



The Voice of Children As Evidence

CLEET
24-3756

**Between three and ten million
children and adolescents
witness violence between
their parents and caregivers
each year**

**-American Academy of Child
and Adolescent Psychiatry**

1 in 15 children in the United States are exposed to intimate partner violence for a total of more than 5 million children

-National Coalition Against Domestic Violence

**1 in 3 children who witnessed
domestic violence were also
child abuse victims**

**-National Coalition Against
Domestic Violence**

**Children who witness
intimate partner violence are
three times as likely as their
peers to engage in violent
behavior**

**-National Coalition Against
Domestic Violence**

Girls who witness domestic violence against their mother are six times more likely to be the victim of sexual abuse

- “Effects of Domestic Violence on Children”

Office on Women’s Health

Boys who witness domestic violence against their mothers are ten times more likely to abuse their female partners as an adult

- “Effects of Domestic Violence on Children”

Office on Women’s Health

**BE AGGRESSIVE ABOUT
INVESTIGATION AND
PROSECUTION OF
DOMESTIC VIOLENCE**

CHILD HEARSAY

12 O.S. 2803.1

- Used to ONLY pertain to children or “incapacitated persons” who make a statement concerning physical abuse or sexual contact that happened to THEM

CHILD HEARSAY

12 O.S. 2803.1

- NEW LAW EFFECTIVE NOVEMBER 1!!!

Who Has to Make the Statement?

- A child who is 15 years and 364 days old or younger **AT THE TIME THE STATEMENT IS MADE**
- A child between 16 and 18 with a disability
- Incapacitated person = impaired by reason of mental/physical illness, disability, dementia, developmental or intellectual disability, etc who needs assistance from others to communicate/manage finances/etc. OR has a guardian/limited guardian/conservator

What Type of Statement?

- Describes any act of physical abuse, domestic abuse, neglect, enabling physical abuse/sexual abuse/neglect, any act of sexual contact, kidnapping, or any act resulting in great bodily injury **TO THE CHILD**

What Type of Statement?

- OR describes any act of physical abuse, neglect, enabling physical abuse/sexual abuse/neglect, sexual contact, kidnapping, domestic abuse, or act resulting in great bodily injury or death **TO ANOTHER THAT THE CHILD WITNESSES**

Neglect Defined in 10A O.S. 1-1-105

- (1) the failure or omission to provide any of the following:
 - (a) adequate nurturance and affection, food, clothing, shelter, sanitation, hygiene, or appropriate education,
 - (b) medical, dental, or behavioral health care,
 - (c) supervision or appropriate caretakers to protect the child from harm or threatened harm of which any reasonable and prudent person responsible for the child's health, safety or welfare would be aware, or
 - (d) special care made necessary for the child's health and safety by the physical or mental condition of the child,
- (2) the failure or omission to protect a child from exposure to any of the following:
 - (a) the use, possession, sale, or manufacture of illegal drugs,
 - (b) illegal activities, or
 - (c) sexual acts or materials that are not age- appropriate, or
- (3) abandonment.

**NO MORE PRETRIAL
ADMISSIBILITY HEARINGS!!!**

**CHILDREN NOT REQUIRED TO
TESTIFY AT JUVENILE
DEPRIVED PROCEEDINGS,
REVOS, PRELIMS, ETC**

**WE CAN STRIKE HARDER
BLOWS IN THE COURTROOM
AGAINST VIOLENT
OFFENDERS IF WE WORK
TOGETHER**

INVESTIGATIONS AND MDT PROTOCOL

- 10A O.S. 1-9-102 = whenever feasible, law enforcement and child welfare staff SHALL conduct joint investigations
- 10A O.S. 1-9-102 = interviews of child abuse or neglect victims SHALL be carried out by appropriate personnel using MDT protocol and procedure UNLESS child in danger

INITIAL RESPONSE

- DV in Home with children = make DHS referral/call law enforcement AND schedule forensic interviews for every single child
- Dirty House = make DHS referral/call law enforcement AND schedule forensic interviews for every single child
- Child's Mom Living with Sex Offender = make DHS referral/call law enforcement AND schedule forensic interview

INITIAL RESPONSE

- Children witness drug dealing, manufacturing, using = make DHS referral/call law enforcement AND schedule forensic interviews
- Child witnesses dad commit robbery = make DHS referral/call law enforcement and schedule forensic interview
- Child witnesses lack of medical care = make DHS referral/call law enforcement

NOT JUST FORENSIC INTERVIEWS

- Medical providers
- Family members
- Teachers, school counselors, other school employees
- Counselors, therapists, etc
- Friends of child
- 911 calls

**MORE WORK, MORE TIME,
MORE MONEY**

IS IT WORTH IT?

BEST INTEREST OF CHILDREN

**INVESTIGATE AND PROSECUTE
MORE AGGRESSIVELY TODAY
LESS CHILD VICTIMS
TOMORROW**