

What Happens Now:

A booklet to help families of children
who have been sexually abused



*Prepared by:
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Information for Families of Children Who Have Been Sexually Abused

When a child has been sexually abused, it has an effect on everyone in the family. The feelings that you and your child experience during this time can be intense. You may find it difficult to cope. At first, it may be hard to imagine how you and your family will get through this.

Help is available. You are not alone.

It can be difficult to talk about sexual abuse. Some people think it does not happen on Prince Edward Island. However, many children and families have come forward to tell about sexual abuse in their lives.

Knowing what may happen next can help you and your family to get through this experience.

This booklet will provide you with information about:

- what child sexual abuse is;
- why it is important to report child sexual abuse;
- how family members can help the child;
- what may happen after the abuse is reported; and
- what help is available for everyone involved.

You MUST report child sexual abuse. It is the law. Anyone who knows or suspects that a child has been sexually abused MUST report this to Child and Family Services. Telephone 1-877-341-3101 (after hours, 1-800-341-6868) to report abuse or telephone a police officer.

What is child sexual abuse?

Child sexual abuse is a crime. It can include any of the following behaviours by the abuser:

- touching, rubbing or kissing a child's genitals or private areas for a sexual reason;
- getting a child to touch, rub or kiss genitals or private areas;
- getting the child to look at genitals or private areas;
- getting a child to watch while someone engages in sexual behaviour;
- getting a child to look at sexual materials, such as pictures, videos or computer images;
- penetrating a child's vagina or anus with a body part or any other object;
- watching a child get dressed, bathe or use the toilet when this is done for a sexual purpose;
- taking pictures or videos of a child's genitals or private areas when this is done for a sexual purpose; and
- taking pictures or videos of a child doing sexual things.

These behaviours are sexual abuse no matter who does them. **Sexual abuse of a child is never the child's fault.** Abusers are criminally responsible for what they have done.

Sexual abuse can occur in person, by phone or over a computer.

An abuser can be male or female. The abuser may be someone you or your child knows or it could be a complete stranger. Often it is someone your child trusts. It may be someone you never thought would do such a thing. The abuser could be anyone.

Why is it important to report abuse?

There are many good reasons for reporting the abuse. Some of these include the following:

1. The Child Protection Act says that you **MUST** report the abuse.
2. Everyone who is abused has a right to have the abuse stop and to have the abuse acknowledged and dealt with.
3. Once the abuse is reported, help and support can be made available for everyone.
4. Children who have been abused need to be told that the abuse was not their fault.
5. Steps can be taken to prevent the abuser from hurting other children.

6. The abuser is more likely to get treatment for his or her behaviour.
7. Keeping the abuse secret can add to the negative impact the abuse has on the child. When children tell and are believed, it can feel like a big burden has been lifted.

How can I help my child?

If a child tells you about sexual abuse, your emotional reaction may be very strong. There are things that you can do to help the child. You can:

- Listen carefully to what she or he is saying-the child needs to know that you are taking what he or she says seriously and that you are there to help. *(After the talk, make detailed notes of what the child said, using the child's words.)*
- Tell the child that you believe what he or she is telling you.
- Tell the child that the abuse is **not** his or her fault.
- Tell the child that he or she did the right thing by telling.
- Tell the child that you will do what you can to protect him or her.
- Tell the child that you can get help for him or her to deal with his or her feelings.

After the child has told you about the abuse, she or he may not want to talk about it in detail. Professionals will need to ask questions as part of their investigation. They are trained to ask in a way that gets the most reliable information with the least upset to the child. It is best to leave the gathering of details to people who are specially trained to do this.

What happens next?

Prince Edward Island has developed a Child Sexual Abuse Protocol to help guide those who respond in cases of child sexual abuse. This protocol sets out the way the police, the child protection workers, the courts and others respond to child sexual abuse. One goal of the protocol is to make the experience easier for the child.

Role of Police

The role of the police officer is to investigate and decide if a charge will be laid.

- A police officer and a child protection worker usually do an interview with the child together, as a team. In most cases, this is done in a child-friendly interview room that is made to look like a living room. The interview is videotaped in order to make certain that what the child says is recorded accurately. The taping also decreases the number of times the child will have to repeat his or her statements.

- The police officer usually interviews other people who may know about the abuse or who may have witnessed something related to the sexual abuse.
- The police officer will contact the abuser and may conduct an interview with him or her.
- The police officer decides if there is enough evidence to lay a criminal charge. He or she may talk with a Crown attorney before making this decision.
- If charges are not laid, that does not mean the abuse did not happen.

Role of Child Protection

The role of the child protection worker is to talk with the child and with his or her family about:

1. the child's future contact with the abuser, if any;
2. whether there are other children who might have been sexually abused by the same person; and
3. the safety and support needs of the child and his or her family.

When the abuser is a family member, the child protection worker will work with you to find a solution to any safety concerns.

What services are there to help us?

Victim Services is a provincial agency that helps support victims and their families. They can:

- help you through the court process;
- keep you informed about the progress of any investigation;
- explain the roles of various people in the justice system;
- help you to know what to expect; and
- refer you to other services that may provide help to your family.

Even if no charges are laid, Victim Services can help you understand what is happening and provide support. If there is a trial, Victim Services will also help prepare the child and other witnesses for court. The police will give you a referral when you are interviewed or you can telephone Victim Services yourself. **There is no charge for this service.**

Victim Services

Queens and Kings counties: 368-4582

Prince County: 888-8218

What about protection for my child before court?

When the police lay a charge, a date is set for the abuser to appear before the court. The abuser is often asked to sign an “undertaking,” which is a document stating the charge and containing conditions that the abuser must follow. You should ask the police officer for a copy of the undertaking.

Usually one condition is that the abuser is not to have any contact with the child who has been sexually abused. Other conditions might be to stay away from places such as the child’s home or school. The conditions in the undertaking are to provide protection for the child.

Sometimes the abuser is someone in your family and it may be important for the abuser to have contact with other family members. In this case, it may be necessary to arrange to have this contact supervised by an adult who is aware of the situation. The abused child and any other child in the family must be protected from the abuser.

You can get more information about undertakings from the police or Victim Services.

If the abuser does not follow the conditions on the undertaking, you should call the police immediately.

Will my child have to testify in court?

If the police have charged the abuser with a sexual offence and the abuser has entered a plea of not guilty, there will be a trial. If there is a trial, your child will probably have to testify in court. The opinions of the caregivers will be considered when making this decision. There may also be a preliminary inquiry. Police can explain this to you.

You can ask Victim Services about some of the options available to make this experience easier for the child. There are screens that can be used to shield the victim from the accused. Videotaped testimony can be used in some cases. A support person may be permitted to sit or stand near a child who is testifying. Victim Services can also prepare your child for this experience so he or she will know what to expect.

The child may not have to testify. This happens:

- if the person who was charged pleads guilty in court;
- if the Crown attorney decides that there is no “reasonable prospect” of a conviction; or
- if the abuser is dealt with through an alternative to the court process called “Alternative Measures.” This is used only in exceptional circumstances.

Who is present during a trial?

People in the court room during a trial can include:

- the judge
- a jury, if it is a jury trial
- the court clerk
- the police
- the Crown attorney
- the person charged with the sexual offence
- the defense attorney (if the accused wants a lawyer)
- sheriff
- Victim Services worker
- any witnesses
- media
- the general public

If the child or the accused person wants family members or friends present for emotional support, these people can attend.

If you are required to go to court as a witness, you may ask Victim Services to give you a tour of the courtroom. The tour will show you where to go before you are called as a witness, and where to go when you enter the courtroom. The tour will not take long and is very worthwhile.

In cases of sexual abuse, there is usually a publication ban so that names and anything that would identify the child cannot be published.

Is the Crown attorney our lawyer?

The Crown attorney represents the state, not the child. It is the Crown attorney's job to present the facts of the case to the court.

Do we need a lawyer?

The child does not need a lawyer to represent him or her in criminal court because he or she has not done anything wrong. However, if there are personal records, such as a diary or medical records, that you or your child believes should remain private, you may want to talk to a lawyer about this.

There is also the possibility of suing an abuser in a civil court. You can talk to a lawyer about your rights in this area. If you do not know a lawyer, you can use the Lawyer Referral Service to talk to a lawyer for 30 minutes for \$10 plus taxes. You may telephone 892-0853 or 1-800-240-9798 for the Lawyer Referral Service.

What happens if the abuser is found guilty or pleads guilty?

If the abuser pleads guilty or is found guilty, he or she is not usually sentenced immediately. A date is set for sentencing. The judge often asks for a pre-sentence report, which gives information about the abuser's background. The abuser may also undergo an assessment by a trained professional. This professional assesses the risk to children and makes recommendations about how to reduce the risk.

The child who has been sexually abused and/or a family member are given the opportunity to write a **Victim Impact Statement**. This statement describes the harm done and loss

suffered from the abuser's actions. The statement will be considered by the judge at the time of sentencing. Victim Services can help you prepare this statement. Your statement can be read aloud in court if you wish.

The focus of sentencing is on condemning the abuser's conduct and decreasing the risk that the abuser will sexually abuse another person. The sentence the judge gives depends on many factors, such as:

1. what the abuser did;
2. whether or not the abuser has committed other offences, including sexual offences;
3. whether or not the abuser is taking responsibility for his or her behaviour;
4. whether the abuser pled guilty or went to trial;
5. whether or not the abuser can benefit from treatment; and
6. whether or not the abuser might commit another sexual offence in the future.

The abuser may have to spend some time in jail. It is likely that he or she will also be given a period of probation after any jail sentence is completed. Probation orders usually contain conditions to help protect your child and to order the abuser to take treatment.

If the abuser did not go through an assessment by a professional before being sentenced, an assessment may be made a condition of probation. The abuser may be ordered to take treatment and obey any safety restrictions recommended as a result of the assessment.

What happens if there are no charges laid?

This does not mean the abuse did not happen. Sometimes no charges are laid because there is not enough evidence to find the person guilty.

It is important to note that if the police do not lay a charge when their investigation is completed, they may reopen the investigation at a future time.

Even if no charges are laid, there are things that have to be considered, such as:

- the protection and safety of the child who was abused and of other children;
- the need for counseling for anyone involved; and
- whether or not there should be any future contact with the abuser.

Child and Family Services must make certain that any child who is at risk of being abused is protected. In cases where there are no charges laid, Child and Family Services still has

the authority to set down rules in the interests of protecting children.

Treatment is available to a person even if he or she has not been charged with a sexual offence. Anyone who admits to having problems with sexual desires involving children can get treatment if they want it. See the contact information for the sexual deviance specialist at the end of this pamphlet.

Other Issues

Most of what has been described in this booklet concerns criminal court, but there may be other things going on at the same time, such as family or civil proceedings. These may involve:

- custody and access issues;
- child protection issues; and
- protection orders under the *Victims of Family Violence Act*.

These issues are dealt with in the Supreme Court of Prince Edward Island.

Conclusion

Being the parent or family member of a child who has been sexually abused can be difficult and can bring many mixed emotions. Coping with your own feelings and those of your child during this process may require help.

Information, support and help are available to you, your child and other family members. You can use any or all of the following services in your journey through this process.

Helpful Contacts

Police – You can call the police department involved in your case for more information.

Office of the Crown Attorney – The Office of the Crown Attorney may be able to provide you with information. Telephone 368-4595 in Charlottetown or 888-8213 in Summerside.

Child and Family Services – Telephone Charlottetown 368-5330; Montague 838-0700; O’Leary 859-8811; Souris 687-7060; and Summerside 888-8100.

Sexual Deviance Specialist – This professional carries out any assessments of the abuser to determine the level of risk that he or she will do this again and also recommends treatment. Telephone 368-6391.

Victim Services – Victim Services can help you and the child through the whole criminal justice process. Telephone 368-4582 for Kings and Queens counties or 888-8218 for Prince County.

Community Mental Health – Counseling services or other treatment may be provided by this service for you and/or the child. Montague 838-0960; Souris 687-7110; Charlottetown, McGill Centre 368-4911 or Richmond Centre 368-4430; Summerside 888-8180; Alberton 853-8670; and O’Leary 859-8781.

PEI Rape and Sexual Assault Crisis Centre – This service provides counseling and support to adult family members of children who have been sexually abused. Telephone 566-1864.

CLIA (Community Legal Information Association) – At CLIA, you can receive verbal and written information about Prince Edward Island laws and justice system, and you can get a Lawyer Referral to speak to a lawyer for 30 minutes for \$10 plus tax. Telephone 892-0853 or 1-800-240-9798.

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