





Justice Systems from the Child's Perspective: Supporting Native Child Victims & Witnesses

Alisha Morrison, Esq.
Tribal Justice Exchange
Center for Justice Innovation

Center for Justice Innovation



Agenda

- How children experience the justice system
- Best practices for supporting child victims and witnesses
- Unique needs and experiences of Native children interacting with the justice system
- OVC-funded child witness materials for Native children
- Guidelines for utilizing the materials

Children's Exposure to Violence in the US

- 1 in 9 girls and 1 in 53 boys experience sexual abuse or sexual assault
- 1 in 15 children are exposed to IPV
- In 2019, 656,000 children were identified as victims of abuse and/or neglect
- One study found that 22% of urban teens had been exposed to gun violence
- Poly-victimization is very common
- In most cases, the person causing harm is known to the child

Native Kids' Exposure to Violence

- AI/AN children are exposed to violence at a higher rate than any other racial group in the U.S.
 - Especially neglect, sexual abuse, exposure to IPV and MMIP
 - In one study, 58% of Native women reported experiencing child abuse
- Chronic direct exposure is often compounded by historical and intergenerational trauma
- Native kids experience PTSD at triple the rate of the general population

Effects of Exposure to Violence

- Traumatization, inc. PTSD
- Depression, suicidality, anxiety
- Problems in family & peer relationships
- Aggression, risk-taking
- Cognitive, developmental and academic difficulties
- Potential re-victimization
- Interaction with adult-oriented systems (i.e. child welfare, criminal justice)



PTSD in Children

- Similar presentation as in adults, with some developmentally-specific differences
- 4 Clusters of Symptoms:
 - 1) Re-experiencing
 - 2) Avoidance
 - 3) Negative alterations in cognitions and mood
 - 4) Alterations in arousal and reactivity

From American Psychiatric Association (2018). DSM-V.

What Might This Look Like?

- Trauma influences how kids respond to the system, and to you!
- Flat, volatile, 'inappropriate' emotions; flooding
- Guardedness, suspicion, mistrust
- Delayed, fragmented, non-chronological disclosures
- Being triggered by trauma reminders, loss of control
- Refusal to discuss certain topics, self-censoring

Reflection Question:

What thoughts and feelings might kids have about the criminal legal and child welfare systems?

Children's Experience with Justice Systems

- Influenced by adults' response
- Repeatedly telling adult strangers about traumatic, intimate experiences
- Confusion & misinformation
- Secondary consequences of disclosure
- Disruption of routines
- Forced to participate, feeling unheard
- Lengthy delays feel like a lifetime!

"BUT I WAS STILL REALLY WORRIED ABOUT SEEING THE DEFENDANT."

"HONESTLY, I HAD MIXED EMOTIONS ABOUT SAYING ANYTHING... TO ANYONE."

"NO ONE WANTS TO BE SEEN AS A SNITCH."





Goals of Justice System Education and Support

- 1) Reducing anxiety, distress and re-traumatization
- 2) Improving the quality of children's testimony
- 3) Creating a more positive, empowering justice system experience for kids

Reflection Question:

What strategies have you heard of, or do you use, to support child victims and witnesses?

Justice System Support Strategies

- Consultation with attorneys
- Crisis support
- Kid-friendly justice system education
- Anticipating and addressing emotional issues
- Teaching relaxation/coping skills
- Court preparation and accompaniment
- Processing outcomes

Potential Barriers to Caregiver Support

- A perpetrator who is the caregiver's intimate partner or part of the family
- The caregiver's own trauma and loss
- The caregiver's feelings about what happened / the case
- Not understanding impact of violence/victimization
- Lack of knowledge of the justice system process
 - May be unaware of their rights and their child's rights
- Concrete and logistical barriers

Supporting Caregivers

- Children who are well-supported by a caregiver have more positive experiences with the justice system and better mental health outcomes
- Caregivers vary in developmental and educational levels
- But all caregivers need:
 - Information about justice system processes
 - Connection to local resources and supports
 - Support re. their own trauma and distress

Should Children Testify?

- Must be determined case-by-case
- Pros - Can be empowering, chance for child to tell their story, standing up to perp & for self, may be unable to prosecute w/o child as witness
- Cons - May be re-traumatizing and distressing, repeated delays, relationship with defendant





Consultation with Attorneys

- Should this child testify?
 - Consider impact on child's symptoms and healing
 - Explore need for special accommodations
- Interviewing techniques
- Court preparation strategies
- Crisis support before, during and after interviews

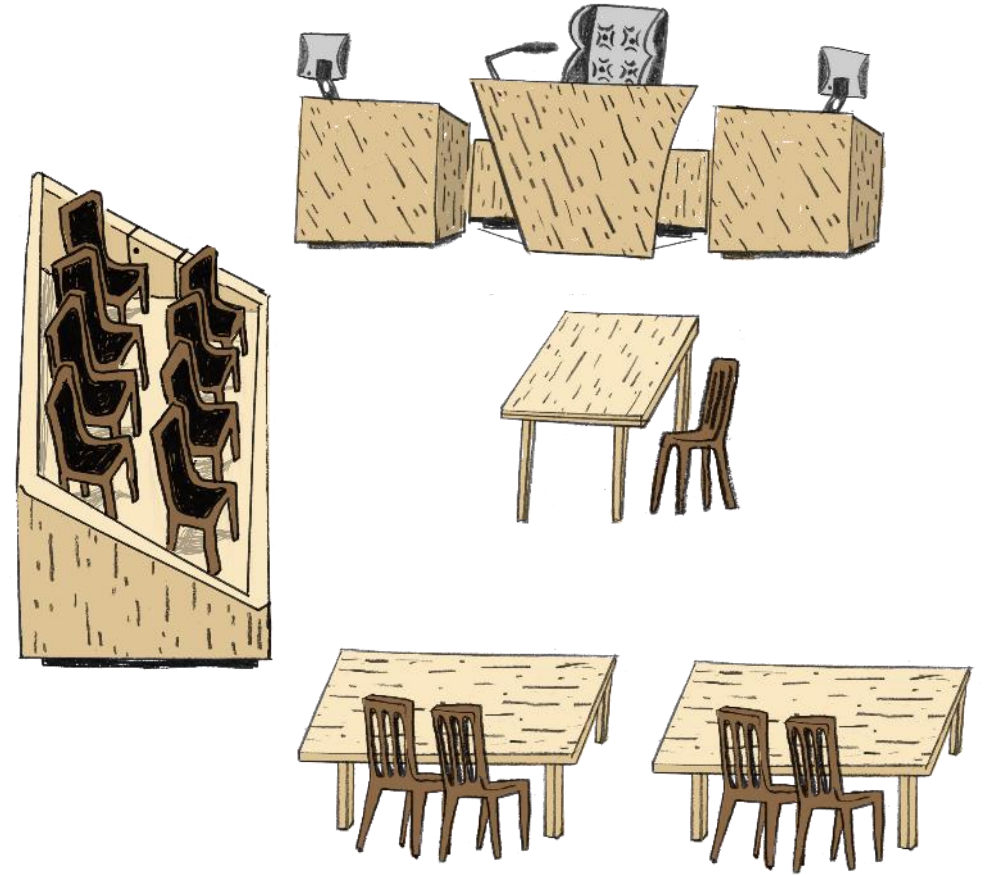
Reflection Question:

What questions might child victims and witnesses have about the criminal legal and child welfare systems?

Kid-Friendly Education

- Increased info → Sense of control & predictability → Decreased anxiety
- Watch your language!
- How does the system work?
 - Inc. role of a witness
- Visiting courtroom, meeting judge, sitting in witness chair
- Courtroom diagram exercise

Don't discuss content of testimony



Emotional Concerns

- Very case-specific - What will be most distressing or triggering?
- Healthy expression of strong emotions beforehand
- Processing relationship with and feelings toward defendant/respondent, and about the case
- Role/timing of trauma therapy
- Court Fears & Worries questionnaire

Court Fears & Worries Sample Items

I am worried about...

- Seeing def. in courtroom.
- Crying/being upset in courtroom.
- Being hurt by def. in courtroom.
- Having to describe what happened.
- Not understanding what I'm supposed to do in court.
- Def. lying in court & being believed.

(Adapted from List of Court Fears/Worries, London Family Court Clinic)

Relaxation & Coping Skills

- What does the child already do?
- Visualization
- Comfort objects & people
- Self-talk → Is the thought accurate AND helpful? If not, create a replacement thought
- Breathing exercises
- Grounding
- Cultural/spiritual practices



Court Accompaniment

- To Grand Jury, hearings, trial and/or Family Court
- Distracting activities for waiting
- Reinforce coping skills
- Friendly face in the courtroom
- Support during breaks and breakdowns
- Assist with managing unwanted contact



Post-Trial Support

- What does the case mean for the child's healing process?
- Processing the court experience
- Affirming vs. disappointing outcomes
- Explaining pleas and verdicts
- Victim Impact Statements and sentencing hearings



Child Witness Materials Development Project

Funded by the U.S. Office for Victims of Crime

Origin of the Materials

- Child victims/witnesses must interact with adult-oriented systems, which can cause re-traumatization and distress
- Need for trauma-informed and child-friendly support
- Inspired by OVC's 'Vision 21' Initiative and frequent requests for 'BJ Goes to Court'

Overview: Child Witness Support Materials

- 1) General materials for child victims and witnesses ages 2-18 years who are navigating criminal legal and/or child welfare systems
- 2) Specialized materials for young survivors of human trafficking navigating the criminal legal system
- 3) Materials for practitioners to strengthen their practice with child victims and witnesses

Need for Native Child-Specific Materials

- Unique experiences of American Indian and Alaska Native (AI/AN) child victims and witnesses
- General child witness materials do not address the needs of this population
- Lack of specific materials supporting Native child victims and witnesses interacting with the justice system

Justice System Considerations

- ‘Jurisdictional Maze’
 - Tribal, state, and federal justice systems
 - Public Law 280 states
 - Indian Child Welfare Act (ICWA)
- Wide variation in resources, structures and processes in tribal justice settings
- Lack of cultural responsiveness in non-tribal justice settings

Native Kids' Justice System Experiences

- Minimal access to child-friendly + trauma-informed support
- Potential interaction with practitioners from multiple justice systems and visits to multiple courts
- Many cases are not effectively investigated/prosecuted
- Severe overrepresentation in child welfare systems

Reflection Question:

What do Native child victims and witnesses need from us?

Native Kids' Need for Support

- Remind children that they are not responsible
- Explain processes and terms in child-friendly language
- Support children in a process of healing beyond the justice system and case outcome
- Refer to cultural traditions, being mindful of different levels of connection

Overview of Project

- Selection of Art and Writing Team
- Formation of Stakeholders Group
- National Needs Assessment
- Developing Content and Style
- Pilot Testing
- Expert Peer Review
- OVC & Federal Reviews



Writing and Design Team @ AH Comics

Authors

Dr. Lee Francis, Pueblo of Laguna
Stories: *Aiyana, Marvis, and Edgar*

**Michael Sheyahshe, Caddo
Nation of Oklahoma**
Stories: *Mitch, Brandon, and
Maggie*

Illustrators

Dale Ray Deforest, Navajo Nation
Stories: *Aiyana and Marvis*

**David Cutler, Qalipu Mi'kmaq
First Nation**
Stories: *Edgar and Mitch*

**Kyle Charles, Cree, Whitefish Lake
First Nation**
Stories: *Brandon and Maggie*

Partners & Stakeholders

- Indian Country Child Trauma Center
- National Indian Child Welfare Association
- Wica Agli
- Native American Children's Alliance
- National Native Children's Trauma Center
- National Council of Juvenile and Family Court Judges
- Casey Family Programs
- Indian Child Welfare Group
- National Center for Victims of Crime Tribal Resource Tool
- National Children's Advocacy Center Tribal Working Group
- Bureau of Indian Affairs
- Tribal Law and Policy Institute

Role of Partners & Stakeholders

- Advised on the development of the materials
- Participated in annual meetings
- Reviewed character sketches, storylines, and draft materials for accuracy and appropriate cultural representation
- Recommended expert reviewers and pilot testing sites
- Participated in promotion and dissemination of the materials



National Needs Assessment

- August–October 2019
- Reviewed existing publications + materials
- Facilitated 25 interviews and 5 focus groups
- Conducted online practitioner survey
- Compiled report with findings and recommendations

Pilot Testing

- Nov. 2020 – Feb. 2021
- 15 sessions, 56 participants
- Children (ages 4-18), caregivers, and practitioners
- Representation from Alaska, Arizona, Oklahoma, Oregon, Minnesota, Montana, and Washington



Expert Peer Review

- November 2020 – January 2021
- 16 expert practitioners completed an online review
- Over 10+ years justice system experience
- Representation from a variety of regions
- Over 90% said they would recommend these materials to colleagues and peers

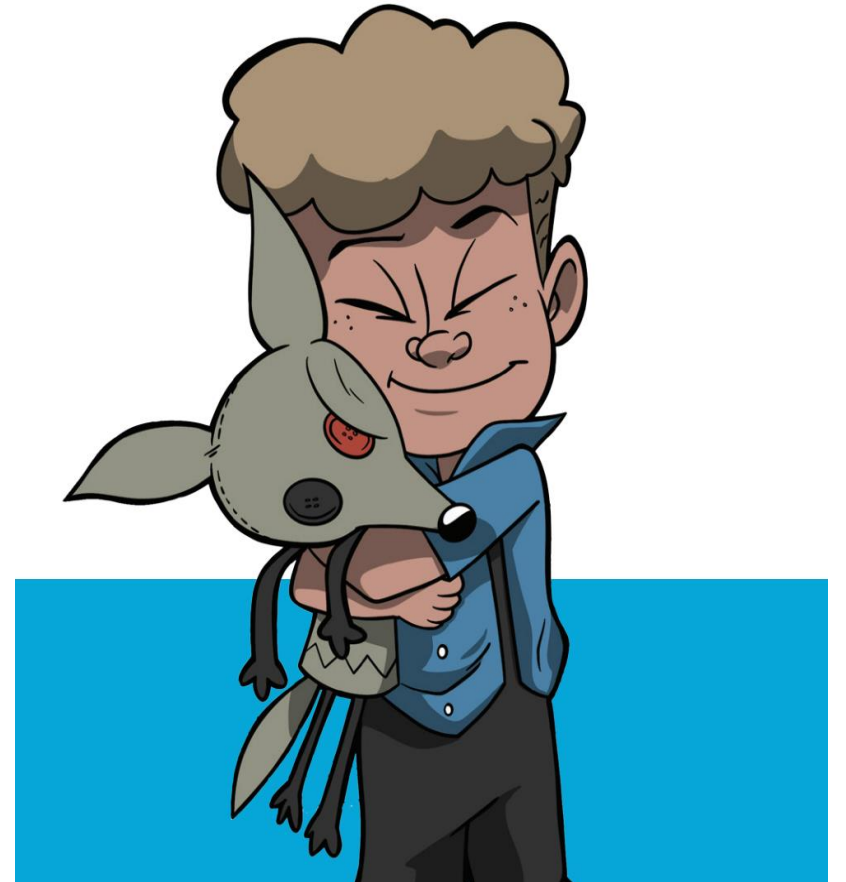
Overview of the Materials

- Three age groups (2-6, 7-12, and 13-18)
- Separate materials: criminal legal and child welfare
- Narrative style, developmentally appropriate, emotionally validating
- Trauma-informed with coping activities
- Supplementary rights and roles booklets
- Accompanying practitioner and caregiver guides



2-6 Criminal Legal: *Marvis & Rockee*

- 5/6 year old male young person
- Witness in a criminal case
- Meets with victim advocate and prosecutor
- Picture book format



2-6 Child Welfare: *Aiyana's Journey*

- 4/5 year old female young person
- Family involved with child welfare; Aiyana stays in non-kinship placement
- Supported by social workers and advocate
- Picture book format



7-12 Criminal Legal: *Marvelous Mitch*

- 11/12 year old non-binary young person
- Victim-witness in a criminal case
- Recounts experience with criminal legal system, inc. interactions with various practitioners
- Comic book format



7-12 Child Welfare: *Edgar's Journey*

- 10/11 year old male young person
- Family involved with child welfare; Edgar stays with his auntie
- Uses a map to show different locations on Edgar's journey
- Comic book format



13-18 Criminal Legal: *Maggie Mercury*

- 16/17 year old female young person
- Victim-witness in a criminal case
- Runs video blog about Native youth and culture
- Recounts court experiences
- Graphic novel format



13-18 Child Welfare: *Brandon's Path*

- 15/16 year old male young person
- Family involved with child welfare; Brandon stays with his grandmother
- Follows a 'choose your own adventure' narrative style
- Graphic novel format



Feedback from a Reviewer

“I think the incorporation of information, stories, and exercises is very practical and each story was age-appropriate. The vast amount of information was focused. The inclusion of cultural stories and information was well done.”

Importance of Representation

- Mainstream media misrepresentation
- Diversity of Native communities and cultures
- Need to avoid 'Pan Indianism'
- Importance of children seeing themselves represented in a way that's meaningful and validating
- Focus on common themes across communities to make the materials as relatable as possible

Guidance from Needs Assessment

“While cultures vary greatly, there are some things that are common - respect for all living things, spirituality as a way of life and not as a religion, and the recognition that our ceremonies might be different, and to look within our own communities. We are storytellers at heart...and telling our story is where healing begins.”

Marvis & Rockee

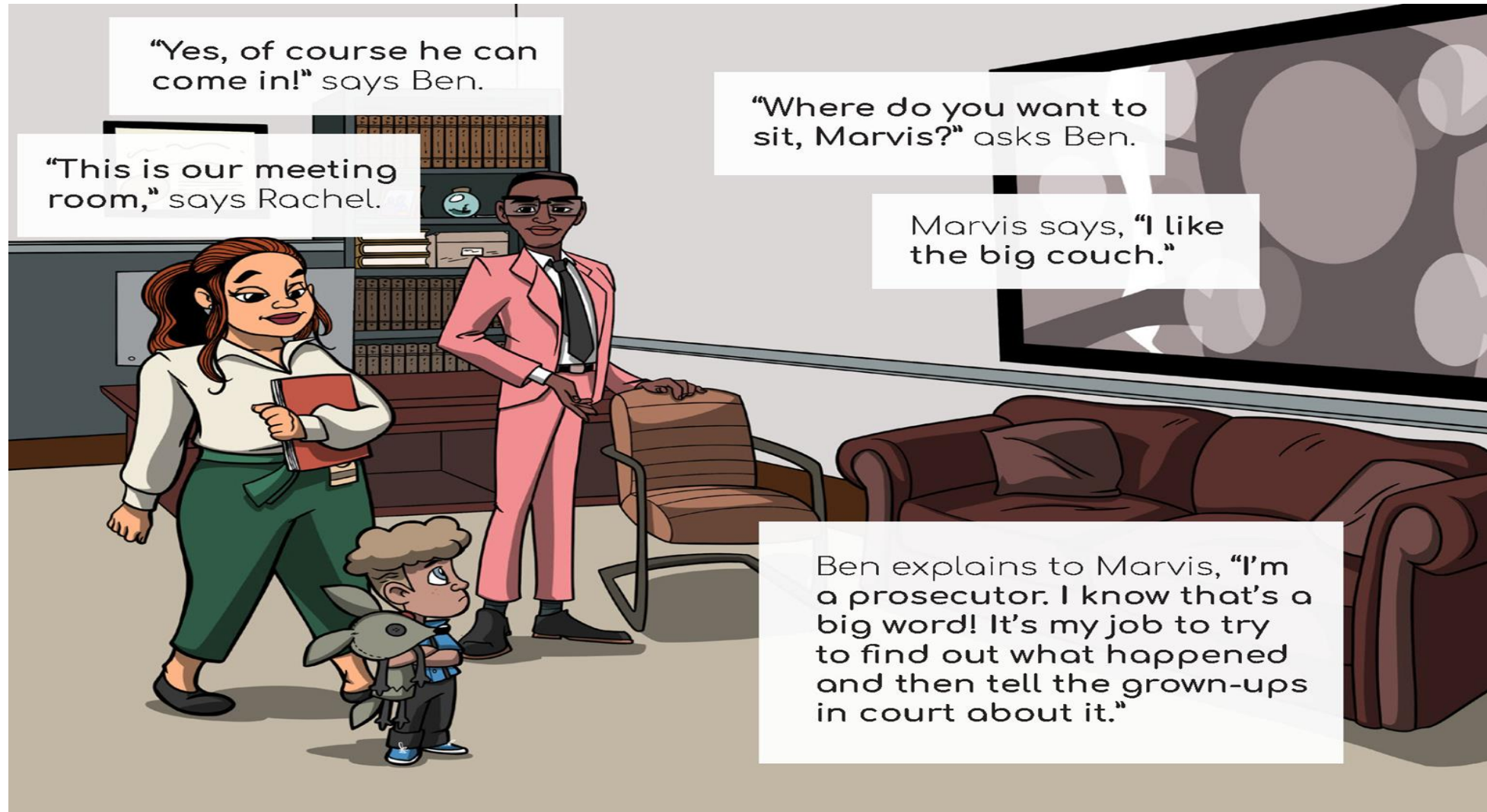


“Ready, Marvis? Time to go. You can bring Rockee with you,” says Grandma. “And Noah, we’ll drop you at your mom’s place on the way.”

Marvis & Rockee



Marvis & Rockee



Aiyana's Journey



Aiyana's Journey

Relax

THE TREE & THE WIND

Trees have long, strong roots that grow deep into the ground. You may not be able to see their roots, but even the smallest, thinnest and most flexible trees have them.

- 1** Stand up straight like a tree with your hands at your sides.
- 2** Take a deep breath and hold it for 2 seconds.
- 3** Breathe out slowly and imagine a gentle wind is blowing your tree body.
- 4** Wiggle your body like a tree in the wind a few times.



Falling Asleep

THE EAGLE

Aiyana practiced The Tree and The Wind a few times that night to help her relax.

When she laid down to sleep, Aiyana thought about the story her mom told her about a great eagle who would close its wings in the sky to create the night and reveal the stars. Remembering the story helped Aiyana fall asleep.

Do you know any other stories that can help you fall asleep? Is there anyone from your family, tribe, or community, that you could ask?



Aiyana's Journey



Marvelous Mitch



Marvelous Mitch



Marvelous Mitch

Relax 4-3-2-1 GROUNDING

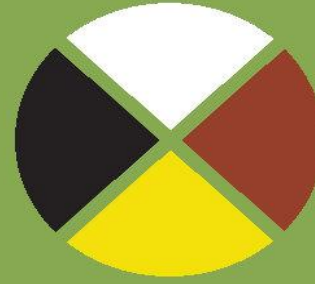
This calming exercise helped Mitch when she was feeling anxious. You can try this exercise to help you feel more calm, by focusing on four of your senses.

What are **4** things you can see?

Look for **3** things you can touch.

Listen for **2** different sounds.

What's **1** thing you can smell?

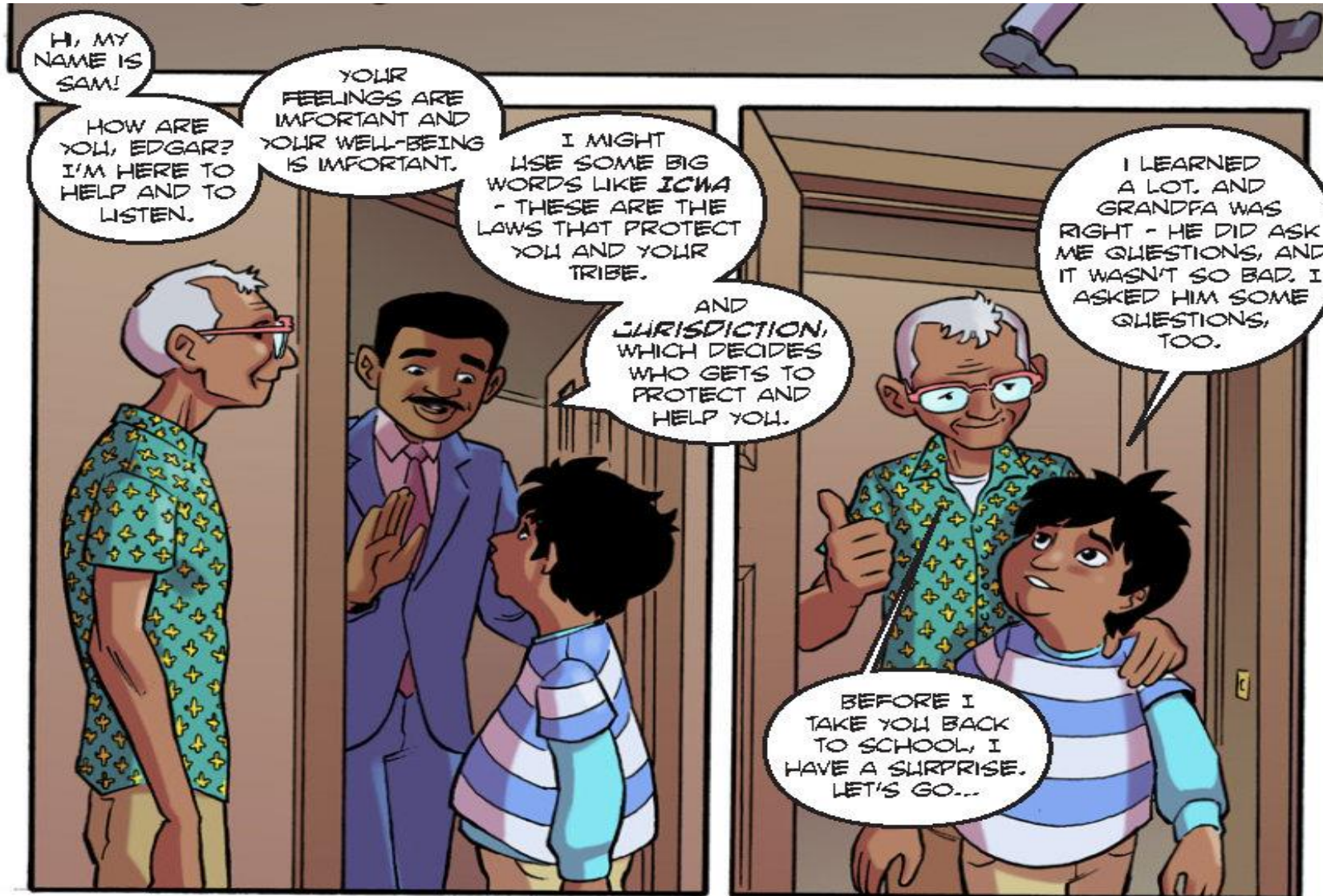


DID YOU KNOW?

The number four is also important in many Indigenous communities as it represents the four directions (North, South, East & West) and the four seasons.

The medicine wheel, which has four quadrants, is traditionally used in some tribes as a guide for balance, grounding, finding your way and sometimes for healing. There are even colors associated with each of the four quadrants.

Edgar's Journey



Edgar's Journey



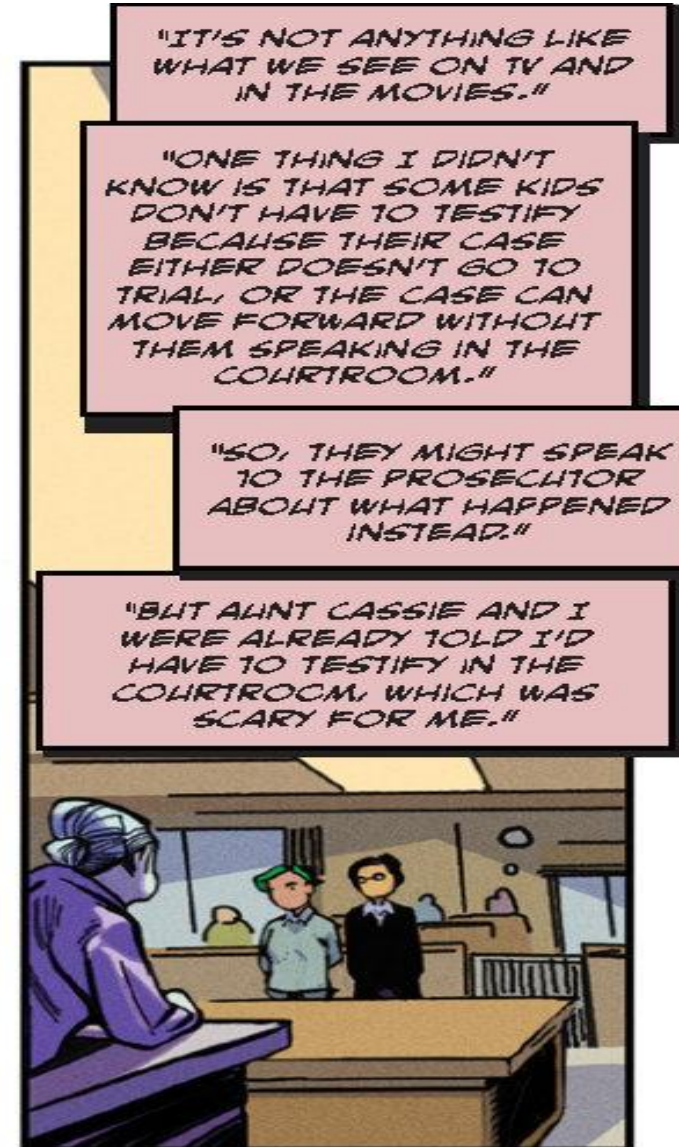
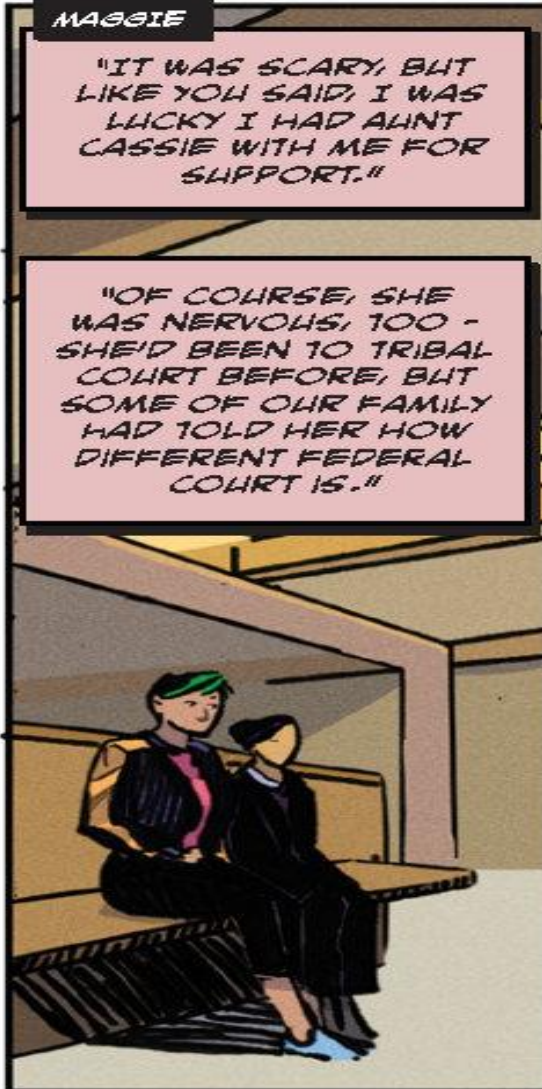
Edgar's Journey



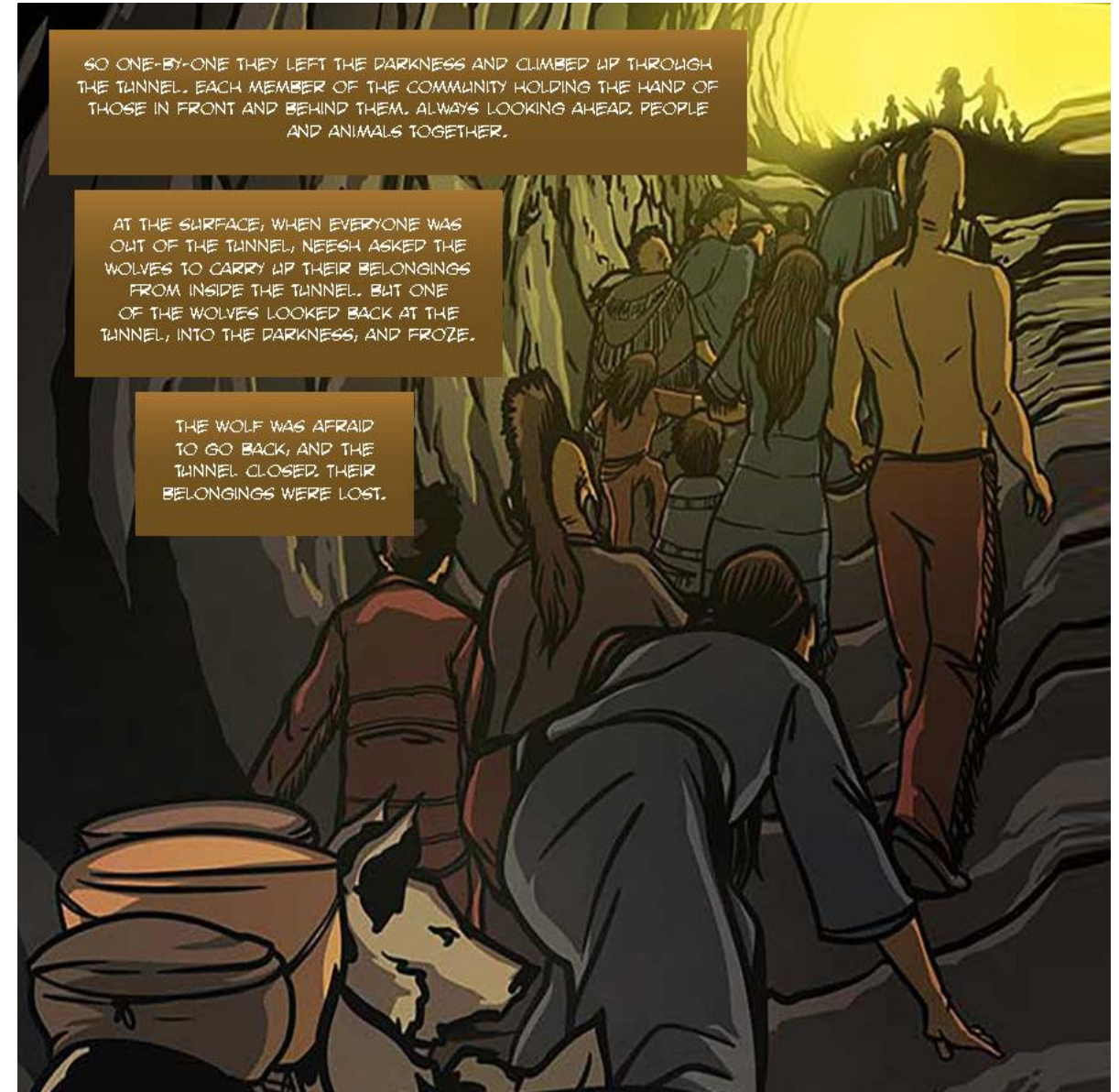
Maggie Mercury



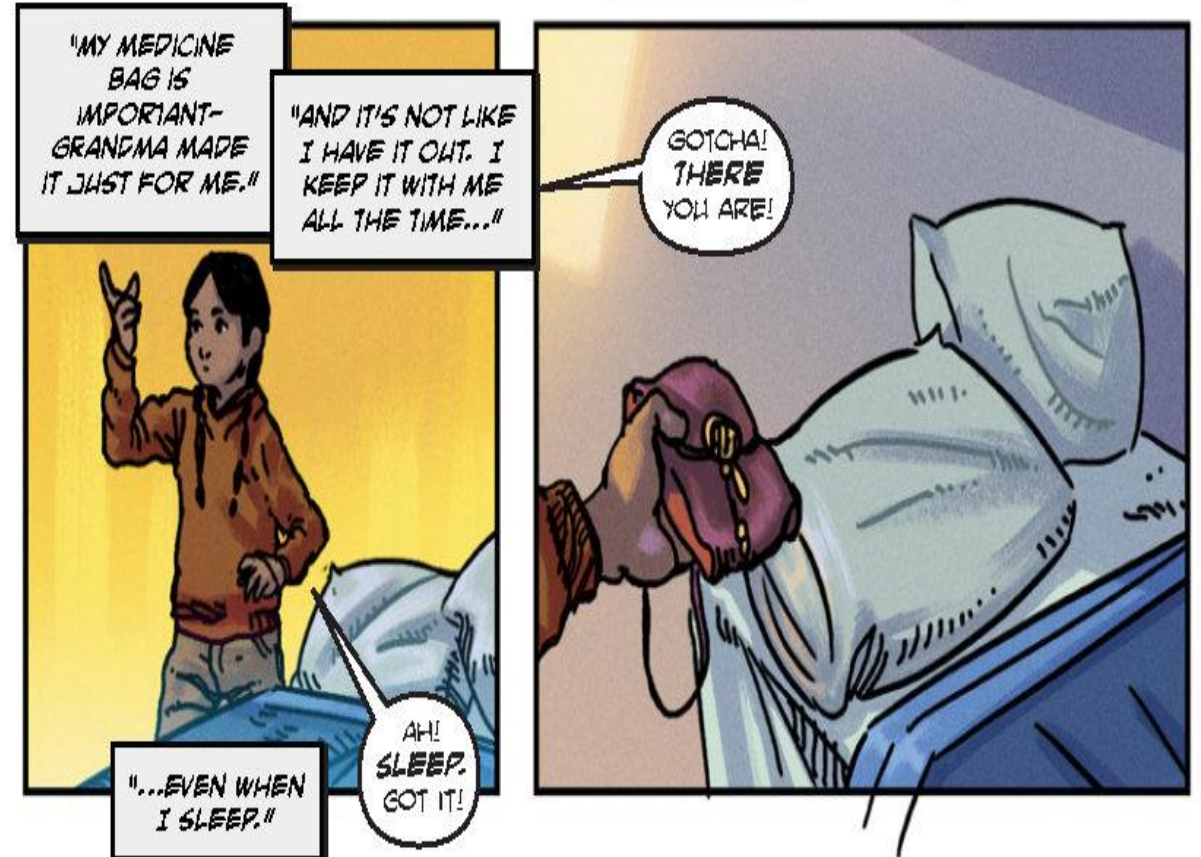
Maggie Mercury



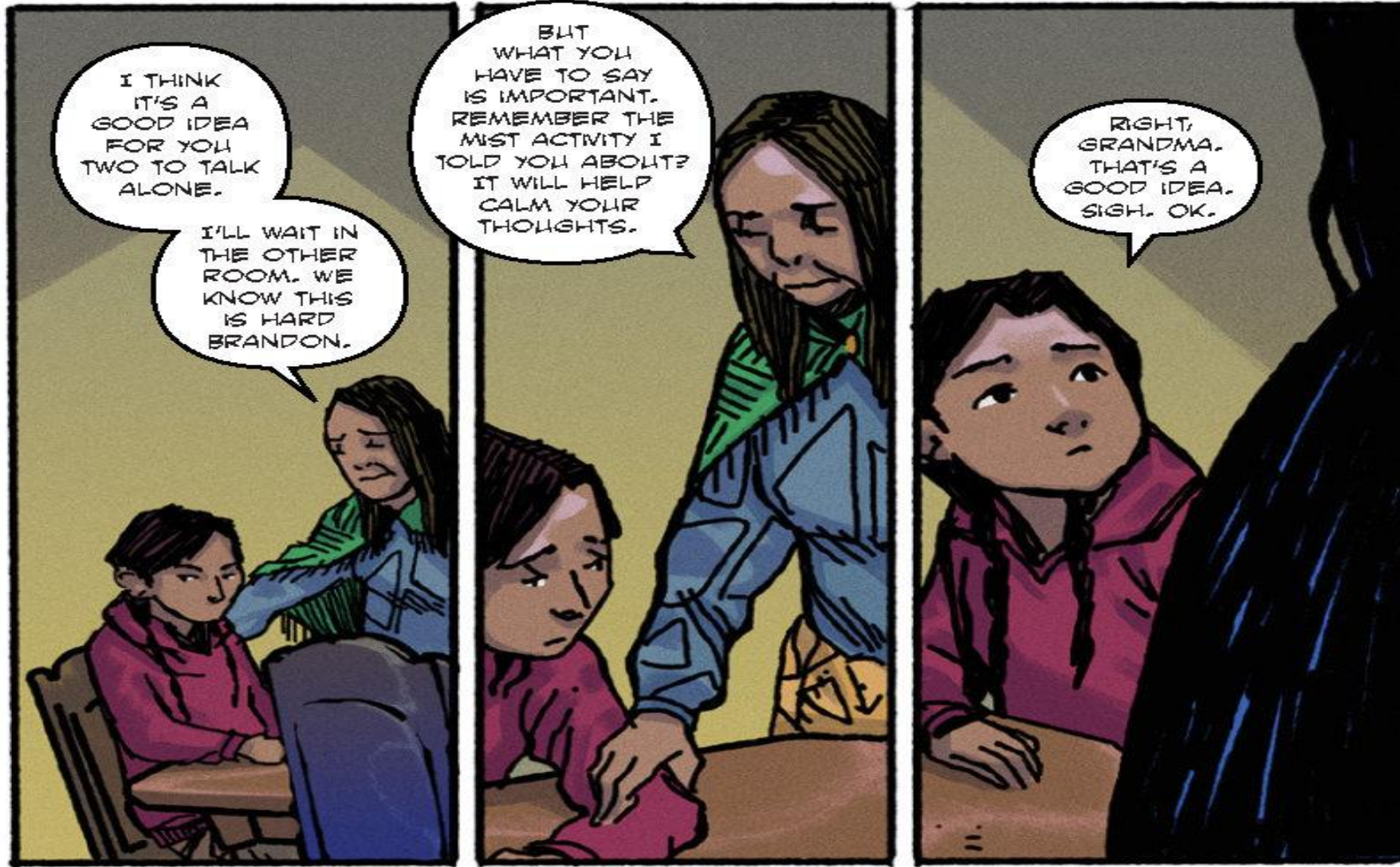
Maggie Mercury



Brandon's Path



Brandon's Path



Brandon's Path



Feedback from a Reviewer

“Across the board the positive, strengths-based messages are very clear— ‘It's not your fault. There are many people to help you. Things may be hard, but there are ways to get through them.’ I appreciate that we didn't get into the specifics of what happened but focused on the experience of the child/youth.”

Using the Materials

- Provide to children and caregivers as early as possible
- Ensure that appropriate adult support is available
- Materials can be read in one sitting or at different times
- Use the activities to help children learn coping skills
- Be mindful that some content may be distressing or triggering
- Ask questions to keep the child engaged
- Adapt the materials for your local context

Practitioner & Caregiver Guides

Menu [↗](#)

[Introduction](#)

[About](#)

- [Acknowledgments](#)

Family and Dependency Court

- [Practitioner and Parent/Caregiver Guides](#)
- [Ages 2-6](#)
- [Ages 7-12](#)
- [Ages 13-18](#)

Criminal Court

- [Practitioner and Parent/Caregiver Guides](#)
- [Ages 2-6](#)
- [Ages 7-12](#)
- [Ages 13-18](#)

Human Trafficking

- [Practitioner and Parent/Caregiver Guides](#)
- [Ages 12-18](#)

Practitioner and Parent/Caregiver Guides [↗](#)

These materials were specifically designed to appeal to children ages 12–18.

The goal of these materials is to provide effective, trauma-informed, developmentally appropriate information and support to children in a way that they can more easily understand, so they can feel informed, supported, and empowered.

Learn more and view the guides below.



[A Guide for Practitioners](#) [↗](#)

This guide, designed for practitioners working with children and youth, contains suggestions and guidance for using these materials most effectively and some ways to support children and youth as they navigate through the justice system.



[A Guide for Parents and Caregivers](#) [↗](#)

This guide, designed for caregivers of children and youth, contains suggestions for using these materials

- Graphic novel reading guide
- Tips for using the materials effectively
- Ways to support child victims and witnesses as a caregiver or practitioner

Practitioner Materials

- Criminal legal and child welfare system maps and glossaries
- Checklist for preparing children to testify
- Working with caregivers
- Supporting young survivors of trafficking
- Stages of child development and implications for communication
- Working with children who have experienced trauma
- Considerations for working with Native children and families



Download, Read, Share

- Free download from OVC's website
- Multiple formats (read on screen, professional print, office print)



Reflection Questions:

Which of these strategies could you utilize?

How might you use these materials in your practice?

Questions? Thank you!

Alisha Morrison, Esq.
Senior Program Manager
Tribal Justice Exchange
Center for Justice Innovation

morrisona@innovatingjustice.org



<https://ovc.ojp.gov/child-victims-and-witnesses-support>