Justice Act (YCJA)*. The *YCJA* replaced the *Young Offenders Act (YOA)* on April 1, 2003 and provides different principles for dealing with young offenders than those for adults.

In Canada, research has found that the majority of youth crimes involve non-violent activities such as shoplifting, possession of stolen property, breach of probation, or relatively minor assaults that do not involve bodily harm. Experience in Canada and other countries shows that measures outside of the formal court process can provide an effective response to youth crime and one of the key objectives of the *YCJA* is to encourage the use of non-court responses in appropriate cases.

The *YCJA* establishes a preference for dealing with youth offenders outside the court system for non-violent offences, particularly for a first non-violent offence. The *YCJA* provides options for addressing criminal offences through Extrajudicial Measures (EJM) in cases involving non-violent offences or minor assaults. Extrajudicial Measures are measures other than court proceedings used to deal with a youth alleged to have committed an offense and also includes Extrajudicial Sanctions (EJS). Court proceedings are utilized for serious offences.

Extrajudicial Measures (EJM)

Extrajudicial Measures can provide meaningful consequences and often require the young person to repair the harm done to a victim. EJM provide an opportunity for early intervention with a young person and create opportunities for the community to play an important role in developing community-based responses to youth crime (Government of Canada, n.d.).

EJM can include:

- Taking **no further action** (i.e., a decision is made by the police officer that no further response to an incident is required);
- A **warning** from police (such warnings are intended to be informal warnings and are an example of a traditional exercise of police discretion);
- A **caution** from police (cautions are more formal warnings that may typically involve a letter from police to the young person and the parents and in some cases may require the young person and parents to appear at the police station for a meeting to discuss the incident);
- A **referral** from police to a community program or agency designed to help youth avoid committing offences (such referrals may only be made with the consent of the young person);
- A **Crown caution** (such cautions are similar to police cautions but are issued by Crown prosecutors after police have referred the case to them); and
- An **extrajudicial sanction** (sanctions are applied through more formal programs set up by the provinces and territories).

Extrajudicial Sanctions (EJS)

The most formal type of extrajudicial measure is an extrajudicial sanction (EJS). These sanctions, such as volunteer work, compensating (or paying back) the victim, or attending a specialized program, can be used where the young person takes responsibility for the offence. If the young person fails to comply with the terms and conditions of the sanction, the case may proceed through the court process. Extrajudicial sanctions must be applied through a program approved by the Attorney General.

EJS are to be used only if the other forms of EJM would not be sufficient to hold the young person accountable. Unlike the other forms of extrajudicial measures, which are used as an alternative to laying charges, extrajudicial sanctions can be imposed either before or after a young person is charged with an offence. Extrajudicial sanctions must be applied through a program approved by the Attorney General and in a more formal way due to the potential legal consequences of a sanction:

- If a young person fails to comply with an extrajudicial sanction, the case may proceed through the court process; and
- Evidence that a young person has been dealt with previously by an extrajudicial sanction can be used at sentencing for a subsequent offence.

The police or Crown may call a conference to obtain advice on an appropriate extrajudicial sanction. Conference participants will vary, and may include the young person's parents, the person who was a victim to their offence, or professionals from the community.

EJMs should be designed to encourage the young person to acknowledge and repair the harm caused to the victim and the community and give victims an opportunity to participate in making decisions that related to the measures selected and to receive reparation. Victims, upon request, are entitled to be informed of the identity of the young person and how the offence was dealt with when an Extrajudicial Sanction is used.

Youth Sentences

For those youth who are dealt with through court, sentencing options include a judicial reprimand, an intensive support and supervision order, and custody. Sentencing considerations include the amount of harm to the victim and whether it was intentional and could have reasonably been foreseen, and the need to acknowledge the harm to victims and the community. A custodial sentence is in general reserved for those who commit violent offences and those who are serious repeat offenders. Alternatives to custody must be considered and a specific set of criteria must be met before a young person is committed to custody.

Adult Sentences

A young person who is convicted of a very serious offence, or who has demonstrated a pattern of serious offences, may receive an adult sentence on successful application to the court by the Crown. Serious offences include murder, attempted murder, manslaughter, or aggravated sexual assault.

Considerations for the Victim

The *YCJA* recognizes the victim's right to be kept informed of proceedings, to have the opportunity to participate, to be informed of extrajudicial measures imposed, and to have access to youth court records. Specific points at which a victim may be involved in the process include participation in an extrajudicial conference, providing input to a pre-sentence report, and submitting a victim impact statement.

Victim Service Worker Role

An important part of the Victim Service Worker's role in any case is to provide accurate information to the victim and their supporters. In cases regarding young offenders and the *YCJA*, it is important for Victim Service Workers to be aware of the possibility of Extrajudicial Measures being taken as opposed to court proceedings in order to prepare victims for the possibility that matters will be settled outside of court. In EJMs, victims may have the opportunity to provide input at the extrajudicial conference. A victim service worker can support a young victim to identify possible ways that they may provide input to the conference and as well as advocate for the young victim's voice to be heard within the process.

As with any case involving children and youth, criminal cases dealt with through the *YCJA* are complex. The young person accused of the crime may be in the same family as the victim or have a relationship with the victim (e.g., current or past intimate relationship, friend, or a peer at school). It is important to recognize the complexity of these cases and prioritize the needs of the child/youth victim while providing Victim Service support. Caregivers or family members of victims may be conflicted and have difficulty identifying the needs of the young victim if they are also a caregiver for the accused youth. A Victim Service Worker can help parents and caregivers with support strategies for their child who is a victim of an offence as well as direct the parent or caregiver to supports and resources for parents/caregivers of youth accused of criminal offences. It is important to remember that the role of the Victim Service Worker is to provide support to the young person impacted by the crime and although it may not be simple to separate in complex situations when the accused is a young person, it is not the role of the Victim Service Worker to provide support to the accused even if that accused is a child or youth.

Resources

Extrajudicial Measures Factsheet:

<http://www.justice.gc.ca/eng/cj-jp/yj-jj/tools-outils/sheets-feuillets/pdf/measu-mesur.pdf>

The Youth Criminal Justice Act and explanatory notes are available online at

<http://canada.justice.gc.ca/en/ps/yj/repository/>

Youth Criminal Justice Act - 2015 British Columbia Pocket Guide – Available at

<http://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/reports-publications/ycja-2015-bc-pocket-guide.pdf>

Contact your local youth probation officer, through the Ministry of Children and Family Development, if you have questions about the YCJA

Victims Bill of Rights

In April 2015, the Government of Canada passed Bill C-32. This legislation creating the *Canadian Victims Bill of Rights* and made a number of changes to existing laws, including the *Corrections and Conditional Release Act* and the *Criminal Code of Canada*.

The Victims Bill of Rights provides clear rights to victims of crime at the federal level and created the statutory rights for victims of crime:

- Right to Information
- Right to Participation
- Right to Protection
- Right to Restitution

Right to Information

Upon request, victims of crime can receive:

- Information on the criminal justice system and the role of victims
- Information about services and programs available to victims
- Victims will be able to obtain information about the criminal justice system, as well as available victim services and resources. In addition, victims can receive information about the investigation, sentencing, and prosecution of the person who harmed them.
- Victims who have registered with the Parole Board of Canada or Correctional Service Canada can access information about the offender who harmed them including: release dates, progress updates, conditions that may affect them, and copies of Parole Board decisions.
- Notification when a federal offender has been removed from Canada by Canada Border Services Agency
- A current photo of the offender prior to certain releases or at the end of the offender's sentence
- Information about the right to make a complaint if the victim feels their rights have not been respected

Victims of crime can access information from Corrections and Parole through the Victims Portal Online.

Right to Participation

- Victims have the right to prepare and deliver Victim Impact Statements
- Victims have the right to express their views about the court's decisions that affect their rights
- Victims have the right to request access from the Parole Board of Canada (PBC) to listen to an audio recording of a parole hearing if unable to attend in person.

Right to Protection

- Victims will have the right to have their security, identity, and privacy protected. Victims will also be protected from retaliation and intimidation.
- When testifying in court, victims will have the right to request testimonial aids such as: assistance from a support person, testifying by video (CCTV), or testifying from behind a screen.

Right to Restitution

- Courts must consider restitution to the victim in all cases. Victims have the opportunity to describe and claim financial losses. Judges can order restitution for a number of reasons including: psychological harm, physical harm, temporary housing/childcare costs, and identity theft.

Victim's Bill of Rights Resources:

Information on the Victim's Bill of Rights and Frequently Asked Questions:

<http://www.csc-scc.gc.ca/victims/003006-1003-eng.shtml#q1>

Canadian Resource Centre for Victims of Crime: <https://crcvc.ca/for-victims/rights/>

Office of the Federal Ombudsman for Victims of Crime:

<http://www.victimfirst.gc.ca/>

Victims Portal: <https://victimportal-portailvictimes.csc-scc.gc.ca/Main/Welcome>

Part Two: Supporting Children and Youth through the Criminal Justice Process

Supporting Children and Youth through the Criminal Justice Process

Victim Services Workers (VSWs) primary role is to support victims through the Criminal Justice Process. Supporting children and youth through this system presents some unique challenges and differences for VSWs compared to working with adult victims of crime. The following sections provide some of the basic steps of Victim Service Support for children and youth.

Basic steps of Victim Service Support:

- Reporting
- Police accompaniment
- Assistance with Crime Victim Assistance Forms
- Court preparation
- Advocacy
- Education and support for community professionals on unique needs of children
- Crown accompaniment
- Court accompaniment
- Post-court support and information
- Referral to support services

Reporting Child Abuse

In community-based victim service agencies, the VSW may be the first to receive a call regarding suspected or alleged child abuse. In most instances, the call comes from a parent or caregiver who has either received a disclosure from a child/youth, witnessed the abuse, or been told about the abuse by someone else who has received the disclosure. In those instances, the VSW role is to provide emotional support to the caller and to give them information about their duty to report the abuse to the police and the Ministry of Children and Family Development.

It is not uncommon for the parent or caregiver to be reluctant to report, especially if the accused is a family member or close personal friend. Very often the parent or caregiver is fearful of how the justice system will impact the life of the child and the family. They may be worried that by involving the police or MCFD their child will be apprehended. VSWs can alleviate the fear and anxiety associated with reporting by giving accurate information about what will likely happen once the report is made and by offering to support the child and family through the reporting process.

It is preferable that the parent or caregiver report the abuse themselves directly to the police and/or MCFD however if they continue to be reluctant the VSW can offer to make the report on

their behalf. If the parent or caregiver agrees to this, the VSW should document and report the following information, as outlined in the *B.C. Handbook for Action on Child Abuse and Neglect* (2016).

In some instances, parents and or caregivers may refuse to report the alleged abuse. In those instances it is the legal duty of the VSW to report the abuse to the police and MCFD.

The following is a helpful outline that the VSW can refer to when supporting parents or caregivers with the reporting process.

What to do if a child/youth discloses abuse⁹:

Children and youth who have experienced abuse, trauma, and/or violence are vulnerable. It is crucial that if a child or youth discloses abuse that you listen, provide support, and believe them. A pivotal point in the healing journey occurs when a child feels heard. It can be immensely difficult for a child or youth to disclose that they have been abused. Many children never tell anyone. If a child or youth tells you that they have been hurt or abused or are being neglected it is essential that they feel heard and supported.

1. **Stay calm and listen.** As a parent, caregiver, or service provider it can be difficult or shocking to hear disclosures of abuse or neglect. The child/youth who is talking to you needs to know that you are calm and available to help them and listen. If you show the youth that you feel overwhelmed, shocked, or disgusted by the disclosure, this may make the child feel unsafe to tell you more. A calm response supports the child to feel safe and heard and provides reassurance that what the child is experiencing can be talked about and worked through together.
2. **Go slowly.** It is normal to feel overwhelmed or unsure what to do if a child discloses to you. This can often make a person feel like they want to ask a lot of questions which can be overwhelming and upsetting to the child. Remember to slow yourself down in the situation and focus on letting the child know that you are glad that they told you, that it was important to tell you, and that you can help them get support now. Gentle questions such as “Can you tell me more about what happened” are helpful.
3. **Be supportive.** Reassure the child that they have not done anything wrong. It is important that the child/youth knows that:
 - they are not in trouble
 - it is not their fault
 - they are safe with you
 - you are glad that they told you
 - they have done the right thing by telling you
 - it is not OK that someone has hurt them

⁹ (adapted from the *BC Handbook for Action on Child Abuse and Neglect*)

- you will do everything you can to make sure they get help and support
- you will help contact others (i.e., professionals – police, MCFD, Counsellors) that can be trusted and will help them

Talk with your child/youth about how they feel about what happened and support them with these feelings. Acknowledge their feelings. Avoid “why” questions (i.e., Why do you feel like that?) instead use “how” or “what” questions – e.g., How did that feel? What was scary?)

4. **Get only the essential facts.** As a parent, caregiver, or service provider it is not your role to be an investigator. When a child discloses to you it is important to be supportive and follow the above guidelines. Parents and caregivers often want to know exactly what happened and will want to ask a lot of questions. A child/youth needs to feel safe with you and know that you are supporting them without interrogating them. Asking too many questions can be overwhelming to the child and can impact the investigation later on. Once the child has told you information that gives you reason to believe or suspect abuse or neglect, you need to contact the MCFD and/or police. **If a child is in immediate danger always call the police first.**
5. **Tell the child/youth what will happen next.** Children and youth who disclose may feel worried about what will happen, they may even feel protective of their abusers. It is important to tell them that the next step is connecting with professionals that can help. Reassure the child that contacting the police and MCFD does not mean that the child is in trouble. The child did nothing wrong. Sometimes children/youth will ask you not to tell anyone about what they told you. It is important that you tell the child/youth that contacting the MCFD and the police is to keep them safe. **Everyone in BC has the legal responsibility to report suspected child abuse and neglect. It is our job as a community to keep children and youth safe.** By reporting abuse to the police and MCFD you are standing up and sending a message that abusing children and youth is NOT OK and that it is never the fault of the child or the youth. You can report anonymously if you are worried about this impacting your relationship with the child.
6. **Make notes.** As soon as possible after the child’s disclosure, write down as much as you can of what the child told you. Accuracy is important when reporting to the MCFD and/or police.
7. **Report the abuse.** Call the MCFD at 1-800-663-9122. If the child is in immediate danger call the police.

What to Report

In most circumstances, the identity of the person who makes a report will not be revealed without consent unless the child protection social worker is required to give their name for the purposes of a court hearing.

The report should include the reporter's name, telephone number and relationship to the child. It should also provide as much of the following information as possible:

- the name and location of the child;
- any immediate concerns about the child's safety;
- any information as to why you believe the child is at risk;
- any statements or disclosures made by the child;
- the age and vulnerability of the child;
- information on the family, parents, and accused;
- information on siblings or other children who may be at risk;
- knowledge of any previous incidents or concerns regarding the child;
- information about other persons or agencies closely involved with the child and/or family;
- information about other persons who may be witnesses or may have information about the child;
- information on the nature of the child's disabilities, if any, his or her mode of communication, and the name of a key support person; and
- any other relevant information concerning the child and/or family, such as language or culture.

Don't delay making a report just because you don't have all this information. Contact the child protection social worker immediately with the information you do have.

You don't have to report when it is clear that an injury or other harm is accidental and is a result of circumstances outside the control of the parent or other person responsible for the child in, for example, a playground injury.

From the B.C. Handbook for Action on Child Abuse and Neglect

Legal Duty to Report

Everyone who has a reason to believe that a child has been or is likely to be physically harmed, sexually abused or sexually exploited, or needs protection due to the specific circumstances outlined in the *Child, Family and Community Service Act*, is legally responsible under that act to report the matter to a child protection social worker. In British Columbia, a child is anyone under the age of 19.

The duty to report applies to everyone, including service providers, family members and the general public in short, anyone who is aware of circumstances that should be reported.

- It doesn't matter if you believe someone else is reporting the situation, you still have to report.
- It doesn't matter if you're aware that a child protection social worker is already involved with the child, you still have to report the matter. All new incidents must be reported as well.
- The legal duty to report overrides any duty of confidentiality, except a solicitor-client relationship.
- Time is of the essence in ensuring the safety and well-being of children. Report immediately.
- If you have reason to believe that a child has been or is likely to be abused or neglected, then the responsibility for making a report to a child protection social worker legally rests with you.
- Do not contact the alleged perpetrator. This is the responsibility of the police, or the child protection social worker.
- If an employer needs to contact the alleged perpetrator in order to protect children under their authority, this should be coordinated with the police and child protection social worker.

Many agencies and ministries have developed internal reporting procedures requiring that reports be made to supervisory personnel as well as to a child protection social worker. All internal reporting procedures must conform with the legal duty to report to a child protection social worker.

From *B.C. Handbook for Action on Child Abuse and Neglect*

Accompaniments to Police Interview

Once the disclosed abuse has been reported, VSWs from community agencies can have a role in supporting children/youth and their families through the investigative process by accompanying the young victims to police interviews.

The *Handbook for Professionals and Policymakers on Justice in Matters involving Child Victims and Witnesses of Crime*, describes under the right to effective assistance, section 24. that “Child victims and witnesses should receive assistance from support persons, such as child victim/witness specialists, commencing at the initial report and continuing until such services are no longer required.”

In most instances, investigating officers do not allow parents or caregivers to be present during the interview. This can be an anxiety provoking situation for a child or youth. Not only are they being interviewed by a person in authority such as a police officer, but they are without a primary support person. A VSW can help ameliorate the anxiety a child or youth may be feeling by providing a supportive presence during the interview. This may help the child/youth to relax and be less fearful about the interview process (see section on Child and Youth Advocacy Centres for additional information about trauma-informed support for police interviews).

A VSW can assist in an interview by:

- providing transportation for the child and parent/caregiver to and from the interview, if needed;
- attending to the child's need for privacy during the interview;
- being a quiet presence to help the child/youth feel safe and secure;
- helping to make the interview space comfortable;
- responding to external and other interruptions (e.g., accompanying the child to the bathroom); and
- providing for physical needs (e.g., facial tissue, water, a favourite toy).

If a VSW sits in on an interview, the worker cannot do anything to interfere with the process. Never interrupt the investigating officer or ask the child/youth questions. Prior to the interview the VSW can, in consultation with the investigating officer, come up with an intervention plan should the child/youth become emotionally distressed during the process.

It is important for VSWs to develop a protocol with the police related to the accompaniment of victims to police interviews. The protocol should outline what the role of the VSW is during the interview.

If the police are reluctant to have the VSW present during the interview, there are other ways in which they can provide support to the child/youth and family:

- Act as a liaison between the police and the family
- Assist in the set-up of the interview
- Inform the police of any special needs the child may have which need to be addressed during the interview process. These could include any physical or cognitive limitations that the child/youth may have
- Prior to the interview, give the parent or caregiver information about what to expect at the police interview and what will happen once the interview is complete
- Accompany the child/youth and family to the police station and wait with the parent or caregiver while the interview takes place
- Wait with the child/youth if the investigating officer need to meet alone with the parent/caregiver
- Provide emotional support and information to the child/youth and family once the interview is complete

Referral and Intake Process

If the VSW has not been involved in the reporting or police accompaniment parts of the criminal justice process, they may become involved after the investigation has been completed when a referral is made to the victim services program. In collecting client information, victim service programs need to be aware of the provisions and requirements of the Personal Information Protection Act (PIPPA) and Freedom of Information and Protection of Privacy Act (FOIPPA). Records management in regard to the collection of information on those referred for service should be consistent to policies and practices such as outlined in the *Records Management Guidelines: Protecting Privacy for Survivors of Violence* published by the BC Association of Specialized Victim Assistance and Counseling Programs and the BC/Yukon Society of Transition Houses. VSWs should contact the Victim Services and Community Programs Division if they have questions concerning the gathering and storage of client information.

Referrals to a victim services program, whether police or community-based, can come from various sources:

- Police or RCMP
- Ministry of Child and Family Development
- Crown Counsel
- Another victim assistance program
- Parent or caregiver of a child or youth
- A community partner

At the time a referral is made, the VSW's role is to gather information about the child or youth with which to begin to assess the support needs of the child or youth. The gathering of the following information is essential to the assessment process:

- identifying information (name, birth date, address, phone number)
- legal guardians name(s)
- involved parent or caregiver name
- reason for referral
- presenting concerns
- police file number
- investigation status
- trial dates (if available)
- name of accused
- relationship of accused to the victim
- relevant people involved in the child/youth's life (siblings, Counsellors, police officer, social worker, teacher etc.

If the child or youth has been referred to the victim services program for court preparation and accompaniment, the following additional information is essential:

- family or caregiver's response to the crime
- history of physical or mental illness in the family
- developmental history, including any learning or other disabilities, or diagnosed disorders such as fetal alcohol syndrome (FAS) or attention deficit hyperactivity disorder (ADD-ADHD), anxiety or depression and medications used
- suicidal ideation or attempts, or any self-harming behaviour
- any continuing contact with the accused
- any history of the child or youth witnessing violence
- the child/youth's current level of functioning

The gathering of this information will assist the VSW in understanding the individual child/youth's needs and allow them to create a court preparation plan that takes into account any factors which could impact the child/youth's ability to testify. For example, if during the process of gathering intake information, the VSW discovers that the child/youth being referred has a learning disability which results in they having difficulty reading, the VSW can provide court preparation which does not rely on the reading skills of the child/youth. In addition to this, the VSW can alert Crown Counsel so that they can take this into account when going over the child/youth's testimony.

The First Meeting

The initial meeting with a child/youth and their parent or caregiver is an important time. If the VSW has not been part of the police interview then the first contact with the young victim will occur after the police and/or MCFD have interviewed the child or youth. The role of the VSW is to provide emotional and practical support, and prepare them for court proceedings if required.

Emotional Support

Children/youth and parents or caregivers will require emotional support as they go through the criminal justice process. VSWs can provide appropriate emotional support by doing the following:

- Recognizing and encouraging the child/youth's willingness to be involved in the process
- Acknowledging the feelings and frustrations of the child/youth and family
- Clarifying the VSWs role and the services that are being offered
- Being truthful about the difficulties the child/youth may experience
- Debrief with the child/youth and family members after each step
- Work to create a climate of trust with the child/youth by creating an atmosphere that is child/youth-centered and friendly
- Treating children/youth with attention and courtesy and taking what they have to say seriously
- Have age-appropriate toys, books, and drawing materials available in the office

It is important that the VSW explain clearly what they can and cannot do, and why. The VSW needs to clarify that their role is to keep the young victim and their family informed of what is happening in the justice process, to prepare them for their part in it, and to support them through it.

Assessment and Referral

In addition to the information gathered at intake, it is important to gather additional information from the child/youth and their family about any potential sources of stress and any vulnerabilities that may affect the child or youth's ability to testify. In most instances, the child/youth will be in need of counselling support. This should be discussed with the young victim and the parent or caregiver. The VSW can let the family know that a referral can be made to other professionals and agencies in the community.

Confidentiality Policy

The young client and their parents or caregivers must be informed about the program's policy concerning confidentiality. A standard confidentiality policy or service agreement will state that the release of any information regarding the client's involvement with the program may only occur with the client's signed consent, with the exception of the following information:

- Unreported cases of suspected child abuse or neglect. Program staff are obligated by law to report these to the Ministry of Child and Family Development and to the police if in immediate danger;
- When a client indicates that they is in danger to himself/herself or others, program staff are obligated to inform the proper authorities; and
- Upon subpoena to testify in court at the direction of a judge, search warrants, investigations or judicial order e.g. Coroner or Ombudsman's Office.

The confidentiality policy should be in writing, and the parent or caregiver of the child/youth should be asked to read and sign the policy or service agreement. If a youth is able to understand the policy, he or she should be asked to sign the form. The VSW should take time to explain confidentiality to children in language they can understand.

Release of Information

Once the confidentiality policy is outlined, forms giving consent to release information should be completed and signed by the parent or caregiver, so that the VSW can communicate with Crown Counsel, the police, the family doctor and/or any other professional relevant to the case. A youth can sign a release of information form as long as they understand the policy.

Crime Victim Assistance Form

The VSW can also help the parent or caregiver complete the Crime Victim Assistance form in order to obtain compensation for counselling. A youth may apply for crime victim assistance without the signature of a parent or guardian. Crime Victim Assistance Program (CVAP) provides information and guidance to support children, youth and secondary victims on services and resources available to them as a victim of crime in British Columbia. See the CVAP section for further information that also describes supports for those who are a victim of a crime.

Information about the Criminal Justice System

During the initial session the VSW should provide the young witness and their family with information regarding the criminal justice system and answer any questions they have. It is especially important that they know that the process may be a lengthy one and could take up to a year or longer. It is also important that the child/youth be told that the VSW can talk to them about their feelings but not about the details of the crime.

Crime Victim Assistance Program

A child or youth who has been the victim of an alleged offence is eligible for benefits through the Crime Victim Assistance Program (CVAP). CVAP was established on June 30, 2002 under the Crime Victim Assistance Act, and is administered through the Victim Services and Community Programs Division of the Ministry of Public Safety and Solicitor General. CVAP replaces the Criminal Injury Compensation Program that was administered through the Workers' Compensation Board.

The following rules generally apply to applications to CVAP:

- The alleged offence must have occurred in British Columbia
- Charges do not have to be laid, but a documented report must have been made to the police or to a professional such as a doctor or Counsellor
- Financial assistance may be available to cover counselling and expenses directly associated with the alleged offence

A VSW can provide information about the program to victims and immediate family members, and assist them in completing the application. If the application is completed in the office, a copy may be provided to applicants before it is mailed to CVAP. Applicants and their caregivers should be advised that it may take several months for the application to be processed and approved. They will be contacted directly by CVAP about their application, and may call CVAP if they have any questions.

When a young person is a victim, application is usually made by a parent or guardian on the victim's behalf. For children and youth in care, their legal guardian in the Ministry of Children and Family Development applies on their behalf. A young person may apply in their own name if they are old enough to understand the nature of the program and what they are applying for.

Family members impacted by the alleged offence may also apply for assistance. Eligible family members include parents, siblings and grandparents. A separate form "Immediate Family Member Application" is provided.

Counselling that is funded by CVAP can be provided by a Counsellor of the applicant's choice, as long as it is a Counsellor who accepts CVAP-funded clients and the Counsellor is approved by CVAP. This information should be confirmed with the counsellor before counselling begins.

Resources

For information about CVAP and the expenses and benefits covered, and to download the application forms, go to www.gov.bc.ca, and enter "Crime Victim Assistance Program" in the Search field. CVAP can be contacted toll free at 1-866-660-3888.

The Court Process

For anyone who has had any experience with the criminal justice system, it is clear that the court process is not child and youth friendly. It is a system that is primarily focused on the rights of the accused (sometimes called the defendant) and not on the welfare of child or youth witnesses. Some courtroom and procedural accommodations have been incorporated into the *Criminal Code*, but even so, our adversarial system of criminal justice involves many procedures during investigation and prosecution which are confusing, frightening and potentially traumatic for child and youth witnesses. The support, encouragement and education offered by the VSW to the victim and his/her family can mitigate the impact of the system and enable the young witness to understand and cope positively with the court experience.

What follows is an overview of the criminal justice process and specific information on providing court preparation and support for child and youth witnesses.

Steps in the Criminal Justice Process

When a crime has been committed, society or “the state” prosecutes the person accused of committing the crime. Under Canadian law, a person is considered innocent until proven guilty. Crown Counsel, the lawyer who acts on behalf of society, must prove that the accused is guilty “beyond a reasonable doubt”. Persons charged with an offence have the right to hear the evidence presented against them and the right to defend themselves against the charges. The accused also has the right to remain silent and not be called to testify. Only after a full hearing of the evidence at a trial will a judge or jury be in a position to decide whether the accused is not guilty or is guilty beyond a reasonable doubt. However, before a trial can take place, a number of steps must be completed.

Step 1 – Laying of Charges

In British Columbia, after the police have investigated a report that a crime has been committed against a child or youth and collected any crime-related evidence, they may make a report to Crown Counsel which outlines the specific *Criminal Code* charges that may be laid. After reviewing the report, Crown Counsel will:

- Decide whether or not charge(s) are to be laid and, if so, the specific charge(s)
- Lay the charge(s)
- Prepare the case and take responsibility for prosecuting the accused
- Crown Counsel does not act on behalf of any specific victim, and is not representing the victim in the case. However, they will be in contact with the child or youth victim since they may be the Crown’s key witness.

Offences are categorized in one of three ways in the *Criminal Code*. The court procedures will vary depending on how the offence is categorized:

1. **Summary Offence** -- less serious offence. The maximum punishment for a summary offence is a \$2000 fine or six months in jail or both. If the accused pleads not guilty, the trial will be held in Provincial Court without a jury. The accused has no choice of trial procedure in summary matters.
2. **Indictable Offence** - more serious offence. There is no limit to the fine that can be imposed, and the possible jail term ranges from two years to life imprisonment. The accused can choose (elect) to be tried either in Provincial Court without a jury, or in Supreme Court, with or without a jury.
3. **Hybrid Offence**. Certain offences where the Crown can decide whether the charge will be laid as a summary or indictable offence.

Step 2 – First Appearance

After charges have been laid, the accused receives a summons setting out the charges in detail and giving the date for the first appearance. The first appearance is usually brief, and witnesses do not have to attend. The matter will be adjourned to another date if the accused does not yet have a lawyer.

The Defence Counsel (the accused's lawyer) will be given the circumstances of the Crown's case prior to the accused entering a plea. The Crown's case includes the following:

- Details of the alleged crime
- The evidence the Crown intends to present in order to prove that the crime happened
- The victim's statement

The accused will be asked to enter a plea of *guilty* or *not guilty*. If she/he pleads guilty, a trial will not be necessary. If the accused pleads not guilty, the matter will proceed according to whether it is a summary or indictable offence.

The accused may choose to plead guilty at any stage of the proceedings. The judge will either sentence the accused immediately or at another date determined by the judge, after hearing from both the Crown Counsel and the Defence Counsel.

Step 3 – The Preliminary Hearing

If the accused is charged with an indictable offence, and has elected to be tried in Supreme Court, they may also elect to have a preliminary inquiry prior to trial. A preliminary inquiry determines whether there is sufficient evidence to proceed with a trial.

Only the primary witnesses will be called to testify at a preliminary inquiry, usually including the victim. Otherwise there are few differences in procedure between a preliminary inquiry and a trial; the role of the court personnel is the same, as is the manner and content of the testimony of

the child or youth witness. One difference is that a witness in a preliminary trial cannot listen to other witnesses give their evidence, even after they themselves have finished testifying, because they may be called to testify again at the trial. At trial, when the witness has completed their testimony, they may stay in the courtroom for the remainder of the trial.

There are two main purposes of a preliminary inquiry. The first is to enable the judge to decide if the Crown's case has sufficient evidence to proceed to trial with a substantial likelihood of conviction. The second is to give the accused person an opportunity to hear the case against them. If Crown Counsel shows sufficient evidence, the accused will be ordered to "stand trial" in Supreme Court. The trial date will probably be set for many months after the preliminary inquiry.

The child or youth witness is only required to attend court on days when they have been subpoenaed to attend.

Step 4 – The Trial

There will be a number of people in the courtroom during the trial. It is important that child and youth witnesses understand who will be there and what their roles will be. If the trial is in Supreme Court, the proceedings are more formal than in Provincial Court.

The child may be required to testify for an extended period of time. They will be required to answer questions first from Crown Counsel and then be cross-examined by Defence Counsel. The cross-examination process is hard for children to understand. It can also be especially difficult for them to talk about what happened when the accused is present in court. Preparing children for court and advocating for testimonial accommodations will help to ameliorate the distress they might feel.

The Crown's Case

Once the child or youth has been sworn in or has made a promise to tell the truth, Crown Counsel will begin to present all the evidence that supports the charge. This will include the child or youth's testimony as well as the testimony of those involved in the investigation, such as police, social workers and parents. If there has been a medical examination, the examining doctor will be asked to report on any findings. The Defence Counsel may cross-examine each witness following direct examination by the Crown.

The Defence Counsel's Case

Defence Counsel will be present to defend the accused. After Crown Counsel has finished presenting evidence, and Defence Counsel has cross-examined the Crown witnesses, the case for the accused will be presented. The Defence will call witnesses for direct examination, and the Crown will then have an opportunity to cross-examine them. The judge may ask questions of any witness, at any time. Defence Counsel is under no obligation to call witnesses or present evidence.

Judge

The judge will always be present at the trial. It is their role to do the following:

- Consider the legal arguments presented by both sides
- Ensure that the laws of evidence and criminal procedure are adhered to
- Consider and weigh all the evidence
- Summarize the evidence for the jury in a jury trial, and instruct them regarding what evidence can or cannot be considered in the deliberations
- Explain the relevant substantive law to the jury in a jury trial
- Determine the verdict where there is no jury
- Decide upon a sentence

Jury

A jury may be present at a trial and is composed of 12 men and women selected from the community. Their role is to do the following:

- Consider and weigh all the evidence placed before them
- Determine a verdict by applying the law, as the judge instructs them
- Advise the judge of their decision regarding the guilt or innocence of the accused

Court Clerk

The court clerk will be present at the trial. It is their role to do the following:

- Ensure that everything is in place for the trial
- Read the charge or the indictment to the accused
- Call and swear in or affirm the witnesses
- Mark the exhibits
- Take informal notes of the proceedings

Court Reporter (Supreme Court) or **Court Recorder** (Provincial Court)

The court reporter or recorder will be present to record the trial proceedings and prepare transcripts.

Sheriff

A sheriff will be present to make sure there are no disruptions or incidents in the courtroom.

Step 5 – The Sentence

The judge has a number of sentencing options available. These include:

- Absolute discharge
- Conditional discharge
- Suspended sentence
- Fine
- Probation
- Conditional sentence of imprisonment
- Restitution
- Community service
- Special conditions such as participating in restorative justice
- Imprisonment

Testimonial and Courtroom Accommodations

Competency Inquiry

Until 1988, children under the age of 14 were presumed to be incompetent to testify. In 1988, amendments to the *Canada Evidence Act* made it possible for children to testify; however, they were still required to undergo an inquiry by the judge to ensure that they were legally “competent” to testify at the time this was known as a Competency Inquiry. As of 2005, when Bill C-2, An Act to Amend the Criminal Code (Protection of Children and Other Vulnerable Persons and the Evidence Act) came into effect it amended the *Canada Evidence Act* to clarify that a person under 14 years of age is presumed to have the capacity to testify.

Publication Ban

At any proceeding, the judge may order a ban on publication to ensure that the name of the child/youth and any evidence that could reveal their identity will not be published or broadcast in any way during the course of the proceeding. The judge may initiate this order, but in most instances it is requested by Crown Counsel in order to protect the victim and the family and to ensure that the witness will be able to testify fully. The ban on publication does not affect the public’s access to the courtroom unless an order is made by the judge to exclude observers.

Closed Court Room/Exclusion of the Public

Bill C-2 contained numerous amendments intended to facilitate child testimony including the exclusion of the public in certain cases. This means that a judge may order that a court room remain closed to the public and only individuals directly involved in the trial in question will be allowed access to the court room. This also may mean that extended family members and other support people are excluded from the court room.

Videotaped Evidence

The testimony of the young person, as victim of the crime, will often be the key evidence against the accused. Medical evidence and testimony by experts may be used to corroborate the young person’s account. While the child must appear in court to present evidence, section 715.1 of the *Criminal Code* deems the use of a child complainant’s previously recorded videotape admissible under the following circumstances:

- The complainant was under the age of 18 years at the time of the alleged offence;
- The videotape was made within a reasonable time after the alleged offence occurred; and

- The child testifies in court in order to formally adopt the videotaped statement and is available for cross-examination in order to clarify information made in the statement.

This does not mean the young person would not have to testify. They would still have to take the stand (with accommodations if requested) and “adopt” their previously recorded statement. They may be cross-examined on their previously recorded statement. However, this may also prevent them from having to tell their entire story once again on the witness stand in examination in chief.

Khan Applications

A Khan application (1992, 76 CCC [3d] 10 (S.C.C.) may be made by Crown. Instead of the child being required to testify in court, statements that they have made to other witnesses are admissible. Crown Counsel must show that such hearsay statements are necessary as the only available means of getting the evidence before the court. The Crown must also show that these statements have a circumstantial guarantee of trustworthiness and are therefore reliable.

Testimonial Accommodations

The courtroom can be an intimidating place for a young victim. Seeing the accused and being near him or her can cause great anxiety and may affect the young victim’s testimony. The *Victims Bill of Rights* (Bill C-32) allows for victims to have the right to request special accommodations. In order for this to happen, an application must be made by the Crown. Victim Service workers help to advocate for a trauma-informed approach to supporting child and youth through the justice system, including information and advocacy about these accommodations.

A major objective of Bill C-32 was to provide measures to facilitate young persons under 18 or other vulnerable witnesses in testifying in court. There is no set definition for a “vulnerable person” but the legislation provides guidelines where witnesses for one reason or another should be considered as requiring help for effective testimony. Before this legislation, the onus was on Crown Counsel and/or the witness to demonstrate the need for aids to testimony. Currently, section 486 of the *Criminal Code* articulates a presumption in favor of witnesses under 18 having the aids made available to them upon application. The onus shifts to the defense to demonstrate that the aids should not be used because they would interfere with the administration of justice. The presumption of vulnerability also exists for persons with mental and/or physical disabilities and victims of criminal harassment for certain accommodations. The goal is to make it easier and less traumatic for children and other vulnerable witnesses to testify in court.

VSWs who are preparing a child/youth for court need to be able to assess the young witness’s level of anxiety about testifying and whether or not seeing the accused in the courtroom will likely interfere with his/her ability to give a full account of what happened. It is important that the VSW communicate this assessment to the Crown ahead of time so that Crown can prepare an application if needed.

Testimonial Accommodations include:

- Testifying from behind a screen in the courtroom
- Testifying via Close Circuit Television (CCTV) outside of the court room
- Testifying from behind another device that protects the witness (victim) from seeing the accused
- Testifying with a support person (VSW) present – either within or outside the courtroom

Procedure for Applying for Accommodations

The Crown Counsel needs to apply to the judge for an order to allow the witness to use aids to testimony. Workers and Counsellors can assist by communicating with Crown when they see the need for the use of aids and by providing information on the witness's disability or level of fear. Witnesses can also apply to the judge on their own behalf.

Unrepresented Accused

In cases where the accused does not have a lawyer, the judge can order that the accused not cross examine the witness and appoint a lawyer to do so.

This applies in the following cases:

- Children under 18
- Witnesses with mental and/or physical disabilities
- Victims of criminal harassment. This reform reflects the serious nature of criminal harassment, including its impact on the safety and well-being of victims and prevents the victim from having to endure further harassment by a self-represented accused.
- Other cases upon application by the Crown or witness, where in the opinion of the judge, it is necessary to obtain a full and candid account. In making a determination the judge would take into account the nature of the offence, the nature of any relationship between the witness and the accused, and any other circumstances the judge considers relevant.

Expert Testimony

A VSW who has considerable experience preparing children for court may be required to provide expert testimony in certain cases. Crown Counsel may require expert evidence to support applications regarding the following:

- The need for a testimonial aid;
- The child's limitations or vulnerabilities that affect his or her testimony;
- The child's ability to testify (Khan applications); and
- VSWs should have a current curriculum vitae available, as well as knowledge of the most recent literature and research on child/youth victims.

Potential Court Outcomes

Stay of Proceedings

The *Criminal Code* of Canada allows Crown Counsel to stay or delay the proceedings of a trial for a period of up to one year. This procedure may be used at any time after the proceedings have begun and before the verdict. Crown Counsel may use this procedure in cases where particular witnesses cannot be located or in cases where they do not believe they have sufficient evidence to proceed at the time or where Crown does not intend to pursue the charges further. The proceedings may be reconvened by the laying of a new information or issuing a new indictment. Witnesses and their families may be confused and distressed by this decision.

Verdict

After all the evidence is presented, the judge (or jury) will make a finding of guilty or not guilty.

Not Guilty

If the accused is found not guilty and acquitted, it means that the judge or jury did not believe that the Crown's evidence was able to prove beyond a reasonable doubt that the accused was guilty. **This does not mean that the judge or jury did not believe the child/ youth or other witnesses. Nor does it mean that the whole process was a failure.** The fact that the case was brought to trial sends a strong message to the accused and the community that crimes against children and youth are being taken seriously. A finding of not guilty means that the accused is a free person and can leave the courtroom. Any conditions of bail (e.g., a no contact order) are no longer in effect.

Guilty

If the accused is found guilty, the judge will decide on the type and length of sentence. A probation officer may be ordered to prepare a pre-sentence report so that the judge will have more information on which to base the sentencing. The probation officer is expected to consult the child or youth and family in order to prepare the report. Pre-sentence reports are not called for in all cases. Whether or not there is a pre-sentence report, Crown Counsel will make recommendations for sentencing and, if a victim impact statement was submitted, present it to the judge for consideration.

Victim Impact Statement

A victim impact statement is prepared by the child or youth and/or family members on the child/youth's behalf. It describes how the crime has affected the child/youth. In some cases, victim impact statements also describe the impact of the abuse on other family members such as parents or siblings. It is completed and forwarded to Crown Counsel at any time prior to sentencing and is another source of information for the judge to consider when determining the sentence.

If the offender receives a jail sentence, corrections or parole officers may want a copy of the statement, or they may give the child/youth or the family an opportunity to provide information for the use in hearings that affect the accused's placement, release, or conditions of release.

It is sometimes too difficult emotionally for child/youth victims and family members to complete a victim impact statement on their own. Victim Service Worker's should discuss the use of a victim impact statement and, if appropriate, help the client to prepare one. It is important to inform the victim that their impact statement will be made available to Defence Counsel and they can be cross examined on it.

Resources

Centre for Children and Families in the Justice System: <http://www.lfcc.on.ca>

Child Witness Preparation: A Manual for Practitioners - Province of British Columbia, Ministry of Attorney General.

Children as Witnesses: Thinking Beyond the Box Results of a Roundtable held by the Society for Children and Youth of BC in partnership with the Justice Institute of B.C. (2000) Vancouver: Society for Children and Youth.

Criminal Code of Canada, available online at <http://laws.justice.gc.ca/en/C-46/index.html>

Cunningham, A., & Hurley, P. (2007). *A full and candid account: Using special accommodations and testimonial aids to facilitate the testimony of children* (7 part book series). Centre for Children and Families in the Justice System. London, ON: Library and Archives Canada Publication.

Court Preparation and Support for Children and Youth

Preparing and supporting children and youth through the court system is an integral part of Victim Services work. Court preparation and support requires balancing the needs and well-being of the child/youth with the requirements of the Justice System. Children often find the Justice System scary and confusing. There is a high-risk of re-traumatization if children and youth are not adequately supported through this system.

Victim Services with children and youth that are required to participate in the Criminal Justice System court process must incorporate a child-centred, trauma-informed approach to supporting children and youth so that they feel like their voices are heard and that they are believed within a system that typically is difficult to navigate and is designed to serve adults.

The Criminal Justice System requires children and youth to participate in the same capacity as adults and has yet to adopt a trauma-informed understanding of impacts of abuse and violence on children, youth, and families. The Justice System can feel overwhelming and intimidating to children, youth, and their families. Children and youth often feel a loss of control as they do not have a choice as to whether or not the abuse is reported to the police and Ministry of Children and Family Development.

Due to the high standards of evidence required to proceed with criminal charges, typically there has been a low charge approval rate for child abuse cases and even lower conviction rates. Adults convicted of sexual offenses against children typically receive lenient sentences (see Victims of Violence Canadian Centre for Missing Children).

Children and youth often do not understand the requirements of the system and feel as though they are not believed when charges are not approved, offenders are found not guilty, or sentences are lenient.

A Victim Service Worker's (VSW) role is an important part of helping children and youth heal from difficult or traumatic events by helping and supporting them through the Justice System.

Trauma Informed Principles for Court Preparation:

Acknowledgment of the effects of trauma

Safety

Trust

Choice and Control

Compassion

Collaboration

Strengths-based

Goals of Court Preparation and Support with Children and Youth

Victim Service Workers (VSW) are part of multi-disciplinary team supporting children and youth through the Criminal Justice System consisting (but not limited to) Crown Counsel, Victim Services, law enforcement, and community support services. Victim Service Workers must be clear about what their role is as they enter the process with children, youth, and families in order to be able to provide the best support. Working closely with other members of the team will help to ensure that young witnesses get the support that they need.

In preparing a child/youth for court, a VSW must be conscious of both the needs of the child/youth and the needs of the justice system. In order to maintain that balance, the VSW should have the following goals in mind:

- Acknowledging and advocating for the child/youth's needs
- Support the child/youth to feel heard and believed despite justice system outcomes
- Minimize and mitigate the potential for re-traumatization for the child/youth where possible
- Ensure that the child/youth understands the importance of telling the truth when being questioned in court
- Preserve the integrity of the criminal justice process
- Preserve the integrity of the preparation process
- Maintain the appearance of integrity

Court Preparation and Support with Children and Youth's Caregivers

Going to court is a stressful event for both the child/youth and their caregivers. An important part of supporting children and youth is providing support, knowledge, and skills to their parents and caregivers so that the parents and caregivers can provide helpful support to the child/youth during the court process.

Adults often have their own experiences of the Justice System or their own ideas about the court process. These feelings and ideas may impact the parent/caregiver's ability to provide support for their child during the court process. Children and youth who feel supported by their parents/caregivers throughout the Justice process are often better able to participate in the Justice process.

It is important for a VSW to provide support to the parent/caregiver by considering the following:

- Provide accurate information about the court process
- Address misconceptions or myths about the court process with adults
- Emphasize that the role of the young witness is one part of the Justice process and that the outcome of the trial is not the responsibility of the child/youth

- Emphasize that participating in court is important and required; however, it is not necessarily a way to “punish” or “provide consequences” to the accused
- Emphasize that it is not the child/youth’s responsibility to “stop” the accused by testifying
- Emphasize the importance of the parent/caregiver telling the child/youth that they believe them no matter what the outcome of the trial is
- Discuss the importance of protecting the integrity of the Justice Process with parents/caregivers, particularly preserving the evidence by not discussing details of the child/youth’s testimony (see section below *Preserving the Integrity of the Criminal Justice Process*)
- Provide information and skills that parents/caregivers can use at home to redirect children/youth when they want to discuss their testimony. Talk about acknowledging feelings while not discussing details about what happened
- Acknowledge that court can be stressful for children/youth and families and provide information and support resources to help families manage feelings of stress or anxiety
- Talk about support strategies for children and youth that can be used at home
- Inform parents/caregivers about some of the common reactions, feelings, and behaviours that may come up for children/youth of different ages and how they can help their child manage these
- Provide individual support sessions for parents/caregivers as needed to debrief court experiences, before and after the trial
- If the parent/caregiver is considering watching the child/youth’s testimony as a support person, discuss the importance that the parent/caregiver does not treat the child differently after hearing the full truth about their experience. Children/youth often worry about being judged or that their parents/caregivers will treat them differently if they know the truth about what happened. It is crucial to a child/youth’s healing that parents/caregivers are able to listen and hear their child’s truth without judgement
- Acknowledge that it may be extremely difficult for parents/caregivers to listen to the testimony of their child and to witness their child having to testify in a court setting
- Discuss a plan for the day of the trial which includes acknowledging the child/youth’s needs and prioritizing these over the adults’ needs. For example – the youth may not want their parent to hear their testimony or may find it overwhelming to have their parent with them on the day of trial despite the parent wanting to be there
- Acknowledge that participating in court can impact the entire family unit, particularly when the accused is a family member
- Connect parents/caregivers to resources for themselves such as community support, Counsellors, or their own VSW if they are also required to testify

Preserving the Integrity of the Criminal Justice Process

Preserving the integrity of the criminal justice process is a key goal in preparing young victims for court. This means that the support provided by a VSW does not interfere with the justice process, influence the young witness’s testimony, or otherwise impact the court process or the young witness’s engagement with the Justice System.

Young witnesses may want to talk to the VSW about what to say when they are testifying or express feelings of anger, discouragement, or frustration with Crown, Defense, or other court personnel. It is important that a VSW is clear with the child/youth about their role as a support person while being conscious of court requirements. Victim Service Workers can acknowledge the feelings a young witness expresses without engaging in negative talk about Crown or defense, despite personal feelings or opinions about court outcomes. A VSW can help children and youth understand the different roles within the court system in order to provide context to behaviours and attitudes of court personnel that may otherwise be confusing for young witnesses (e.g., cross examination by Defense Counsel).

The guidelines below provide some key points in helping to preserve the integrity of the Criminal Justice Process

Do:

- Use the child/youth's terminology throughout the preparation and the trial
- Emphasize the importance of telling the truth in court, and telling the judge what happened. Do not use terms such as "tell the judge your *story*"
- Acknowledge feelings
- Provide support to parents and caregivers about how to best support their child
- Tell parents or caregivers that they cannot discuss details of the child/youth's evidence, statement, or testimony
- Document the preparation process; if the young witness is old enough, encourage them to do so as well
- Advise Crown Counsel of the child's progress and any special needs or considerations that become evident through preparation
- Alert Crown Counsel to any special considerations that the child/youth may require prior to or during the court process

Do not:

- Do not review a child/youth's statement or testimony – Only Crown Counsel should discuss the child/youth's evidence or statement
- Do not speak of the accused or Defence Counsel in inappropriate or derogatory terms and help the child/youth to understand the role of Counsel
- Do not offer a child/youth treats or promises in order to persuade her/him to engage in court preparation or to testify

Court Preparation

There are a number of learning objectives that need to be reached when preparing young witnesses for court. By the end of the court preparation process, young witnesses should have:

a) Knowledge and understanding of:

- their job in court: to tell the truth about what they saw, heard or experienced
- what the courtroom looks like; the roles and responsibilities of all the people in court
- the court process; what to expect when they are a witness

b) Skills that enable them to:

- give an oath, affirmation, or a promise to tell the truth
- give evidence by answering questions from Crown Counsel
- answer questions during cross-examination
- understand and use their strengths, skills, and resilience
- manage their fears
- to manage stress and pressure

Accomplishing the above objectives requires that the Victim Service Worker (VSW) spend between four to eight sessions with the child/youth. Sessions will cover several areas, as outlined below.

Relationship Building and Creating Safety

In order to create a sense of safety for the child/youth and to set the stage for court preparation, the initial session should include the following:

- Information about the role of the VSW. This must include telling the child/youth that they cannot talk about the details of the case with the VSW, but that they can talk about feelings, concerns, or questions related to being a witness
- An explanation of the purpose of court preparation
- Information about what will happen during the court preparation process
- Activities and questions which promote the development of a connection with the child/youth (see section on page 121 for examples of relationship building exercises)
- Informing the child/youth that the VSW is part of a team, which includes police, Crown Counsel, parents or caregivers who are there to support them through the process

Building Resilience, Developing Coping Skills, and Exploring Fears

Testifying in court is a stressful situation no matter what age. As part of the goal of minimizing the potential for re-traumatization, it is important that the VSW helps the child or youth prepare for the situation in a way which builds on their strengths and helps to develop positive coping skills. This can be done in the following ways:

- Help the child/youth articulate (in pictures, actions or words) any concerns or fears they might have about the court process
- Normalize those fears by letting the child/youth know that others (children and adults) also have those concerns and that court is a difficult process
- Teach the child/youth skills or techniques that will assist them to cope with situations in the courtroom that they do not have the power to change
- Help the child/youth to articulate (in pictures, actions or words) their strengths
- Assist the child/youth to see how those strengths will help her/him when testifying in court
- Help the child/youth to identify all the support people in their life and the key people they can rely for support before, during, and after the court process
- Teach techniques to handle stress and pressure
- Teach relaxation techniques

At the end of this section there will be samples of exercises designed to help children and youth develop coping skills and resilience.

CHILDREN CAN BE TAUGHT TO PROTECT THEIR OWN WELL BEING

You may be distressed by the thought of a small child (or, for that matter, a teenager) who must deal with the power, authority and complex procedures of the criminal justice system, in the presence of an accused person whom they may have many reasons to fear.

Perhaps one of the greatest benefits of court orientation for young witnesses is the opportunity to teach them life-long skills of finding their own focus and power in an intimidating situation.

By normalizing their court experience and acknowledging and accepting their fears as being perfectly reasonable, you give the child the message that while this is a difficult and scary experience, the child is OK and will be able to get through this.

By addressing their fears and helping them develop concrete ways to deal with each fear, you help teach them the skill of facing down fear.

By simulating experiences the child/youth is worried about in a fun way, you prepare children to cope with, for example, having to tell what happened to them in the presence of the accused.

By teaching children relaxation techniques, you help them to deal with stress in this and other situations.

By practicing activities that help children discover their own point of focus and power, they gain confidence in their abilities to handle tough situations.

By preparing the child and family for the possibility of an acquittal, and ensuring they know that the burden of proof for the Crown Counsel is a very high standard, they learn that the child is not responsible for the outcome of the trial. In turn, this reinforces that whatever happens in the court process, you are OK, you completed your role, and you can move forward.

Adapted from *Court support for children and youth*. Victim Advocate Training Manual. Alberta Solicitor General, Alberta Police Based Victim Services Association (2002)

Understanding What Happens In Court

An important element of court preparation is an understanding of what happens in court. Important points to cover with children and youth are:

Testifying

- The courtroom is a place where the child/youth will be asked to tell the truth about what they remember about what happened
- Why the judge (or judge and jury) need to hear what happened
- Witnesses must swear an oath or promise to tell the truth
- Crown Counsel will first ask questions of the child/youth
- It is the Crown's job to prove a case, beyond a reasonable doubt, that something against the law (Criminal Code) happened
- Defence Counsel will ask questions of the child/youth about what happened
- The child/youth must answer questions with their voice so that it can be recorded
- The child/youth can tell the judge if they do not understand a question or if they are confused by something that has been asked in court
- The child/youth can ask that a question be repeated if they did not hear or understand the question
- It's OK to ask the judge for a break
- It's OK to cry or be upset, the Judge and Counsel know that this can be a scary and stressful experience

Cross-examination

- Cross-examination is when questions are asked by the Defence lawyer
- It is the Defence lawyer's job to see if there is any doubt about the child/youth's account of what happened
- It is a difficult process, and the child/youth should try not to take it personally, but realize that the Defence lawyer is doing his/her job

Adjournments

- Court proceedings often get changed to another date at the last minute
- The change in court date can be either a relief or a disappointment if the child/youth is prepared and ready to testify

Preliminary Inquiry and Trial

- It is possible that a child/youth will be required to testify in court more than once for the same case
- The first time could be at a preliminary inquiry where the judge determines whether or not there is enough evidence to have a trial
- The witness will also be required to testify again at a trial, where the judge or jury will hear their testimony and decide if the law has been broken

Court Outcomes

- The judge or judge and jury are responsible for deciding whether to make a finding of guilty or not guilty. If the judge decides a person is guilty, the judge imposes a sentence

Possible court outcomes can include:

1. A stay of proceedings
 2. A conviction of the accused (i.e., guilty)
 3. An acquittal of the accused (i.e., not guilty)
- If the accused is found not guilty, it does not mean that the child/youth's account of the event was not believed but that there was not enough evidence overall to prove the Crown's case beyond a reasonable doubt.
 - It is important to ensure that the child/youth understands that an acquittal or stay is not a reflection of how well they testified. The child/youth should be praised for doing a great job, as well as supported with any feelings that come up if the outcome is an acquittal or stay of proceedings.

Understanding the Courtroom Setting

As part of the preparation process, a child/youth needs to be familiar and comfortable with the courtroom setting. This can be done through resource material such as workbook *What's My Job in Court* or the website www.courtprep.ca in addition to visits to the court house (See Resource section below for other court preparation materials). It is important to know the following:

- The physical layout of the courtroom. Asking the child/youth to draw a picture of the courtroom or to build one out of blocks or other materials is a way to promote hands-on learning about the courtroom
- The roles of the people in court: judge, jury, court clerk, court reporter, court security officer, Crown Counsel, defence lawyer, witness and observers
- Knowledge of where people will be seated. Always check with Crown Counsel before talking with a witness about where the accused will be sitting as the witness may be required to identify the accused during their testimony. Telling the child/youth witness before court where the accused will be sitting could be interpreted by the court as helping the child/youth identify the accused

Giving an Oath or a Promise to Tell the Truth

As noted previously, all young witnesses will be required to either swear an oath, affirm, or to demonstrate that she/he understands the difference between the truth and a lie and will promise to tell the truth. The VSW must ensure that:

- The child/youth understands what an oath, an affirmation and a promise to tell the truth is
- They should also know the difference between the truth and a lie and be able to articulate the difference

Preparing for the Experience of Giving Testimony and Being Cross-Examined

There are many skills a child/youth must learn and practice in order to be prepared for testifying and being cross-examined. Practicing these skills must be done in a way that cannot be perceived as contaminating the evidence. In order to accomplish this, it is important to have the young witness recall fictional stories or events which did happen but are in no way related to the evidence that they will be asked to give. For example, the child/youth could be asked to recall what they did in school the previous morning or on their last birthday.

The child/youth needs to practice the skills of:

- Remembering an experience
- Telling someone about that experience
- Responding to questions about that experience
- Responding to questions that challenge what the child/youth has said
- Remaining calm or taking time to think in order to clearly answer difficult or confusing questions
- Telling the truth if they do not remember or do not know the answer to a question and not guessing at the answer

Making a plan for the day of the Preliminary Inquiry and/or Trial

Work together with the child/youth to create a plan that helps the young witness feel prepared for the day of the trial. Making a clear plan helps create safety in a difficult situation by clearly outlining the process of the day and what the child/youth needs to do. Working together and collaborating with the child/youth to create the plan fosters choice and supports the child/youth to draw on their strengths and abilities to feel best prepared.

Plans should include:

- Where the VSW and the child/youth will meet and what time
- What time the VSW and child/youth will meet with Crown
- Where the VSW and child/youth will wait before testifying
- What items the child/youth wants to bring to court including a support item to hold while testifying and any activities or items to play with or use while waiting (i.e. toys, music, colouring supplies)
- Preparing a snack and a water bottle
- What to wear to court
- Remind the child/youth that the VSW cannot say or do anything (even nodding or smiling) while the child/youth is testifying

Working with Crown Counsel

A key component of the Victim Service Worker's role in court preparation is liaising with the Crown Counsel. In order to prepare a young witness for court, it is essential that the VSW work closely with Crown Counsel; consulting with and keeping the Crown informed will help to ensure that the needs of the child/youth are met and accommodated.

Often the first contact a child or youth has with Crown Counsel will be at a meeting prior to the preliminary inquiry or the trial. The meeting may occur days before the hearing, which is usually several months after the young witness has been interviewed by the police interview and the laying of charges. The VSW should be in contact with Crown as soon as they know the court date for the preliminary inquiry or the trial in order to facilitate setting up the first meeting. VSWs should accompany the child/youth and family to the interview. At that meeting Crown Counsel may review the child/youth's statement and ask the child to repeat or clarify particular details of their evidence. If there is a videotaped statement Crown may want to watch this with the child/youth. Crown may also give the child/youth information about the court process, and explain the type of questions they can expect to be asked. At times there may be multiple meetings with Crown or just one, depending on the Crown's needs for the case and the amount of preparation both the witness and Crown feel is necessary.

Below is list of considerations to discuss with Crown prior to the day of the trial. In order to remove as much unpredictability as possible from a young witness's time in court, you can support the Crown in that process by letting them know as early as possible any witness needs that you are aware of, and continue to keep them informed as the trial date approaches.

Crown Counsel Checklist¹⁰

- **Testimonial Accommodations** (see section "Bill C-32 Victim's Bill of Rights" for further details):
 - **Screen or closed-circuit TV for testimony.** If you assess that the young person needs to have a screen in court or needs to testify from a separate room, let the Crown know as far ahead as possible so that the matter can be considered by the Crown and arrangements made as needed.
 - **Support people in court.** Let the Crown know where you plan to sit in court. If the witness is very young, and depending upon their apparent needs, discuss with the Crown whether it may be advisable to consider sitting with or near the witness while they are testifying.
- **Witness seating.** You can assess during a courtroom tour before the trial whether a booster seat will be needed, and let the Crown know as soon as possible, so that it is available on the trial day. The Crown should also be advised if you think that a microphone may be needed to amplify the witness's voice. Also let the Crown know

¹⁰ Adapted from *The Vulnerable Witness Courtroom Interview Checklist*, by Crown Wendy Harvey

that you have encouraged the witness to look towards the judge or to the crest behind the judge when answering questions.

- **Support items in court.** Are there items that the witness wishes to take into the courtroom e.g., a stuffed toy? If so, the Crown needs to be advised, so that any potential difficulties can be considered.
- **Intimidation at the courthouse.** Are you aware of any threats by the accused or their family or friends? If so, the Crown and the sheriff need to be informed of this immediately. Depending on the circumstances, the Crown may need to be prepared to request the judge to clear the courtroom.
- **Unusual entrance.** Will the witness enter the courtroom in the usual manner, or do they need special consideration to avoid the accused?
- **Ban on publication (s.486.3).** Will the Crown be requesting a ban on publication?
- **Closed or open court room.** Will the courtroom be open to the public or closed for the trial?
- **Timing of testimony.** Let the Crown know of any special needs or limitations that the witness has, including developmental considerations, difficulties concentrating, need for frequent washroom breaks, etc. Children and youth of all ages need special consideration to ensure that they are not in the witness box for a continuous lengthy period.
- **Courtroom location of trial participants.** Confirm with the Crown as to where they expect to sit in court. Ask the Crown if they are aware of any unusual plans in terms of where the defence lawyer or the accused will sit. Ask the Crown if the witness will be asked to identify the accused in the courtroom; if so, make sure that you don't discuss with the witness where the accused will sit.

Providing Support on the Day of the Trial

On the day of the preliminary inquiry or the trial, Crown Counsel will arrange to meet with the VSW, the child/youth, and the family before court proceedings are scheduled to begin. In most instances, Crown will check in with the child/youth to go over any last minute details. The VSW can meet with the child/youth and their caregivers prior to the meeting to check-in and provide emotional support. Follow the plan for the day of court that was made with the VSW and witness during court preparation so that the process is predictable – remind the young person about this plan and review next steps as needed (i.e., “First we are going to meet with Crown, the Crown will let us know if there are any changes to our plan, then we will head to the CCTV room to wait for your turn to testify, we can colour once we get there”). Check-in regularly with how the witness is doing, if they need anything, and remind them about calming and coping strategies that you practiced together.

VSWs should be aware of the potential for a witness to see the accused or the accused's family/supporters outside the courtroom in the hallway or on the street as they enter the courthouse. This is particularly important for accused persons that are not being held in custody. Prepare the child/youth for this possibility and make a plan for what to do if seeing the accused will be upsetting or scary. Remind the child/youth that the courthouse is a safe place and that the sheriffs are present to ensure this safety.

In some court houses there are separate waiting areas for vulnerable witnesses; however, in smaller courthouses this may not be possible and witnesses will be required to wait outside the designated courtroom. The VSW will wait with the child/youth and family until they are called to testify.

Some key reminders for VSW's on the day of the trial include¹¹:

- Follow the plan that the VSW and the child/youth made during court preparation
- Check-in with Crown Counsel for updates or any changes
- Remind the child/youth to go to the bathroom before they testify and remind them that they can ask for a bathroom break if they need during their testimony
- Bring snacks in case the child/youth must wait a long time to testify and gets hungry
- Bring books, games, or other age appropriate activities to keep the child from getting bored during a long wait
- Remain calm and positive. If the child senses your apprehension, it may adversely affect their testimony
- Do not promise the child that they will receive a treat if they provide good testimony. This could be perceived as a bribe
- Remind the child/youth to do their best and tell the truth
- Remind the child/youth that they are not responsible for the outcome of the trial
- Remind the child/youth that the VSW is there for them
- Remind the child/youth that the VSW cannot say or do anything while the child/youth is testifying, they must maintain a neutral expression
- When the VSW is in the courtroom while the child/youth is testifying, they must not send nonverbal messages (nodding, smiling or frowning) to the child while they are on the witness stand. The judge may dismiss the testimony if there is a perception of interference. The VSW must maintain a neutral presence and expression. Stay strong and grounded
- Acknowledge and validate the child/youth's feelings before and after they testify, acknowledge that testifying is a difficult thing to do

Testifying in the Courtroom

The child/youth will be called to testify, they are typically called by the Sheriff. At this point the child/youth will enter the courtroom, accompanied by the VSW. The young witness will take the

¹¹ Adapted from *Court support for children and youth*. Victim Advocate Training Manual. Alberta Solicitor General, Alberta Police Based Victim Services Association, 2002, p.30

stand and the VSW will sit in the prearranged place in the courtroom. After giving their testimony and being cross-examined, the witness will leave the courtroom accompanied by the VSW.

Testifying by CCTV

When testimony by CCTV has been prearranged with Crown Counsel, the child/youth will wait in the designated area. The Sheriff will set-up the CCTV and tell the witness where to sit. The CCTV will start and the Crown will check to see if the child/youth can hear and see the court room. Any adjustments will be made. The CCTV will be turned off until the witness is required to testify. At this time, the VSW will be with the child/youth in the CCTV room. Typically the VSW will sit off screen as a support in the room; however, at times the VSW will be required to sit onscreen so that the court can see the worker the entire time the child/youth is testifying. The child/youth's parent is not typically allowed to be in the CCTV at the time the child/youth is testifying.

The young witness will testify and the VSW will sit in the prearranged place in the CCTV. After giving their testimony and being cross-examined, the CCTV will be turned off in the court room and the witness will be free to leave accompanied by the VSW.

After Testifying

After the child/youth has finished testifying, they may want to discuss what happened with the VSW or their family/caregivers. It is very important that the VSW and child/youth not discuss the case or the evidence with any witnesses who have not yet testified. Be aware that other family members, friends and witnesses for the accused may be waiting in the hallways and may overhear conversations with the child/youth and family. The VSW can provide an opportunity for the child/youth to debrief the experience and talk about feelings in a confidential settings, such as the CCTV room or during another time in the VSW's office.

After the child/youth has testified they have the option of entering the courtroom and watching the remainder of the trial. Many children/youth are not interested in this as the process of testifying is emotional and draining; however, at times children/youth may want to hear the remainder of the trial. Again, it is crucial that the child/youth does not inform or talk about the trial and testimonies to any additional witnesses or family members that may still be required to testify.

After the child/youth has testified in the preliminary inquiry and/or the trial be aware of the accused's whereabouts at the courthouse, as well as the family members or supporters of the accused. The VSW can help the child/youth avoid situations where the child/youth might be intimidated by the accused's family members or friends.

After the young witness has testified, it is recommended that the VSW set-up a support and follow-up session with the child/youth and their caregivers. The VSW can debrief the experience of the child/youth and answer any questions about the process. Continue to follow-

up with the child/youth until the court matter is complete, including sentencing. Provide support and information about post-trial processes and offer referrals to community support agencies for further counselling or support.

Providing Support after the Trial

When the trial is over and the verdict has been delivered, there will be a period of adjustment for the child/youth and their family/caregivers. Regardless of the outcome of the trial, the child/youth and their caregivers will have feelings about this outcome and an important aspect of VSW post-trial support will be providing an opportunity for the child/youth and their caregivers to discuss these feelings.

In cases where the verdict is not guilty or charges are stayed, it is crucial that the VSM acknowledge the feelings of the young witness and their caregivers as well as emphasize that this outcome is not the fault of the child/youth. The VSW can reiterate that the child/youth's role was to tell the truth and answer the questions that they were asked, they are not responsible for the outcome of the case. Nevertheless, children/youth and their caregivers may feel as though the justice system has betrayed them by not validating the witness's experience.

Sentencing after the verdict may also be difficult information for the child/youth and their caregivers to understand and process as children/youth and families may have ideas of how long a crime should be punished for and may be disappointed or confused about the outcome for their trial. It is important that the VSW provide accurate information to the child/youth about standard sentencing practice (in developmentally appropriate language) so that the child/youth can understand that the outcome for the accused is not atypical.

It is important for the VSW to let the child/youth and their caregivers know that they have done the right thing by participating in the Justice process as they were required to do so. Regardless of the outcome, the child/youth's strengths and abilities to participate in the court system should be acknowledged. The VSW should encourage family members or caregivers to support the child/youth for participating in the court process.

The VSW might want to arrange a celebration or closure session to acknowledge the hard work of the child/youth and their work together as witness and VSW as coming to an end. Crown Counsel, police family members and any other important support people could be invited, depending on the wishes of the child/youth.

The VSW can also provide support to the child/youth and family after the trial by doing the following:

- Connecting the child/youth and their caregivers to community supports and resources
- Recommend specific resources and groups in the community that can the family help develop a strong support system

- Encourage the family to re-establish normal routines and supportive relationships as soon as possible

After the trial is over, the VSW may find that the child/youth and the family have difficulty letting go of the relationship that has been established. Dealing with crisis and preparing for the court case is an intense and emotionally charged time for the child/youth, the family and the VSW. The child/youth may want to continue to see the VSW for support. It is important to validate these feelings but also to reiterate the limitations of the VSWs role. After the child/youth and family has been given whatever post-trial support and help they need, encourage them to return to their normal activities and routines and connect them with other community supports and resources if needed.

Court Preparation Activities for Young Witnesses

Below are several exercises and activities Victim Services Workers can use in their support sessions with young witnesses. Exercises and activities can be adapted or modified to fit the unique needs of the child/youth.

Relationship Building Exercises¹²

A. Likes and Dislikes

HOW: Suggest that the child either make a list or draw a picture about things that they like.

Invite the child to make a second list or draw a picture about the things that they do not like.

Discuss the list or picture with the child.

Why: This exercise can help children examine their feelings and experiences and communicate them to you in a safe concrete way. It shows the child that you are interested in getting to know them.

B. What I Like To Do

How: Suggest that the child draw a picture of themselves doing something they like to do.

If the child can write, ask them to write down why they like to do what they drew in the picture. How do they feel when involved in the depicted activity?

Why: Being aware of what they like can help children increase their sense of self-worth. Expressing what they like stimulates attention to detail and to feelings and improves the ability to communicate experiences.

C. Feeling Cards

How: Suggest that the child either write or draw a feeling on index cards. With each feeling expressed, ask the child how they know when they are feeling that way, and how others would know when they are feeling that way.

Why: Being aware of feelings helps children and youth identify how they are affected and can help in the process of learning how to communicate feelings and contain them.

¹² Adapted from Capacchione, L. (1989). *The creative journal for children: A guide for parents, teachers, and counselors*. Boston, MA: Shambhala Publications.

Exercises to Develop Coping Skills and Resilience

A. People Who Help Me

How: Ask the child to think about all the people who help them – both adults and children. Then suggest that they make a diagram showing themselves and all these people. Invite the child to write the names of the helpers and how each person helps them. This can be a general exercise or you can ask the child to think about all the people who are helping them through the court process.

Why: This exercise helps the child understand that they are not alone when going through the court process. It can increase their sense of safety and security.

B. My Hero, My Heroine or Superboy, Supergirl¹³

How: Discuss the concept of a hero or heroine as someone we admire, respect and want to imitate. Give examples of some of your own heroes and heroines. Suggest that the child draw a picture of their current hero or heroine.

Afterward, suggest that the child write down all the qualities, achievements, and so forth that they admire about this person.

Why: This exercise develops visualization skills. It is an important tool for exploring personal values and goals and for internalizing qualities the child is projecting onto the heroic figure.

You can further use this in the court process by suggesting to the child that they imagine that the hero or heroine will be coming to court with them to help them do their job as a witness. Bringing the picture to court can act as a reminder.

C. Just Imagine

How: Ask the child to close their eyes and to imagine that court is over. Suggest that they try to visualize what they will be doing the day after, how they will be feeling and whom they will see. Then ask them to either draw a picture or write about it in the past tense, as if it has already happened. If the child is too young to write, you can write for her/him.

¹³ Adapted from Capacchione, L. (1989). *The creative journal for children: A guide for parents, teachers, and counselors*. Boston, MA: Shambhala Publications.

Why: This exercise develops imagination and encourages positive thinking. By projecting into the future, it helps the children realize that they can and will get through court.

D. Power Shield

How: Explain to the child that they are going to make a power shield that will help give them strength for going to court and afterward. The shield will have four parts, in which they will either draw or write the following: (1) Strengths or skills, (2) fears, (3) dreams for the future and actions to achieve those dreams.

This can be generalized or made specific to court. For example, what skills or strengths will the child bring to court? What fears do they have? What do they hope for the future? etc.

Why: This exercise helps children recognize their strengths, which promotes self-esteem. It encourages positive thinking and also gives a place to talk about fears surrounding the court process.

E. Role Plays

How: Using dress up clothes if you have them, enact a mock trial based on an unrelated crime. Have the parent participate, and each of you play a different role.

Why: By pretending to be various characters in the courtroom, it reduces the child's fear and also increases learning by making it a concrete experience.

Relaxation Techniques

A. Safe Place Visualization

How: Ask the child to close their eyes and imagine that they are in a very special safe place either real or in their imagination. Ask the child to visualize looking at everything in the special place and to remember it.

Suggest that the child open their eyes and draw a picture of themselves in that special place.

Discuss the picture with the child, encouraging them to articulate what makes this a safe place.

Explain to the child how they can take this safe place to court with them and use it to help them feel safe and relaxed.

B. Breathing Exercises

One way to help an anxious child/youth to relax is to teach them to pay attention to their breathing.

C. Objects for Focusing

When visiting the courtroom have the child pick out an object on which to focus to help ground them. For example, show the child/youth the provincial crest which is in the courtroom, and let them know that they can focus on the lion and the unicorn depicted in the crest.

Court Preparation Resources

What's My Job in Court? An answer and activity book for kids who are going to court (1989). Ministry of the Attorney General, Ontario - Victim/Witnesses Assistance Program. Toronto, ON: Ministry of the Attorney General.

Children As Witnesses - Helping Young People Give Their Evidence In Court - The Child Witness Project - Centre for Children and Families in the Justice System of the London Family Court Clinic.

<http://www.lfcc.on.ca>

Being a Witness: The Real Thing. A video and workbook for teen victims and/or witnesses going through the Criminal Justice System (2002)

Youth Court Preparation www.courtprep.ca

Cory's Courthouse at www.tcac.on.ca

Let's Go to Court: A guide to court orientation for child and youth witnesses [video/DVD] (2006). British Columbia Ministry of Public Safety and Solicitor General.

Your Voice in Criminal Court: A guide to court orientation for adult witnesses [video/DVD] (2006). British Columbia Ministry of Public Safety and Solicitor General.

Vicarious Trauma - Resiliency & Self Care

Vicarious Trauma (VT)¹⁴ results from empathic engagement with individuals who have experienced trauma and is considered by some to be a unique form of countertransference (Courtois, 1993). McCann and Pearlman (1990) developed this term specifically for psychotherapists working with trauma survivors; however, its meaning has relevance and importance to Victim Service Workers (VSWs).

Vicarious trauma is the emotional residue of exposure that care professionals may be at risk for from working with people who have experienced trauma. Support workers, such as VSW's, become witnesses to the pain, fear, and terror that trauma survivors have endured (Pearlman & Saakvitne, 1996) and can experience vicarious trauma symptoms. Research suggests that individuals with personal trauma histories as well as workers new to the field may be more vulnerable to VT; however, findings on this subject are mixed (Bride, 2004; Pearlman, & Mac Ian, 1995).

The signs and symptoms of VT parallel those of direct trauma, although they are often less intense. Vicarious trauma may include a variety of responses, either in the acute stage, or in the long term (chronic). These may include cognitive, emotional, behavioural, interpersonal, spiritual, and physical reactions.

Common signs and symptoms of Vicarious Trauma: (Bober, Regehr, & Zhou, 2006; Pearlman, 2003; Pearlman & Saakvitne, 1996):

- Social withdrawal
- Mood swings
- Aggression
- Greater sensitivity to violence
- Somatic symptoms
- Sleep disturbances including sleeplessness and nightmares
- Intrusive imagery
- Cynicism
- Sexual difficulties
- Difficultly managing boundaries with clients
- Hopelessness
- Fatigue

¹⁴ Vicarious trauma is also known as compassion fatigue or secondary trauma/secondary traumatic stress (Sabo, 2011), for the purpose of clarity, this section will use Vicarious Trauma (VT) to refer to the possible secondary trauma symptoms a Victim Service Worker may experience. Although there is some debate within the helping professions on the definition and impacts of this concept, it is widely acknowledged that working with trauma can impact the care provider in some way; however, not all service providers specifically experience Vicarious Trauma.

VT is described as an ongoing process of change that results from witnessing or hearing about other people's suffering and need, cruelty, and loss. Vicarious trauma can be the cumulative effect of contact with victims and survivors of violence or disaster or people who are struggling or can occur from a particularly traumatic case that a VSW encounters. While individual difference, personal history and experience impact a worker's susceptibility to VT, all VSWs should practice regular self-care, access support resources, and reflect on how their work is impacting them both personally and professionally in order to prevent potential VT or "burnout."

While similar in some ways, VT differs significantly from burnout. While VT symptoms and experience parallel the symptoms of trauma, burnout is a type of psychological stress characterized by exhaustion, lack of enthusiasm and motivation, as well feelings of ineffectiveness (Ruotsalainen, Verbeek, Mariné, Serra, 2014). Burnout is generally something that happens over time, and may be mitigated by a change, such as time off or a new and sometimes different job, which can take care of burnout or improve it. It is most associated with a lack of efficacy in the workplace.

Preparing Workers and Preventing Vicarious Trauma

Due to the nature of the VSW role, there is always the possibility that VT may occur in Victim Service settings. It is important for VSWs to have an understanding of how they may be effected by hearing about the abuse (violence, assault) and in supporting young witnesses through the criminal justice system so that they are prepared to mitigate stress, recognize the signs of VT, and access supports and resources. In order to prevent VT and protect workers against the risks of engaging with trauma on a regular basis, VSW workers and agencies should provide ample support and opportunity for VSWs to debrief their responses with colleagues or a supervisor after difficult cases.

In order to help victims, VSWs are expected to maintain their composure and remain grounded and balanced as much as possible in difficult situations. When working with children who have been victimized, that composure needs to be combined with empathic support and developmentally appropriate communication with the child/youth and with their family. When a VSW experiences a strong emotional stress reaction that prevents or interferes with providing appropriate assistance to the victim, it is important to seek support from other colleagues as quickly as possible, to debrief the situation and, if need be, provide an alternate VSW for the child/youth and their family.

It is important for VSWs to be aware of the administrative supports, education materials, and workplace systems that are available to support them with their work in order to prevent potential VT. In smaller communities or Victim Service agencies, a supervisor or supportive team may not always be available. A VSW should reach out to other community resources and access other forms of support as part of regular self-care and as a protection against VT. Research shows that the most influential resource of support is a group of peers that we can talk to about our trauma-related work (Sexton, 1999).

One of the challenging aspects of VT is that the awareness of the impact and effects may not be obvious or visible immediately as they may begin slowly and show up over time. Recognizing the effects of VT and getting support are crucial in mitigating VT. If unrecognized, helping professionals and VSWs may end up unable to support victims due to their own stress response or, in more extreme cases, might require treatment for VT. In some cases, the VSW may be unable to continue in their field due to the anxiety and distress they experience when hearing information related to victimization.

There is a perception by many who work with abuse victims that there is more risk of VT occurring when working with children and youth than with adult victims of crime. Anecdotally, those providing victim services to children and youth note that crimes against vulnerable children and youth undermine their sense of societal and family values. A VSW may have children the same age as the victims they are supporting through the criminal justice system, or they themselves may have been victims of a similar type of abuse, and may feel overwhelmed when working with children. They may also feel helpless to protect children and youth from further trauma by the systems meant to serve them, or feel inadequate and powerless to sufficiently advocate for their needs throughout the criminal justice process. In addition, when providing victim service to a child or youth, a VSW is often also supporting and providing service to secondary victims and witnesses (parents and siblings). All of these circumstances make service delivery more complex and compound the likelihood of a VT response occurring over time.

The impacts of working with trauma may be mitigated by understanding the adverse effects of VT within the context of normative trauma response. Recognizing distressing experiences, taking action, and engaging in regulation and co-regulation of personal stress response may provide workers with a structure for approaching their work with trauma. Practicing healthy responses to stress, learning new skills and engaging in self-care and connection to others encourages a whole body approach to protecting against VT.

Utilizing the acronym **DARE** workers can reflect on their stress response when working with clients and mitigate the potential for VT:

D - Distress experience: which may lead to a stress response effect

A - Action: Taking action and responding to distressing situations or material, including how well we are able to notice and take action that is effective and/or get support that helps mitigate distress

R - Regulation: regulating within our own distress system (balance between sympathetic (fear response) and parasympathetic (maintaining the body at rest response). **Co-regulation** with supportive others (work, home, community)

E - Engagement: in empathy and awareness in making sense of the stress in the larger context of our professional (transference and counter-transference), our personal relationships and what impact this has on our world view on what it means to “be human.”

Suggest Resources and Reading

National Clearinghouse on Family Violence. (2001). *Guidebook on Vicarious Trauma: Recommended Solutions for Anti-Violence Workers*.

Organizational Vicarious Trauma

Organizational vicarious trauma can emerge in a workplace that serves victims of crime and trauma. It can begin with one staff worker who is experiencing VT showing symptoms and these effects can rapidly spread to others on the team unless organizational efforts are put in place that promote self-care and support healthy responses (resilience) and communication in the workplace.

Organizational vicarious trauma can erode the quality of service and confidence of the professional staff. The resulting negative effects can create further traumatization and distress for victims of crime, especially children and youth, who may be particularly sensitive to negative communication and affects. Developing a Trauma-Informed Principle (TIP) culture and practice in the workplace can mitigate effects of VT both for individual staff and the workplace as a whole. In a TIP workplace, interactions between staff, management, and clients are reflected by respectful, strength-based communication and engagement. The organization promotes safety (physical, emotional, and mental health) in the workplace and has processes in place where staff has some choice and control in presenting their view and developing their strengths within the workplace. Staff collaboration takes place with each other, the client and families they serve and within the community.

Recommendations for creating a TIP workplace:

- a varied caseload or lower caseload when possible for complex trauma cases
- assign multiple workers when two or more members of the family will be direct clients
- processes in place outlining advocacy and systems supports for workers
- providing individual and peer group supervision
- available supervisor or management personnel for “open door” structured, regular meetings
- cross-sharing on collection information’s systems or data-base program
- inter- agency folders of relevant articles easily accessible in a shared server library
- ongoing training and education for staff
- sharing positive outcomes and celebrating client and personal successes (focus on the positive and what can be done)
- access to private external mental health practitioner (extended health) for support if financially possible

Resilience

Resiliency is a process of adapting well in the face of adversity, trauma, tragedy, threats or significant sources of stress such as family and relationship problems, serious health problems or workplace and financial stressors. Resiliency is not static but is associated with behaviors, thoughts, and actions that can be learned and developed in anyone (American Psychological Society, n.d.).

While in the past the prevailing opinion was that those who experience abuse or trauma would be damaged for a lifetime; current professional consensus and research indicates that resilience, coping strategies, healthy attachment and relationships, appropriate and timely supportive intervention can offset the negative effects of trauma as well as VT in order to support individuals to grow and recover from negative experiences.

While some individuals seem to have an innate characteristics of resiliency strengths through temperament, physical, emotional and mental capacity, many individual can learn skills and coping strategies to develop resiliency.

The current focus on resilience, coping strategies and self-care is important not only for children and youth who are victims of crime but for the professionals supporting them. It is important to intentionally develop resiliency strengths, since there is a strong likelihood that, as a VSW, there will be exposure to trauma details that may feel overwhelming and lead to a VT response.

Using TIP organizationally can do much to create an environment that is safe, supportive, trusting, that builds on the strengths (resilience) and collaboration of staff. A TIP culture models compassion while offering some choice and control in decision making. Staff model supportive interactions with each other and in their interactions with children, youth, families and the communities they serve.

10 Ways to Build Resilience (adapted from American Psychological Association, n.d.)

1. **Make connections.** Good relationships with close family members, friends or others are important. Accepting help and support from those who care about you and will listen to you strengthens resilience. Some people find that being active in civic groups, faith-based organizations, or other local groups provides social support and can help with reclaiming hope. Assisting others in their time of need also can benefit the helper.
2. **Avoid seeing crises as insurmountable problems.** You can't change the fact that highly stressful events happen, but you can change how you interpret and respond to these events. Try looking beyond the present to how future circumstances may be a little better.
3. **Accept that change is a part of living.** Certain goals may no longer be attainable as a result of adverse situations. Accepting circumstances that cannot be changed can help you focus on circumstances that you can alter.
4. **Move toward your goals.** Develop some realistic goals. Do something regularly — even if it seems like a small accomplishment — that enables you to move toward your goals. Instead of focusing on tasks that seem unachievable, ask yourself, "What's one thing I know I can accomplish today that helps me move in the direction I want to go?"
5. **Take decisive actions.** Act on adverse situations as much as you can. Take decisive actions, rather than detaching completely from problems and stresses and wishing they would just go away.
6. **Look for opportunities for self-discovery.** People often learn something about themselves and may find that they have grown in some respect as a result of their experiences with trauma, loss, or hardships.
7. **Nurture a positive view of yourself.** Developing confidence in your ability to solve problems and trusting your instincts helps build resilience.
8. **Keep things in perspective.** Even when facing very painful events, try to consider the stressful situation in a broader context and keep a long-term perspective.
9. **Maintain a hopeful outlook.** An optimistic outlook enables you to expect that good things will happen in your life. Try visualizing what you want, rather than worrying about what you fear.
10. **Take care of yourself.** Pay attention to your own needs and feelings. Engage in activities that you enjoy and find relaxing. Exercise regularly. Taking care of yourself helps to keep your mind and body primed to deal with situations that require resilience.

Self-Care

Self-care is an important part of developing resilience, maintaining life-work balance, and planning for longevity in the workplace or professional role. The role of Victim Service Worker (VSW) is at times difficult and stressful, a VSW must mitigate the impacts of stress and practice preventative self-care in order to reduce the impacts of ongoing engagement with trauma and the risk factors for VT. Victim Service Worker's should practice self-care that lessens or ameliorates stress responses and strengthens resiliency. Self-care plans provide positive coping strategies that most often meet the multiple demands of work and home, each setting of which has its own set of stressors and responsibilities.

Self-care prevention strategies at work may include:

- Awareness of personal triggers which may create susceptibility through over-identification when working with children and youth, such as a personal history of childhood abuse or a child/youth at home who is the same age as the child/ youth you are supporting.
- Asking for balanced caseload whenever possible; shared responsibility with other team members.
- Knowledge of personal stress reactions and how they might show up in the workplace, home, and in the community.
- Working collaboratively with other involved community professionals when dealing with complex situations.
- A self-care plan for home and the workplace that incorporates personal resiliencies and creates balance, especially during times of increased stress. The plan can incorporate a variety of stress diffusers in the physical, spiritual, cognitive, and emotional domain.
- Practicing awareness and mindfulness of one's current state of being (which incorporates boundary or limit-setting), delegating responsibilities and accepting help or support when needed.
- Workplace practices that include debriefing stressful events and problem solving with others, peer support and/or meeting with peers and supervisor(s).
- Promoting and taking part in workplace activities that encourage spontaneity, celebration and relationship.
- Creating a physical presence in the work environment that is welcoming for you and those you serve.

Summary of Self-Care

- Utilize Trauma Informed Principles
- Encourage awareness of personal stress responses
- Identify and develop personal resiliency strengths
- Develop self-care strategies and plans and review at least once a year
- Support positive open communication, collaboration and practices

Supporting Clients with Self-Care

Self-care is important for service providers and for those they serve. It is important to assess the negative impact of stress on the child /youth and family going through the justice process, and include information and discussion with them that may support them through the process. Victim Service Workers (VSWs) can support children, youth, and families to practice self-care to help clients mitigate the effects of stress and prevent potential re-traumatization while clients proceed through the Justice System.

Self-care prevention strategies with the child/youth and family may include:

- Gaining knowledge of the individual child/youth's stress reaction related to trauma and sharing that knowledge with caregivers and others as appropriate.
- Providing information (verbal or written) to children/youth and their families that normalize the variety of stress responses and suggests appropriate supportive interventions that the caregiver might provide, such as Trauma Informed Principle (TIP) strategies.
- Identify self-care strategies clients may already be engaging in as well as provide appropriate suggests for alternative activities.
- Identify and utilize strengths throughout the process.
- Referral to alternative community resources if a victim's stress response is acute and a major concern (high risk teams, physician).
- Suggesting a self-care plan or safety plan for home and school that incorporates personal resiliencies and aims to soothe the "fear response."
- Offering suggestions and information to distressed parents on how to create connection, balance and continuity with their children as part of self-care planning, since this will be especially helpful during times of increased stress such as going to court.
- Supporting parents to incorporate boundary or limit-setting and creating a larger support network for the child/youth and family (this often will include specific direction to the parent to not directly question the child about what happened but be open to what the child/youth wants to share).
- Utilize creative strategies and activities for relationship building and learning. Creative intervention such as art and play provide stress reduction for both clients and workers.

Suggested Resources and Reading

Drs. Steven and Sybl Wolin (Project Resiliency, Washington, D.C.),

American Psychological Society, n.d.) <http://www.apa.org/helpcenter/road-resilience.aspx>

Compassion Fatigue Awareness Project - <http://www.compassionfatigue.org>

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