
Preparing Children for Court: An Interdisciplinary View

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Increased awareness of child abuse and neglect has been associated with an increase in focus on children as witnesses in court proceedings. Research suggests that although the experience of participating in the legal system is not inherently traumatic, it is often stressful for the child witness. This article discusses stressful influences on child witnesses and practices designed to decrease the likelihood of emotional distress and increase the child's ability to provide credible testimony. In light of the importance of interdisciplinary collaboration in the response to childhood victimization, this article addresses the roles of and links between mental health and legal professionals working with child witnesses. The concepts discussed in this article apply generally to civil, criminal, family law, and dependency cases and to cases tried before a jury and to a judge alone. It is the authors' belief that the concepts discussed here are generally equally applicable in any case in which a child is a witness.

A significant result of increases in the reporting of child abuse and neglect has been an increased focus on children as witnesses in criminal and civil court and in child protection proceedings (Duquette, 1990; Runyan, Everson, Edelsohn, Hunter, & Coulter, 1988; Whitcomb, 1992). Important concerns regarding the psychological well-being of child witnesses have been raised by legal and mental health professionals, who assert that court procedures do not adequately take into account the needs of children (Dziech & Schudson, 1989; Schetky, 1988).

Some legal scholars (Dziech & Schudson, 1989), researchers studying children's cognitive development (Saywitz, 1995), and mental health professionals (Schetky, 1988) have noted that the court environment may increase children's levels of distress

and decrease their ability to provide accurate testimony. They have suggested that courtroom procedures could be altered to increase sensitivity to children's developmental and emotional needs (Dziech & Schudson, 1989; Tidwell et al., 1990; Whitcomb, 1992). Recommended changes in judicial procedures are designed to improve children's abilities as witnesses and minimize potential negative court-related effects (American Bar Association, 1985; National Council of Juvenile and Family Court Judges, 1986). However, proposals for a significant alteration of courtroom practices to accommodate the needs of child witnesses have met opposition from legal professionals, who suggest that constitutional rights of defendants might be compromised by a significant departure from traditional procedures in criminal proceedings (Melton, 1984). Experience suggests that other legal forums (e.g., protection proceedings) are hesitant to alter traditional procedures to accommodate child witnesses as well. Therefore, approaches that protect child witnesses without infringing on defendants' rights are desirable.

A number of recent empirical studies indicate that although court involvement can be stressful, children typically are not emotionally scarred by their participation as witnesses in criminal (Flin, Bull, Boon, & Knox, 1992; Goodman et al., 1992; Tidwell et al., 1990) or dependency (Runyan et al., 1988) court. Fortunately, the research findings suggest a number of specific factors associated with a greater negative impact of court on children, such as high levels of precourt distress (Whitcomb et al., 1994), lack of maternal support, testifying multiple times, and lack of

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corroborating evidence (Goodman et al., 1992). These findings lead to logical recommendations for practices to be used with child witnesses (Lipovsky, 1994; Saywitz & Goodman, 1996). Some of these recommended practices have shown promise in reducing children's court-related distress (Sas, Hurley, Austin, & Wolfe, 1991).

Aspects of the criminal justice system undoubtedly can be stressful for child witnesses and their families.

Table 1 presents court-related stresses that have been described by writers in this area (Dziech & Schudson, 1989; Goodman et al., 1992; Sas et al., 1991). It should be noted that most of these stressors are inherent in any type of court proceeding and are not limited to the criminal arena. In addition, many of these stressors are under the control of professionals and can be reduced without extensive modification of existing procedures. Adequate preparation of a child for his or her court appearance, sensitivity to children's developmental needs, and interdisciplinary collaboration are likely to be sufficient in many cases to reduce system-induced stress and increase a witness's ability to provide credible testimony (Saywitz & Goodman, 1996). The limited empirical research (Sas et al., 1991) supports this view.

In this article, we discuss an interdisciplinary approach to preparing children to testify in any type of court proceeding. Clearly, education, support, good clinical and legal practice, and common sense go a long way in assisting child witnesses through legal proceedings with a minimum of trauma. The results of research on child witnesses suggest specific practices that should reduce the distress of children and families as they interact with the legal system (Lipovsky, 1994; Sas et al., 1991, Saywitz & Goodman, 1996). Further, reducing distress is beneficial to children and likely will lead to more successful results in judicial proceedings.

GOALS OF INTERDISCIPLINARY COURT PREPARATION

The primary goals of preparation are the following:

- To improve the child's ability to answer questions in court in the most accurate, complete, and truthful manner
- To maximize the child's ability to be perceived as a credible witness
- To minimize the likelihood that the child will suffer negative court-related consequences.

These goals can best be achieved by promoting ongoing contact between the child/family and the legal

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and mental health professionals. Discussions with the child should be augmented with specific strategies designed to reduce anxiety about court. The more relaxed and comfortable a child is in the court environment, the more confident he or she will appear when testifying. Enhanced confidence has been found to be associated with juror perceptions of witness credibility (Wells, Turtle, & Luus, 1989). Although outcomes of judicial proceedings have not been found to relate to children's court-related distress, children do report a sense of greater satisfaction in cases that result in conviction (Goodman et al., 1992). Thus, accomplishing both of these goals can be facilitated by carefully

preparing the child, the attorney, and the court for the child's appearance as a witness.

Child Preparation

Some might object to the use of the phrase "preparing a child for court," due to concerns that this procedure might be labeled as "coaching" or "influencing" a child's testimony. We view this concern as unfounded for several reasons. First, all witnesses, including adult fact witnesses, expert witnesses, and child witnesses, should be prepared for testifying. The presenting attorney should spend sufficient time with any witness to help the witness understand the legal process, gain the witness' trust, and help achieve a level of witness comfort with the task of testifying (DerOhannessian, 1995). Second, to bring a child into a complex, potentially stressful experience without preparing the child for what to expect would be unthinkable. A child must know what to expect and be prepared for his or her role (Perry & Wrightsman, 1991; Saywitz & Snyder, 1993). Finally, preparation of

TABLE 1: Court-Related Stressors

Delays
Multiple interviews
Multiple testimonies
Lack of communication between system and families
Fear of public exposure
Face-to-face contact with the defendant
Lack of understanding of complex and confusing procedures
Practices that are insensitive to developmental needs
Potentially harsh cross-examination
Sequestration of witnesses who may be supportive to child
Concurrent out-of-home placement
Inadequate preparation for role as witness
Lack of evidence other than testimony of child

a child witness can enhance the ability of fact finders to make an accurate determination of the truth, improving the quality of the evidence that the child provides (Saywitz & Snyder, 1993). Indeed, some commentators have suggested that "the more preparation the child witness can be given, the better" (Perry & Wrightsman, 1991, p. 156).

"Preparing" does not mean or imply that children should memorize a script or be instructed as to "the correct answers." To prepare a child for court is merely to help the child be ready for the experience of testifying in court. Preparation involves familiarizing a child with what will occur during court proceedings and helping him or her to be ready for the experience emotionally, physically, and mentally. It does *not* involve telling a child what to say.

Preparation, as described later in this article, involves all issues attendant to the enhancement of a child's performance in providing accurate information to the court. It means providing knowledge and comfort to the child. It addresses a number of areas of the child's experience and is based on a wide range of information. This form of preparation is not uncommon in everyday events.

For example, a doctor would not perform a medical procedure on a child without preparing the young patient for what to expect. Similarly, it would be malpractice for an attorney to enter a courtroom without preparing his or her case. An expert witness must prepare his or her testimony to meet the demands of the court. Preparation in all of these cases involves obtaining knowledge, gaining perspective, understanding what is and is not important, calming fears, and trying to lessen anxieties.

An anticipated court appearance is a significant, potentially stressful event that requires a child to understand his or her role and what will be expected of him or her in the courtroom. It may require the use of skills a child has not developed (e.g., stress reduction skills) or has not thought appropriate to this

situation (e.g., familiar coping strategies). To maximize the child's ability to provide credible information and minimize accompanying distress, the child must be prepared, as for any other potentially stressful event. Specific methods and philosophies about preparing children are discussed later in this article.

Attorney Preparation

Before discussing specifics of preparing a child for his or her experience in court, we must stress a parallel process of steps taken to improve attorneys' abilities. Attorneys may fail to properly prepare children for court for two significant reasons: (a) a lack of knowledge of what needs to be done or (b) a fear of failing. If an attorney is afraid to fail, then choosing not to act becomes preferable to acting and failing. Education that increases attorneys' knowledge can help alleviate both problems.

Attorneys can easily obtain relevant knowledge and apply it successfully in their work with children. In obtaining these skills, attorneys need not begin "from scratch." Nor must they become experts in child development. Attorneys working in the child abuse area should take affirmative steps to become versed in the child witness literature.

Many exceptionally good resources are available to attorneys handling child abuse cases, including the National Center for Prosecution of Child Abuse (American Prosecutors Research Institute [APRI], 1993), the American Professional Society on the Abuse of Children (Briere, Berliner, Bulkley, Jenny, & Reid, 1996), results of research supported by the U.S. Department of Justice (Whitcomb, 1992), and scholarly work published by legal professionals (Myers, 1992). Approaches to handling children in dependency court are also available (Duquette, 1990). Attorneys who work frequently with children should familiarize themselves with the cognitive developmental literature pertinent to children as witnesses (Saywitz, 1989; 1995; Saywitz & Goodman, 1996). This is an area in which interdisciplinary collaboration with professionals who have expertise in child development can be extremely helpful.

In addition to being familiar with legal strategies for use in criminal or protection proceedings, attorneys must be aware of the impact of their language on the quality of children's communication (Walker, 1994). Because children and adults do not speak the same language and children cannot function adequately as witnesses unless their language is spoken, it is the attorney's responsibility to be clear in his or her communication with the child and to be able to modify "legalese" to ensure that questions are understandable to children (Walker, 1994).

Court Preparation

In addition to attorney preparation and child preparation, a third target is to prepare the court for the child. That is, the attorney must be prepared to convince a judge of the appropriateness of altering traditional courtroom procedures to enhance the child's comfort as a witness. In individual cases, the attorney must provide evidence that the child will have difficulty providing accurate testimony without modifying normal procedures (e.g., the child will be more comfortable, and therefore more forthcoming, if he or she testifies at a small table rather than in the witness box). However, true education of the court generally is a long-term process. Thus, attorneys must be prepared to teach judges by providing up-to-date information that is based on sound theory, practice, and scientific evidence (Stern, 1995).

Factors Related to a Child's Ability to Testify: From an Attorney's Point of View

Research has demonstrated that awareness of what is to be expected in court (Sas et al., 1991), the presence of corroborating evidence, the availability of support from a nonoffending parent, and fewer appearances by the child in the courtroom (Goodman et al., 1992) are factors related to decreased levels of stress in a child witness. Therefore, an attorney should take affirmative steps to strengthen these aspects of the case.

Informing a child early in the process about what he or she should expect from court is an important factor in reducing a child's stress, allowing the child to work on specific problematic issues and helping to dispel bothersome myths about the system. This process is also beneficial to an attorney. By considering a child's actual role in the trial, he or she is forced to carefully assess exactly what is needed from the child witness. An attorney can then evaluate whether the child needs to testify at all.

The presence of corroborative evidence is another factor that has been found to be associated with decreased distress in child witnesses (Goodman et al., 1992). Obviously, the existence of corroborative evidence strengthens the attorney's case independent of the child's testimony and can lead to the increased likelihood of a guilty plea in criminal court or a

negotiated agreement in a child protection proceeding, thus keeping the child from having to testify. In cases that require a child's testimony, confirmation of the child's statements by corroborative evidence is likely to reduce the harshness of cross-examination, which is another factor related to children's reactions to testifying (Whitcomb et al., 1994). Of course, a child's self-confidence should be enhanced when aware of independent confirmation of his or her statement.

A first step in trial preparation, whether for criminal prosecution or for dependency proceedings, is to gather as much corroborative information as possible. In almost every case some corroborative evidence is available, and such evidence is more commonly found than many investigators may realize (Lanning, 1996). The investigating officers or prosecutors may simply not have identified it as yet. Investigators should try to confirm as much as possible about what a child said. If,

for example, the child said that the abuse occurred in a room with a blue carpet, investigators should seize, or at least photograph, the blue carpet (APRI, 1993).

Based on findings that a link exists between reduced stress in a child witness and maternal support (Goodman et al., 1992; Whitcomb et al., 1994), early efforts should be made within the legal system to encourage that support system. When maternal support is lacking, professionals should endeavor to develop an alternative support system. This typically is a task for the mental health professional in collaboration with social services professionals. Extended family, friends, and foster parents are among those who may be able to provide support for the child through legal proceedings, although the extent to which such support can offset a lack of maternal support is as yet unclear.

Regular and open communication from the legal professionals involved about the progress of the case may increase family members' comfort and support for the child. The most appropriate person to coordinate this communication is the victim advocate. An advocate should be assigned to the child and family immediately following the prosecutor's receipt of the

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case. This individual will not only provide advocacy but will provide the child and family with needed support. He or she should keep the family informed about what to expect, listen and respond to their concerns about implications of the legal proceedings, and address their worries about the child's well-being. Regular contact with the family reduces the adults' distress (Lipovsky, Tidwell, Kilpatrick, Saunders, & Dawson, 1991), which in turn is likely to reduce the child's anxiety. If the child is not being seen by a therapist, the victim advocate or prosecutor may make a referral to a therapist who has expertise working with the legal system and with child victims.

In anticipation of a child's testimony, the attorney may seek to discuss the case with the child's therapist to determine the child's level of emotional and cognitive functioning. The therapist can provide a wealth of information about the child's cognitive and developmental skills. The therapist can also provide insights into the fears the child may have about court and offer concrete suggestions about diminishing those fears. These discussions should be limited to requests for information that is essential for the attorney's case presentation. This minimizes the likelihood that the confidentiality of the therapist-child relationship will be jeopardized while providing the attorney with information that may facilitate the child's ability to provide accurate information to the court.

Finally, although it has not been clearly addressed in the research literature, the relationship between a child and an attorney is extremely important in minimizing the child's discomfort with the court process. The attorney should be comfortable interacting with children of all ages. He or she should use language and interviewing skills appropriate to the age of the child and to children who have been traumatized (Walker, 1994).

All of these issues should be considered by a prosecutor before a case progresses too far. It is better (and easier) to do things right from the start than to attempt to patch things together later. The more prepared the prosecutor is, the less likely the child is to experience deleterious effects from participating in the court process.

Factors Related to a Child's Ability to Testify: From a Mental Health Professional's Point of View

Court preparation may be the primary goal when a mental health professional is working with a child victim. More often, however, the child is in ongoing treatment to address the emotional sequelae of the abuse, and court preparation becomes one facet of a broader treatment relationship. The primary goal for a therapist should be to facilitate a child's overall

emotional functioning. Court preparation should not take precedence over that goal but likely will contribute to achieving that goal.

A crucial aspect of preparing a child to testify is ongoing communication with the prosecutor or victim advocate. A therapist's awareness of the attorney's plans for the child as witness, court scheduling, and the anticipated outcome may facilitate therapeutic intervention with the child. Moreover, a therapist can be an excellent source of information for an attorney, particularly in providing an assessment of the child's level of cognitive, social, and emotional functioning; details about the child's primary coping skills; and information about the child's need for support. Of course, no discussion should proceed without the written consent of the child's guardian. In addition, the consent (or assent of young children) should be obtained by the therapist before details disclosed in therapy are shared with an attorney. As noted previously, shared information should be limited to that which is relevant to an attorney's ability to prepare his or her case. In most cases, intimate details of a child's statements made in treatment are not required to facilitate the legal process.

Before targeting skills for coping with the court process, it is important to conduct a comprehensive assessment to identify specific factors that may relate to the child's ability to provide testimony without incurring psychological harm (see Table 2). The child's level of distress before court involvement is a significant predictor of his or her reaction to participating in the legal process (Goodman et al., 1992; Runyan et al., 1988; Whitcomb et al., 1994). Therefore, a child's overall temperament and specific reactions to the abuse should be evaluated. Decisions about whether to pursue using the child as a witness may be affected by whether the child's precourt distress is at a level that suggests that he or she will have difficulty coping with the court process.

A second issue is the assessment of a child's current level of cognitive functioning. This does not imply that a full intellectual evaluation is needed (although this might be necessary if there is concern that the child is cognitively limited). However, a therapist should provide an estimation of any strengths or limitations that might have a direct bearing on a child's ability to be judged competent and to provide credible testimony. For example, a child who has not developed an understanding of "time" in general will be unlikely to be able to provide a clear time frame for the occurrence of abuse.

In addition to ascertaining a child's general level of cognitive functioning, a therapist must determine the child's current understanding of the court pro-

TABLE 2: Targets for Mental Health Assessment

Psychological functioning and adaptation to abuse
Overall temperament
General cognitive functioning
Understanding of legal terminology
Understanding of role as witness
Understanding of courtroom procedures
Fear/anxiety related to testifying
Fear/anxiety related to facing defendant
Meaning of disclosure and testimony
Degree of familial/extrafamilial support to child

cess. Saywitz (1989) and Saywitz, Jaenicke, and Camparo (1990) note the importance of recognizing that children's developmental levels may affect their understanding of courtroom terminology and legal procedures. Research consistently finds that young children often lack specific knowledge about the legal terms and the legal system (Flin, Stevenson, & Davies, 1989; Saywitz et al., 1990). Children may not comprehend commonly used legal terms or may misunderstand terms due to a variety of interpretive errors (Saywitz et al., 1990). For example, Saywitz notes that young children make a variety of definitional errors, such as viewing a jury as "that stuff ladies wear around their necks" (Saywitz et al., 1990, p. 526). Thus, in developing an appropriate treatment strategy, a therapist must first assess the child's understanding of his or her role as witness and knowledge of courtroom procedures. This can be accomplished by asking the child to describe what he or she thinks happens in court, define court-related terms, and identify the roles of the participants.

A child's level of anxiety and fear about various aspects of the court process should be determined. That is, to what degree is the child fearful of testifying? It is imperative that professionals not let their own discomfort with the process determine the answer to this question (Stern, 1993). Some children find the process of testifying empowering and wish to be active participants in the process (Berliner & Barbieri, 1984; Goodman et al., 1992). Therefore, a child should be permitted to have input as to his or her involvement in the court process. This input should be strongly considered in making decisions on whether and how to prosecute a case and in decisions that result in the settling of the case. However, the victim and family must be made aware that ultimately those decisions are made exclusively by the prosecutor and are determined based on legal and ethical standards.

In addition to anxiety related to the court process in general, a child's fear of confronting the defendant must be assessed. Research has determined that the prospect of facing the accused in court is often a

significant source of anxiety for child witnesses (Goodman et al., 1992; Lipovsky, Tidwell, Kilpatrick, Saunders, & Dawson, 1991). Some children, however, view testifying as an opportunity to confront the offender. The child may not fear that confrontation but may take strength in it. Thus, rather than assuming that courtroom procedures should be modified to protect the child from facing the defendant, the therapist should determine the child's preference. A therapist should adapt to and support a child's individual needs on a case-by-case basis. Mental health professionals and victim advocates must be careful that the support and services they provide to children are given because the children need them rather than because it makes the professionals feel good to provide them (Stern, 1993).

A complex issue, but one that should be addressed by a therapist, is a child's perception of the meaning of testifying against the alleged defender. If the defendant is a family member, the child may be reluctant to testify for fear of sending him or her to jail (criminal court) or of breaking up the family (dependency court). Similarly, the child may be reluctant to testify, fearing that the case will be lost and that it will be the child's fault. It is important to remind the child that the prosecutor, not the child, is responsible for the outcome of the case.

As noted, the availability and quality of familial support are crucial factors that affect the level of distress experienced by child witnesses (Goodman et al., 1992; Whitcomb et al., 1994). This should not be surprising because familial support, particularly nonoffending maternal support, affects children's adjustment to abuse experiences (Conte & Berliner, 1988). The quality of support available to a child should be assessed. In the absence of such support, a therapist must facilitate the development of alternative supportive relationships for the child while recognizing that these may not fully compensate for the loss of familial support.

SPECIFIC PRACTICES FOR ASSISTING CHILDREN IN COURT

Education

One of the most critical aspects of the successful prosecution of child abuse cases is knowledge. Professionals are best able to make informed, intelligent decisions concerning the traumatic impact of a trial on children by understanding the relevant literature. Children are best able to protect themselves from negative effects of court involvement by having knowledge of what to expect and what others expect of them. Mental health professionals and victim advo-

TABLE 3: Specific Practices for Assisting Children in Court

Education
Who: roles and responsibilities of all involved persons
What: expectations for child/family
When: time frame and expected trial date
Where: location of child and other persons involved in proceedings
How: coping with specific problems
Courtroom orientation
Use of victim advocates and system communication
Event-focused model of trial preparation
Therapeutic techniques
Anxiety-reduction strategies/stress inoculation
Cognitive strategies
Role-playing
Systemic modifications
Vertical prosecution
Education of judges
Innovative practices

cates can best assist child witnesses when they are kept informed about the legal aspects of the cases. Judges can best protect child victims when they are aware of the complex issues related to children's abilities. The more people know and the more they feel comfortable sharing what they know, the better the results for all.

Keeping this in mind, it should not be surprising that the primary component of court preparation is educational. A child and family are provided basic information regarding the court process and specific court procedures (see Table 3). The areas to be covered can fit into the following categories: who, what, when, where, and how. Each of these categories is discussed in the following sections.

Who

A child should be familiarized with all individuals involved in the proceedings. This can be accomplished by bringing the child into an empty courtroom and explaining who will be in court during his or her testimony. At a minimum, the child should know the identity and role of all the attorneys, the judge, the jury, the court reporter, the security guards, and the spectators. Knowledge of each person's name and his or her role and responsibilities in the process should reduce the child's concerns about these individuals during testimony.

The child should also be aware that unsupportive family members or members of the defendant's family are likely to be in the courtroom. The child may wish to have specific individuals present for support as well.

What

Expectations regarding a child's involvement as a witness should be explored. This can be accomplished by using role-playing techniques in session to take the child through the sequence of courtroom steps he or she can expect during the proceedings. In particular, unique aspects of courtroom procedures should be highlighted. The oath needs to be explained in detail, with a discussion addressing the meaning ascribed to telling the truth in the courtroom. For example, a child who has been taught that it is wrong to "swear" will benefit from an explanation of the meaning and purpose of the oath.

Courtroom-specific behaviors should also be addressed with the child. For example, he or she should understand that an "objection" raised by one of the attorneys is not a cause for alarm but rather is a way for the lawyers to talk to each other and the judge. In addition, the child should be prepared to examine exhibits that may be shown during the proceedings. Finally, the child should understand that there will be a direct examination and a cross-examination.

When

"When" questions are often difficult to answer. A lawyer may not have a significant amount of lead time before a case is to be brought to court. As soon as he or she knows when the case will be heard, the information should be passed on to the child and family. They should be informed as to when proceedings will begin and when the child's testimony is likely to be required. As much notice as possible should be provided to the child and family.

Knowledge of a child's "time clock" allows an attorney to schedule the child's appearance at an optimal hour. The attorney should take steps to ensure that the child is called to testify at a time most advantageous to the child. For example, a child who normally naps between 1:00 p.m. and 3:00 p.m. should testify in the morning. Young children must not be expected to wait for extended lengths of time before testifying. Consistent with this recommendation, any court preparation, including the tour of the courtroom (described later in this article), should be done in consideration of the child's time clock. The final preparatory session before the trial should closely approximate the time and conditions that will be present when the child actually testifies.

A child's time clock will also play a role in how the trial preparation is conducted. A professional needs to remain cognizant of the child's attention span. Although it may be more convenient for a profes-

sional to conduct a single 1-hour preparation session, the child may only be able to sustain attention for 20 minutes. In that case, it is more productive to spend three 20-minute sessions with the child than a single 1-hour block.

Where

Children and their families should know where they will wait before testifying and where they will be during testimony. Often a child's family members are sequestered before and during the child's testimony. If this will be the situation, family members must be made aware that they will be separated, and steps should be taken to ensure that a support person is available to the child and family.

A child should know where the defendant will be during the child's testimony. This allows the child to determine ahead of time where he or she will look while testifying. Some children prefer that their chair be turned or that the prosecutor stand in front of the defendant, thus blocking a direct view with the defendant. Other children request that they be able to look directly at the defendant. A child's preference should be honored to the extent procedures allow. The prosecutor's assumptions may not be the same as the child's desires. Therefore, discussion of this issue should take place before the child's appearance in court.

How

Expected courtroom behaviors should be addressed with the child. He or she should be instructed in what to wear to court (e.g., "Sunday best") and how to behave when on the stand. This is not meant to imply that the child's behavior on the stand should be a performance, but rather that the child should be on his or her best behavior. A prosecutor should stress that the child "be himself or herself" when testifying, so that the judge or jury sees the child's natural reactions to questions.

A child should be well prepared with strategies to cope with specific interactions within the courtroom. The child should understand that he or she must tell the truth at all times. It is essential that the child not provide inaccurate information during testimony. Walker (1993) and Saywitz (1995) note that children often do not understand the rules of communication in the courtroom and are likely to respond to adult questions with incomplete or inaccurate information based on assumed conversational demands (see these sources for a more complete discussion of children's understanding of communication rules). Therefore, it may be helpful for the child to practice how to

answer questions. A child can be taught how to respond to confusing, misleading questions and what to do if he or she does not remember or know the answer to a particular question (Saywitz & Moan-Hardie, 1994). Presentation of multifaceted questions and role-playing of appropriate responses (e.g., "I don't understand"; "Please repeat the question") during pretrial sessions prepare children for these situations. One caution based on Saywitz and Moan-Hardie's (1994) study is that children may overuse the "I don't know" response. Children should be encouraged to provide an accurate response, using "I don't know" when they truly do not know the answer to a question. It should be noted that questions used to teach responding skills should not relate to the allegations. Situations from the child's own experience can serve as focal points for questioning because the way the questions are posed, rather than the content of the questions, is important in teaching a child responding skills.

A new questioning technique that shows promise for improving the accuracy of children's reports is narrative elaboration (Saywitz & Snyder, 1993). This procedure involves teaching the child that his or her description of events should include details regarding who was involved, where events occurred, what actions occurred, and conversations or emotional experiences that were part of the events. Children may then use these categories to cue themselves for details of the events.

An additional component of preparing a child in how to behave and cope with testifying should be instruction in the use of stress management procedures, discussed later in this article.

Courtroom Orientation

A courtroom orientation provides an excellent opportunity to educate a child about the court process. Many tools are available to familiarize children with courtroom layout (e.g., court models) and procedures (e.g., videotapes, court notebooks) (see Lipovsky, 1991, for specific recommendations). However, there is no substitute for an actual courtroom orientation before a child's appearance to provide testimony (Keeney, Amacher, & Kastanakis, 1992; Whitcomb, 1992; Wolfe, Sas, & Wilson, 1987). The courtroom orientation should involve the child witness as an active participant. The professionals (e.g., attorney, mental health professional, or victim advocate) should use the opportunity to engage a child in a number of relevant activities to desensitize him or her to the setting and the task of being a witness and to provide in vivo opportunities to practice answering

questions posed by an attorney (Keeney et al., 1992), although such questions should not relate to the issues being decided by the court.

Court schools have been developed in jurisdictions around the country and vary with respect to their specific activities. Some make use of involvement in a mock case as part of the court preparation process (Keeney et al., 1992). If an established court school is not available, an individualized courtroom orientation should be conducted by a professional. Even if a child has participated in a court school, the prosecutor should hold at least one meeting with the child in the courtroom to familiarize the child with what to expect.

Suggestions for conducting a courtroom orientation derive from the authors' experiences and descriptions presented by others (Keeney et al., 1992; Sas et al., 1991; Wolfe et al., 1987). Preliminary studies suggest that a courtroom tour does reduce children's anxiety (Goodman, Sachsenmaier, et al., 1992, ctd. in Saywitz & Goodman, 1996).

A child should be given the opportunity to take various perspectives in the courtroom by sitting at the prosecutor's table, the defense counsel's table, the judge's bench, and the witness stand. The identity and role of each participant should be described as the child moves around the courtroom. Once the child has gained some measure of comfort, he or she can sit in the witness box. The attorney can review courtroom procedures and pose a number of sample questions to the child (these questions should not relate to the details of the case). Rather, they should be fact based (e.g., Where do you live? What is your age? Who is your teacher?) and nonthreatening. These questions have two purposes. First, they provide the child with an opportunity to practice listening and answering questions from the witness box. Second, they can help the attorney evaluate the child's competence and can be used later during court proceedings to demonstrate the child's competence.

Predicting when a case may come up for trial is difficult. Therefore, it may be advisable to orient a child to the courtroom at an early date and schedule a repeat opportunity in the days or weeks before the legal proceeding. The orientation may be conducted by the attorney or the victim advocate and may include the child's therapist. It is advisable to include the supportive nonoffending parent(s) or another support person in the tour. The presence of a nonoffending parent is not indicated if the parent is questioning the child's report of the crime.

A courtroom orientation provides an excellent opportunity for interdisciplinary collaboration. If possible, the child's therapist may be present during the

orientation. He or she can instruct the child in the use of stress reduction techniques in vivo, maximizing the likelihood of generalizing stress management skills from the therapeutic to the legal setting. Further, a therapist can assist a prosecutor in recognizing complex questions or communication demands that might affect a child's ability to give accurate testimony (e.g., multifaceted questions or those that are posed in legalese). Finally, a therapist can increase a prosecutor's awareness of idiosyncratic aspects of a child's responses to questions and reactions to potentially stressful aspects of their court involvement (e.g., if the child giggles when he or she is uncomfortable).

Use of Victim Advocates and System Communication

In addition to implementing procedures directly with the child, open communication between professionals within the system and between professionals and the family is essential. Families who have participated in the legal process indicate that a good relationship with at least one "system" person reduces perceived stress (Lipovsky, Tidwell, Kilpatrick, Saunders, & Dawson, 1991). As noted, the most appropriate person to serve as liaison between the professionals, the system, and the family is a victim (or child) advocate. This person can provide support, information, and attention to the needs of the child and family. In particular, families should receive information about scheduling of proceedings, status of the case, and expectations for the family's participation.

An advocate can also serve as a contact person within an attorney's office. The child/family will thus have someone to contact for needed information or support without having to contact the attorney directly. An advocate may be able to respond to a child's needs quicker than an attorney and in a language that is more helpful to the child. It should be stressed that the advocate must be aware of the status of the case and be in contact with the attorney to facilitate two-way communication between the system and family. Further, the advocate should apprise the attorney of information or developments that may be pertinent to the child's ability to participate in the legal proceedings.

Event-Focused Model of Trial Preparation

Courtroom testimony, for a child or an adult, is a significant, potentially stressful event that requires specialized preparatory skills. However, it is important to remember that children confront a variety of other stressors in their day-to-day lives. School examinations, athletic events, musical performances, doctor and dentist appointments, and social situations are possible anxiety-producing situations with which chil-

dren typically cope. Children naturally use coping strategies that they develop on their own, model from others, or are taught to employ. A child has probably developed some "preparation" skills in experiencing these events. To maximize a child's skills and minimize accompanying distress, court preparation should be approached in a manner similar to preparation for other, more naturally occurring stressful events.

Legal and mental health professionals should view a child's anticipated court appearance as an event similar to others in the child's life experiences. In most preplanned life events that cause stress (e.g., sporting event, academic examination, musical recital), specific preparation emphasizes techniques to promote performance. For example, athletes may eat and sleep differently for several days before a long-distance run. They may employ a pregame ritual to help ease their tensions. They may use specific breathing or stretching exercises to relax their bodies. Court should be viewed as a similar anxiety-creating event for which children prepare in much the same way. The professionals involved should therefore determine the prior experiences the child has had with sporting, musical, or similar events and the strategies the child has used to prepare for these events before implementing elaborate court preparation procedures. This will help assess whether the child already has some effective coping strategies in his or her personal life that are easily transferred into the legal arena.

Parents should be urged to be certain that the child witness is well fed and well rested for several days before the trial. Specific events might be planned, such as movies or a visit to a favorite relative, to help increase a child's relaxation and confidence. The goal is to have a child at his or her optimum physical and emotional level when testifying. Attorneys, victim advocates, and mental health professionals should coordinate with the witness' family in devising a plan to accomplish this result.

Therapeutic Techniques

A child who is evidencing significant distress about his or her court appearance likely will benefit from specific instruction in anxiety reduction strategies (Sas et al., 1991; Wolfe et al., 1987). These procedures should be applied by someone with training in the treatment of children who are facing stressful situations. Attorneys should not attempt these procedures in the absence of an available mental health professional but should locate a suitable treatment provider.

A variety of anxiety reduction strategies can be of use with children facing the possibility of testifying in court. Behavioral strategies include deep muscle re-

laxation (Jacobson, 1938) and cue-controlled breathing (Wolpe, 1958), both designed to facilitate physiological relaxation. Deep muscle relaxation involves progressive relaxation of the major muscle groups in the body. A child is instructed first to tense and then to relax each muscle group. A variety of scripts is available for use generally (Goldfried & Davidson, 1976) or with children (Koeppen, 1974; Morris & Kratchowill, 1983).

Although deep muscle relaxation is often helpful for reducing anxiety, it is not practical for use in the courtroom because it takes a few minutes and the child must concentrate on his or her body rather than on external events (i.e., questions from an attorney). Therefore, it should be used before testimony, while the child is waiting. A more practical strategy for use during testimony is cue-controlled breathing. Cue-controlled breathing involves slowly inhaling deeply through the nose, holding the breath for several seconds, and then slowly exhaling. Concomitant with the slow, deliberate breathing, the child is instructed to repeat anxiety-reducing words such as *calm* or *relax*. Children can use this technique while on the stand if faced with a particularly difficult question or if they are feeling their anxiety rise.

In addition to implementing behavioral anxiety reduction strategies, addressing a child's thoughts about testifying can be helpful. Cognitive theories about anxiety suggest that the way people think about events affects how they feel about those events (Beck, 1976; Beck & Emery, 1985; Meichenbaum, 1985). People's appraisals about events will affect whether those events are perceived as frightening, overwhelming, or manageable (Lazarus & Folkman, 1984). Cognitive treatment strategies directly address children's thoughts about testifying in court. Cognitive restructuring (Beck, 1976) and the development of enhancing self-statements (Meichenbaum, 1985) are useful strategies with child witnesses.

Cognitive approaches first involve assessing the child's perception of the meaning of testifying and the role he or she has in the prosecution of the case. Thinking errors or distortions are addressed, using cognitive restructuring techniques. For example, if a child believes that it is his or her responsibility to "win" the case, those thoughts must be addressed and corrected; obviously, the child's only responsibility is to tell the truth about his or her experience. Similarly, children who are concerned that the defendant will hurt them in court can be told that people (e.g., the bailiff) in the courtroom will protect them from harm.

Self-statements the child makes that may enhance or detract from a sense of self-efficacy should also be assessed. Enhancing self-statements (e.g., "I know this

will be hard, but I can do it") can be reinforced in those children who feel confident and taught to those who are holding negative self-statements. Children who are expressing thoughts of being overwhelmed by the prospect of testifying can be reassured by being told that they have the easiest job in the courtroom—all they are required to do is tell the truth. Although we clearly recognize that testifying is not easy (hence this article), we also believe that the child's role can be understood in easy terms. The child who perceives the task of testifying as easy (i.e., merely telling the truth) rather than overwhelming (e.g., I need to memorize answers to questions, I need to figure out what the attorney really wants me to say, I need to worry about who is in the courtroom, I don't understand what is expected of me) is likely to meet the demands of the experience with confidence rather than anxiety.

Stress inoculation approaches (described in detail in Meichenbaum & Cameron, 1983) can assist children in preparing for the specific event of testifying in court. This process is composed of three main steps: First, the child must anticipate the stressor, that is, the experience of testifying in court. Educational approaches as described here can assist a child in anticipating the stressors that will be involved in testifying. Further, particular concerns that the child may have about testifying (e.g., that unsupportive family members may be present during testimony) should be discussed, and particular strategies for coping with those concerns (e.g., distraction) should be addressed. The second step in stress inoculation is coping with the stressor. The behavioral and cognitive strategies discussed here are practiced while a child imagines himself or herself successfully (i.e., truthfully and calmly) testifying. Finally, a child is taught the use of enhancing self-statements. In this way, the child learns to reinforce himself or herself for successfully coping with the stressor of testifying. Statements such as, "I made it and did a good job of telling the truth," should be practiced before testifying.

The stress inoculation approach allows a child to develop and practice skills designed to reduce his or her anxiety in the courtroom. Repeated practice allows a child to feel confident that he or she can cope with the stress of testifying before the actual court appearance. Further, these skills can be used throughout the testimony experience.

These approaches represent a brief introduction to some of the many cognitive-behavioral strategies that have a tradition of success in treating anxiety-related problems (Beck & Emery, 1985; Meichenbaum, 1985). A full description of these approaches is beyond the scope of this article, and interested

readers should refer to original sources for technical descriptions of specific techniques (Meichenbaum & Cameron, 1983). These procedures are consistent with procedures used to assist children to prepare for other types of stressful procedures (Jay, Elliott, Katz, & Siegel, 1987; Melamed & Siegel, 1975). The application of these techniques to children anticipating court involvement shows promise (Sas et al., 1991), but further research is necessary to demonstrate their effectiveness in reducing court-related anxiety.

Role-playing and enactment of court-related interactions both familiarize a child with procedures and allow a child to practice his or her role before entering the courtroom. Although it has not been evaluated empirically in relation to court-related anxiety, having a child take multiple perspectives through a series of role-playing exercises (e.g., sometimes ask the questions as the prosecutor/defense attorney, sometimes answer questions as posed by the therapist) and practice his or her role is theoretically consistent with exposure-based treatment approaches for reducing anxiety (Deblinger, McLeer, & Henry, 1990).

Although some children are referred to a mental health professional solely for the purpose of court preparation, in most cases the trial will arise during the course of therapeutic intervention. To tie in court preparation with the child's overall treatment can often be useful. Frequently, concerns that a child has about court (e.g., "No one will believe me") relate to more general concerns related to the abuse (e.g., "The abuse was all my fault"). Addressing both court-related and abuse-related issues can simultaneously facilitate a child's ability as a witness and his or her recovery from abuse-related difficulties.

SYSTEMIC MODIFICATIONS

Some systemic modifications can positively affect child witnesses. Many prosecutors' offices use a vertical prosecution system for child abuse cases. That is, the prosecutor who reviews the case and files the charges is the same prosecutor who handles the case throughout. Other offices may use a horizontal system, where one prosecutor may charge a case and, if it goes to trial, hand it off to a trial attorney. The use of a vertical prosecution unit is highly recommended as a system that "fosters a child's trust in the prosecutor and promotes the prosecutor's fullest understanding of what approach to take" (APRI, 1993, p. 199).

Research findings indicate that innovative systemic practices are rarely used in criminal court (Flin et al., 1992; Goodman et al., 1992; Lipovsky, Tidwell, Kilpatrick, Saunders, Crisp, et al., 1991); the extent of their use in other types of court proceedings has not been

addressed in the literature. However, they may be indicated in some cases. The prosecutor must clearly make a case for altering traditional courtroom procedures. This is often based on concerns regarding the psychological well-being of the child witness and the potential that the quality of the child's testimony, if given in the usual manner, will be negatively affected by psychological distress. Clearly, the attorney and the mental health professional must communicate about the considered use of any innovative courtroom practices. In particular, a mental health professional may be unaware of the specific elements that a prosecutor must present to a judge in a motion to request an alteration of standard procedures. Conversely, a mental health professional may be required to translate the results of psychological assessment into practical terms for a prosecutor.

Typically, any alterations in court will be minor. For example, some children may have difficulty sitting in the courtroom witness chair. A child may be so small that he or she cannot be seen or heard by the jury. The prosecutor should seek to have a more child-sized chair brought into the courtroom. This should not be viewed as a gimmick to create sympathy for the child but as a procedure to allow the child to present himself or herself in court like any other witness. Adults have the ability to be seen clearly and heard loudly when they sit on the witness chair. If children lose that ability, then a slight modification, such as a smaller chair, simply affords them the same right that the adults have achieved. There is obvious precedent for such a procedure; a witness confined to a wheelchair is not required to leave that seat to testify.

If a child witness is having a particularly difficult time providing a narrative about what happened, having the witness testify merely by identifying certain pieces of evidence or by describing the contents of specific photographs should be considered (Stern, 1993). A thorough law enforcement investigation is necessary to facilitate a prosecutor's ability to use this approach with a child.

If a proper legal record is made, a child may be permitted to testify while sitting on the lap of a support person (e.g., *State v. Johnson*, 1986; *State v. Menzies*, 1992). Care must be taken to make sure that the court record reflects that more traditional means of taking testimony were unsuccessful.

Trial judges should permit such minor innovations. In many states the evidence rules, in fact, do not just authorize judges to make these accommodations for children but arguably obligate judges to do so. The Federal Rules of Evidence 611, followed in the majority of states, provides that "the court shall exercise reasonable control over the mode . . . of interrogating

witnesses and presenting evidence so as to . . . make the interrogation and presentation effective for the ascertainment of truth [and] . . . protect witnesses from harassment or undue embarrassment" (emphasis added).

A more substantial modification of the courtroom involves arrangements that permit the witness to testify without seeing the defendant. The U.S. Supreme Court has ruled that

if the State makes an adequate showing of necessity, the state interest in protecting child witnesses from the trauma of testifying in a child abuse case is sufficiently important to justify the use of a special procedure that permits a child witness in such cases to testify at trial against a defendant in the absence of face-to-face confrontation with the defendant. (*Maryland v. Craig*, 1990)

We suggest that effective preparation of child witnesses by legal and mental health professionals should allow children to testify without having to take such extreme steps. If, however, these more significant modifications must be used, the prosecutor must be certain to make a clear and complete record at trial.

CONCLUSIONS

The justice system is a necessary mechanism for ensuring order in society by guaranteeing that offenders are appropriately identified and punished for their crimes and/or that children are protected. Peters, Dinsmore, and Toth (1989) remind us that child abuse is a crime throughout the United States. Prosecution is an appropriate and essential part of the community response to child abuse. Because these cases involve children, prosecution will rely on children as witnesses. Children can and do testify without suffering significant emotional trauma. Interdisciplinary collaboration and the introduction of discipline-specific interventions can facilitate children's abilities to testify and reduce the likelihood that courtroom experiences will be psychologically damaging.

The criminal justice system asks child witnesses to enter our adult world to help right the wrongs that adults have committed against them. Professionals can and should work together to find solutions that help protect children from being further damaged when they enter this system.

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