

Guidelines for Attorneys and Judges to Recognize and Respond to Trauma Stress Reactions of Child Witnesses/Victims when Giving Testimony

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Recognizing and Responding to Trauma Reactions of Children Testifying in Court

Why This Happens

Children who have been impacted by sexual assaults or violent offenses either as victims or witnesses have experienced emotional trauma that is especially difficult for them to mentally process given their tender years. This is because children typically have less developed adaptive resources than adults to deal with sudden, unexpected events that cause injury, death, or terror.

Under the best of circumstances children typically disclose these events with significant reluctance and great emotional distress to a trusted family member or a child therapist with whom they have developed sufficient trust to risk such exposure. Events like sexual abuse or witnessing violent crimes particularly involving a family member are inextricably linked to stigma and a painful sense of shame which tends to effectively silence victims and most notably children. Any trauma-informed, experienced therapist knows that sensitive timing and pacing is required in order to avoid premature disclosures that leave the child feeling too exposed, too vulnerable, or overwhelmed with the potential for re-traumatizing the child.

Now imagine putting them through reliving this:

- in a courtroom full of strangers
- with an authority figure in a black robe looking down at them
- having the defendant just a few feet away, staring at them
- answering questions from a prosecutor trying to extract this information from them in excruciating detail
- and a defense attorney challenging their veracity and hoping to confuse them.

Needless to say these are hardly the conditions that foster complete and accurate testimony.

Obviously this environment and these circumstances can increase the likelihood that testifying in court will either create long lasting psychological damage to the child or re-traumatize the child.

Dissociation-A Coping Mechanism

Most attorneys know that when they question a child in the courtroom they can expect anything from the child sobbing, laughing uncontrollably or staring unresponsively at the floor.

This happens because asking emotionally disturbing questions can trigger acute trauma reactions. One of the most common responses in children is dissociation which is a common coping response when an experience is terrifying to the point of overwhelming the psychological resources of people to cope. Stress is familiar to everyone. When children are exposed to

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potential threats or stressors, their brains initiate a cascade of events known as the stress response system. The brain releases numerous transmitters, hormones such as cortisol and peptides throughout the body all directed at coping with the stressful situation (Joëls & Baram, 2009). When stress is traumatic the sensory systems of children are overloaded by terrifying visual, auditory, kinetic, olfactory, and tactile stimuli that overwhelm their capacity to process or to understand what is happening to them (Lieberman & Van Horn, 2008, p.48).

Dissociation is defined in the DSM-IV-TR (current psychiatric diagnostic manual) as a disruption in the usually integrated functions of consciousness, identity, memory, or perception (American Psychiatric Association, 2000, p. 519). Dissociation is a primitive coping mechanism that allows the mind to distance itself from experiences that are too terrifying or emotionally overwhelming to absorb at the time (Schore, 2009, p. 198).

Not only do children dissociate in order to cope with the overpowering emotions, sights and sounds but it is not uncommon for children to manifest *psychogenic amnesia* where memory is disrupted as a result of witnessing or being the victim of violence (Gil, 2006). When this happens some children are only able to gradually regain recall of what they witnessed or experienced.

How to Identify Signs of Dissociation

When children shift into an acute trauma state, dissociation may be manifested by any of the following behavioral signs:

- 1) Changes in breathing patterns such as suddenly shifting to rapid, shallow breathing or at the other extreme gasping for breath which may signal a panic attack;
- 2) Restricted body movements such as appearing frozen in place or rigidly stiff;
- 3) Eyes darting from side to side;
- 4) Glassy stare that conveys the impression that the child is not there; it may seem impossible to make emotional contact with the child at such moments;
- 5) Dramatic reduction in verbal output or verbal production suddenly becoming disconnected, incoherent, or unresponsive. This happens because the child may suddenly not be able to process cognitively or use language in an age appropriate way because when children are reliving traumatic experiences in their mind they may only be able to use the cognitive and language skills available at the time the trauma event occurred (at age 4, for example, even though the child is 9 now).

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What to Do

- 1) If a child has trouble understanding questions, it is important to rephrase the question in different ways to find the right development level of language that enables the child to answer.
- 2) Ask the judge for a recess so that the child has an opportunity to recover from the stress. During the recess, supporting, comforting, and grounding the child is essential and can be accomplished in the following ways:
 - a) Children should be comforted by a trusted, support person (ideally a trusted family member, or the child's therapist who has prepared the child for the stress of court), or if neither of these options are available, a crime victims specialist trained to work with children who has developed a relationship with the child prior to trial;
 - b) The basic needs of the children should be attended to in a solicitous way (need for bathroom, drink of water, nutritious snack, a blanket if they are cold, a cool room if they are sweating or too hot) to increase sense of safety and security;
 - c) Grounding techniques increase the sense of safety and helps children to recover from dissociative states and consist of focusing their conscious attention on the here and now moment in a concrete, tangible way. Examples of grounding techniques might be the child and support person taking together 3 deep cleansing breaths, inhale and exhale in unison; the child could be told to stand side by side with the support person and then to look down at his or her shoes while the support person does the same. The child could be asked, *"What color are your shoes?"* The support person then describes the color of his or her shoes. The support person can then observe, *"Look we are standing side by side on solid ground. The floor is made of wood (or concrete) and we are standing here together with our feet on the ground. Now let's once again take three deep cleansing breaths together and notice how much more relaxed we feel."*
 - d) The presence of a courthouse dog, because of its temperament and extensive training, can also soothe and calm children and anchor them back to safety after exposure to traumatic stress. This can be accomplished in a number of ways depending upon the child and the length of the recess. Offer the child the

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following options and respond according to what cues you receive from the child. The child and the dog must be supervised during this time.

- Petting the dog while the dog is lying down. If you both engage in this activity it could reestablish a sense of trust towards you.
- Caring for the dog by arranging for the child to offer the dog water, taking the dog for a walk down the hallway with the child holding on to the leash or grooming the dog while it lies on the floor. Sometimes when the child is in a care-giving role the child feels more confident. Some adults suffering from PTSD have also said that their desire to care for the dog requires them to get in control of their emotions.

Recognizing and responding to trauma reactions of children testifying in court can make the difference between the jury hearing their testimony or having to proceed with the trial without it. This can also do a great deal to reduce the negative aspects of this experience and diminish the possibility of re-traumatization.

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