

# Checklist for Supporting Child Witnesses



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**Testifying can be a stressful experience for adults and children alike, especially when the legal case relates to traumatizing events. However, with adequate support, children’s distress and re-traumatization can be significantly reduced so that the child is able to provide their testimony and even have an empowering experience.**

**As such, think about how you can inform and prepare each child in a developmentally-appropriate way—knowing what to expect, understanding the legal system process, and learning skills to cope with the emotions that may arise will help children to navigate the experience of testifying.**

**Here are some strategies to consider.**

Feel free to check the boxes as you go through this document.

## Before Going to Court

- Children experience a wide range of thoughts, feelings and fears about testifying. Utilize a tool like the *Court Fears and Worries* questionnaire (pages 4-5 of this document) to identify and address possible questions and concerns. Engage in safety planning with the child and caregiver(s) as needed.
- Use kid-friendly language to explain the purpose of the child's testimony, the child's role as a witness, and how their testimony fits into the overall case. Encourage the child to ask as many questions about the legal process as they'd like! Provide information verbally and in writing, if possible, and keep in mind that you may have to explain some things multiple times.
- Review the role of each of the practitioners who will be present during the child's testimony. Utilize a diagram like the one in the child witness materials (or create your own) to show where each person, including the child, will be positioned in the courtroom.
- Role play testifying by asking the child non-case-related questions, such as their name, age, address, interests, school, etc. Practice 'objections' so the child can prepare for these interruptions, including waiting for the judge to respond. Also have the child practice saying, "I don't understand your question" and "I don't remember," and pausing to take a few deep breaths and gather their thoughts before answering.
- Support the child in deciding who they want to be present when they testify, as well as who they do not want to be present, while reiterating that any loved ones who are witnesses on the case cannot come into the courtroom. Assist the child with communicating with friends and family members about this, and request approval from the court as needed.
- Make a plan for what the child and caregiver(s) can do in case of unwanted contact or attempted intimidation by the defendant/respondent, his or her supporters, and/or the media while they're at the courthouse.



- Visit the courtroom beforehand when it's empty. Allow the child to see where they will wait, practice walking in and out of the courtroom, sit in the witness box, and try out the microphone. Review where each person will be positioned in the courtroom.
- Talk with the child about where they would like to direct their gaze while testifying, whether it's looking at the prosecutor, the jury, a support person or a physical feature of the courtroom.
- Connect the child with an advocate or therapist who can work with the child to process their feelings about the defendant/respondent and the case, anticipate the most potentially distressing parts of the child's testimony, and create a plan for managing any strong emotional reactions that develop.
- Teach the child coping skills that can be used while testifying, such as controlled breathing and positive self-talk, and practice them as much as possible beforehand.
- Suggest that the child make a plan with their caregiver or support person for enjoyable or relaxing activities that they will do together after the child finishes testifying.
- Provide the child with a checklist of tips such as the *Going to Court: A Checklist for Young People* (page 6 of this document), to help prepare them for court.

## On the Day of Court

- Encourage the child to get as much sleep as possible the night before, eat a healthy breakfast, and wear comfortable clothes that are suitable for court.
- Have the child bring quiet activities to the courthouse that they can use for distraction while they are waiting to testify, such as books, small toys, or games. If the child does not have access to such materials, provide them for the child if possible.
- Suggest that the child bring a small comfort object with them to court that they can hold in their hand or keep in their pocket.
- Encourage the child to use the bathroom right before they testify.
- Have the child's support person(s) sit in a location in the courtroom where they are visible to the child at all times.
- Incorporate regular breaks into the child's testimony and request additional breaks if the child appears distressed. The child's therapist or advocate can provide emotional support during breaks, including by reinforcing the child's coping skills.



## After the Child Testifies

- Provide the child with the opportunity to debrief the court experience with an advocate or therapist, including discussing how they were feeling before, during and after testifying and how the case intersects with their healing process.
- Stay in regular contact with the child and their caregivers with updated information about developments in the case.
- Explain verdicts and outcomes in child-friendly language, again encouraging the child to ask any questions or express any concerns they may have.
- Support the child in writing a Victim Impact Statement and provide accompaniment and emotional support for participation in a sentencing hearing as needed.



Name: \_\_\_\_\_

Date: \_\_\_\_\_

## Court Fears and Worries

You may be asked to go to court to talk about what happened to you or what you saw or heard. This survey asks about different fears and worries that kids sometimes have about going to court. There are no right or wrong answers—we just want to know what you are thinking and feeling.

I am worried about...	No	A Little	A Lot
1. Seeing _____ in the courtroom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Crying or being upset in the courtroom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Being in the witness box	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Being sent to jail myself	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Being hurt by _____ in the courtroom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Being hurt by _____ outside the court building	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Not understanding the questions I'm asked in the courtroom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. People not believing me	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Having to describe what happened	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Forgetting exactly what happened	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Being asked questions by _____'s lawyer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Seeing _____'s friends and family	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. _____ going to jail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. _____ being found not guilty	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Having people I know come to court to listen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Not having anyone I know come to court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. My family losing money or our home because of the case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Not understanding what I'm supposed to do in court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Having someone yell at me in the courtroom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Feeling sick in the courtroom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. _____ lying in court and being believed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. Having strangers come to court to listen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

continue on the next page

I am worried about...	No	A Little	A Lot
23. Having my name in the news or on social media	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24. Having my friends find out	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25. _____ hurting me or coming after me when court is over	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26. _____ hurting or coming after my family when court is over	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27. My family breaking up because of what I said in court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28. Being taken away from _____ because of what I said in court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29. My mom or dad being mad at me because of what I said in court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30. My brother or sister being mad at me because of what I said in court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
31. _____ being mad at me because of what I said in court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
32. Someone I care about getting in trouble because of what I said in court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
33. Other fears or worries I have: _____ _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adapted from: Child Witness Project (2004). *List of Court Fears/Worries (FCQ-R)*. Ontario, CA: Centre for Children & Families in the Justice System, London Family Court Clinic, Inc.

## Going to Court: A Checklist for Young People

If you are a victim or witness on a criminal case, you may have to go to court to testify. This can be stressful, but there are things you can do to help yourself get ready, get through it, and feel better.

### Getting Ready to Go to Court

- Try to get a good night's sleep and eat a healthy breakfast before going to court.
- Wear something that makes you feel confident and comfortable. If you need assistance with getting appropriate clothes for court, talk with your advocate or another support person.
- Talk with your advocate, therapist or other support person about how you feel about the case and having to testify, and about any questions or worries you have.
- Ask your support person to teach you things you can do to calm down if you feel upset or nervous at court, and practice these as much as you can.
- Think about who you would like to come with you for support and talk with them about that.
- Talk with your advocate and/or the prosecutor about any safety concerns you have. They can help you make a safety plan and might be able to ask the judge for other things that help you feel safer, like testifying in a different way, closing the courtroom, sitting in a special waiting room, or using a different entrance.
- Having something to look forward to, like eating something you enjoy or going somewhere that makes you happy, can help you get through the day. Make a plan with your support person for what you will do when you're finished with court.

### At Court

- You'll probably spend a lot of time waiting at court, so bring something to do, play or read. If you can, take a walk or move your body to get rid of some of your extra energy while you wait.
- If you have a special prayer or song that is important to you, try saying or singing it, either out loud or in your head.
- If you have a special object like a stress ball or piece of jewelry that helps you feel calm, bring it with you. You can keep it in your pocket and hold or squeeze it while you are testifying.
- Keep in mind that when testifying, your only job is to honestly answer the questions from the lawyers and judge. If you don't understand a question, you can ask for it to be repeated or said in a different way.
- Taking slow, deep breaths from your belly can calm down your body and mind. Try counting as you breathe in and out, or saying a calming word or phrase, such as 'I can do this.' When you're testifying, it can also help to take a deep breath before answering each question.
- Remember that you can look at your support person while you're testifying and you can ask for a break or a glass of water whenever you need one.

### After Court

- Ask the prosecutor and/or advocate to share any updates about what's happening with the case and explain what will happen next.
- It can be helpful to talk with a support person about what it was like to testify, how you feel now, and ways to take care of yourself moving forward.





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