

To guide you through the court system....



# A HANDBOOK FOR CAREGIVERS

**TURNING POINT CHILD ADVOCACY CENTER**

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# CONTACTS

Turning Point Child Advocacy Center..... 309-344-8416  
Email: jmann@turningpointcac.org

## **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

Galesburg Field Office..... 309-342-3154

## **STATE ATTORNEY'S OFFICES**

Henderson County State Attorney's Office ..... 309-867-4871

Knox County State Attorney's Office ..... 309-345-3880

Warren County State Attorney's Office ..... 309-734-8476

## **LAW ENFORCEMENT**

Abingdon Police Department ..... 309-462-2091

Galesburg Police Department..... 309-343-9151

Henderson County Sheriff's Office..... 309-867-2318

Knox County Sheriff's Office ..... 309-343-9151

Monmouth Police Department ..... 309-734-8383

Warren County Sheriff's Office ..... 309-734-8506

## **OTHER CONTACT NUMBERS**

Illinois Child Abuse Hotline ..... 800-25-ABUSE

To report child abuse 24/7 ..... 800-252-2873

Victim Services ..... 309-837-5555

For sexual assault/ sexual abuse/ domestic violence services

Safe Harbor ..... 309-343-SAFE(7233)

For domestic violence services in Knox County only

National Suicide Prevention Lifeline ..... 800-273-8255

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# VICTIM RIGHTS

## **The following rights are stated in the Illinois Crime Victims' Bill of Rights:**

1. The right to be treated with fairness and respect for their dignity and privacy and to be free from harassment, intimidation, and abuse throughout the criminal justice process.
2. The right to notice and to a hearing before a court ruling on a request for access to any of the victim's records, information, or communications which are privileged or confidential by law.
3. The right to timely notification of all court proceedings.
4. The right to communicate with the prosecution.
5. The right to be heard at any post-arraignment court proceeding in which a right of the victim is at issue and any court proceeding involving a post-arraignment release decision, plea, or sentencing.
6. The right to be notified of the conviction, the sentence, the imprisonment, and the release of the accused.
7. The right to timely disposition of the case following the arrest of the accused.
8. The right to be reasonably protected from the accused throughout the criminal justice process.
9. The right to have safety of the victim and the victim's family considered in denying or fixing the amount of bail, determining whether to release the defendant, and setting conditions of release after arrest and conviction.
10. The right to be present at the trial and all other court proceedings on the same basis as the accused, unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at the trial.
11. The right to have present at all court proceedings, subject to the rules of evidence, an advocate and other support person of the victim's choice.
12. The right to restitution.

# THE LEGAL SYSTEM

It is very difficult to predict what will happen for you and your child after the report has been made and the case is in the legal system. Sometimes the chance to speak up about what happened can be a relief for the child, whether or not the abuser is convicted. Many children are relieved to think that someone more powerful will help protect them and tell the offender that s/he was wrong. For other children, however, the events following the report can be upsetting. ***It is important that your child knows that the consequences of disclosing abuse are not his/her fault or responsibility.***

The legal process often moves at its own pace, different from your child's need to heal. Emotional wounds may be reopened by the various proceedings, which take place over a period of one to two years, sometimes longer. The court date may be delayed repeatedly. It is best to try to remember that people are working to gain the best outcome for you and your child.



You can make the process easier for your child by working with the authorities. The legal system may be able to protect your child from future unsupervised contact with the offender. Working through the legal system is also a way to keep other children safe. To help guide you through

the legal process, you will have a Victim Witness Coordinator (VWC) from the State Attorney's Office. This person will help you through this difficult period and will be available to answer questions, explain the types of victim assistance and services for which you may be eligible, and generally help you through this difficult period. Also, the VWC will serve as your direct liaison to the State Attorney's office and the particular attorney assigned to prosecute your case. Once the investigation in your case is completed and your case is received in the State Attorney's office for prosecution, you will be notified by letter of who your Victim Witness Coordinator is. Please contact your VWC as soon as possible for assistance throughout the entire process.

# HOW THE LEGAL SYSTEM RESPONDS TO ABUSE

The legal system's response to abuse can be confusing to children and families. Part of this confusion stems from the fact that two different "legal systems" can be working on the same case at the same time. These two systems are the "criminal" system and the "civil" system. In addition, there are two different court systems that can work on a child abuse case—Criminal Court and Juvenile Court. Both courts may work on the same case at the same time, but they have different purposes.

The Criminal Court is concerned primarily with guilt or innocence of the accused and often uses a trial to decide on the suspect's guilt or innocence. The criminal trial focuses on issues such as:

- Is there evidence to prove the child was abused?
- What illegal acts occurred?
- Was there a confession?
- If proven guilty, what punishment should the offender receive?

The **Juvenile Court** is concerned primarily with the safety of the child and focuses on issues like custody, supervised visitation, and counseling. A number of different court hearings can be held to decide these issues. The decisions in the civil system do not depend on whether or not the criminal system finds guilt.



# WORKING WITH THE SYSTEM

The system is responsible for protecting children and holding offenders accountable. The more information and cooperation you give to the team of professionals working in the system, the better job they can do on the case.

Support people are available to help you. The CAC Family Advocate will be empathic and familiar with the legal system and is available to help. A Victim Witness Coordinator (at the State Attorney's Office) is also available to keep you informed about the status of the case (court dates, etc.), help you work through the legal system, and assist you in obtaining financial assistance if you are eligible.

## **Here are some basic tips for working with professionals in the system:**

1. Be calm and reassuring to your child. Please do not coach your child on what to say. It is important for the story to come out in your child's words and in your child's own time.
2. Try to provide as many facts as you can when you are asked for information. Cases are built on the four W's: who, what, when, and where. Avoid guessing if you don't know the answer to a question. It is much better to say you do not know.
3. Tell how you feel and why you feel that way. Your feelings are valuable in giving investigators insight. Although only facts are allowed in court, feelings can help give investigators ideas for how to proceed.
4. Always be honest, even though the truth may not seem favorable to yourself or others.
5. Try not to overreact. It is a difficult time and emotions are probably running high. Losing control can hurt the case and overshadow the needs of the innocent victim, your child.
6. Love, support, and protect your child at all costs. If the alleged offender is a significant person to you, balancing your feelings for the offender and your child can be very difficult. Remember that your child needs you to make healthy, protective decisions.
7. Please cooperate with investigators. You may feel as if investigators are prying into your personal life, but this is necessary and vital to the case and to your child's welfare. The sooner the facts come out, the sooner the case can be resolved and you can return to a more normal life.
8. Try to understand the investigator's perspective. You may feel that investigators do not care because they avoid showing emotions. In fact, investigators do care, and part of that caring involves remaining objective and calm in the face of extremely emotional situations.

# GETTING READY FOR COURT

Prior to the trial, if there is to be one, your Victim Witness Coordinator (VWC) or Family Advocate can be with you and your child at the courtroom for a tour. Giving the child an early look at the courtroom and preparing him/her on what to expect can ease some of the child's fears, which may include the following:

- Seeing the abuser again
- Not wanting to go
- Wanting it to be over
- Wondering where you will be



If you are a witness, you will not be allowed in the courtroom when your child is testifying. In some cases, it might be easier on your child not to have you there. However, your child should never be in the courtroom without a trusting, friendly face, so make sure your Victim Witness Coordinator, Family Advocate, a best friend, or a relative stays with your child at all times.

# TESTIFYING IN COURT

## Twenty Five Reminders As You Prepare to Testify:

In the event your case does proceed to trial, the following information will assist you in preparing to testify:

1. Before you testify, try to picture the scene, the objects there, the distances and exactly what happened so that you can recall the facts more accurately when you are asked. If the question is about distances or time, and if your answer is only an estimate, be sure you say it is only an estimate. Beware of suggestions by attorneys as to distances or times when you do not recall the actual time or distance. Do not agree with their estimate unless you independently arrive at the same estimate.
2. **SPEAK IN YOUR OWN WORDS.** Don't try to memorize what you are going to say. Doing so will make your testimony sound "pat" and unconvincing. Instead, be yourself, and prior to trial, go over in your mind those matters about which you will be questioned.
3. A neat appearance and proper dress in court are important. The trouble with an appearance that seems too casual or too dressy is that it will distract the jury during the brief time you're on the stand, and they won't concentrate on your testimony.
4. For the same reason, avoid distracting mannerisms such as chewing gum while testifying. Present your testimony clearly, slowly, and loud enough so that the juror farthest away can easily hear and understand everything you say.
5. Jurors who are or will be sitting on the case in which you are a witness may be present in the same public areas where you will be. For that reason, you should not discuss the case with anyone. Remember, too, that jurors may have an opportunity to observe how you act outside of the courtroom.
6. When you are called into court for any reason, be serious, avoid laughing, and avoid saying anything about the case until you are actually on the witness stand.
7. When you are called to testify, you will first be sworn in. When you take the oath, stand up straight, pay attention to the clerk, and say "I do" clearly.

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# TESTIFYING IN COURT, CONTINUED.....

8. Most important of all, you are sworn to TELL THE TRUTH. Tell it. Every true fact should be readily admitted. Do not stop to figure out whether your answer will help or hurt either side. Just answer the questions to the best of your memory.
9. Do not exaggerate. Don't make over broad statements that you may have to correct. Be particularly careful in responding to questions that begins with "wouldn't you agree that...?" The explanation should be in your own words. Do not allow an attorney to put words in your mouth.
10. When a witness gives testimony, they are first asked some questions by the lawyer calling him or her to the stand; in your case, this is an Assistant State's Attorney. This is called the "direct examination." Then the witness is questioned by the opposing lawyer (the defense counsel) in "cross examination." Sometimes the process is repeated two or three times to help clear up any confusion. The basic purpose of direct examination is for you to tell the judge and jury what you know about the case. The basic purpose of cross examination is to raise doubts about the accuracy of your testimony. Don't get mad if you feel you are being doubted in cross examination, that is the defense counsel's job. **DO NOT LOSE YOUR TEMPER.**
11. A witness who is angry may exaggerate or appear to be less than objective, or emotionally unstable. Keep your temper. Always be courteous, even if the lawyer questioning you appears discourteous. Don't appear to be a "wise guy" or you will lose the respect of the judge and the jury.
12. Although you are responding to the questions of a lawyer, remember that the questions and answers are really for the jury's benefit. Always speak clearly and loudly so that every juror can easily hear you.
13. **DO NOT** nod your head for a "yes" or "no" answer. Speak so that the court reporter (or recording device) can hear the answer.
14. Listen carefully to the questions you are asked. Understand the question, have it repeated if necessary, and then give a thoughtful, considered answer. **DO NOT GIVE AN ANSWER WITHOUT THINKING.** While answers should not be rushed, neither should there be an unnaturally long delay to a simple question if you know the answer.

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# TESTIFYING IN COURT, CONTINUED.....

15. Explain your answer if necessary. Give the answer in your own words, and if a question can't be truthfully answered with a "yes" or "no", explain the answer.
16. Answer ONLY the question asked you. Do not volunteer information not actually asked for.
17. If your answer was not correctly stated, correct it immediately. If your answer was not clear, clarify it immediately. It is better to correct a mistake yourself than to have the attorney discover an error in your testimony. If you realize you have answered incorrectly, say, "May I correct something I said earlier?"



18. The judge and the jury are interested in the facts that you have observed or personally know about. Therefore, don't give your conclusions and opinions, and don't state what someone else told you, unless you are specifically asked.
19. Unless certain, don't say "That's all of the conversation" or "nothing else happened". Instead say, "That's all I recall" or "that's all I remember happening". It may be that after more thought or another question, you will remember something important.

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# TESTIFYING IN COURT, CONTINUED.....

20. Sometimes, witnesses give inconsistent testimony, something they said before doesn't agree with something they said later. If this happens to you, don't get flustered. Just explain honestly why you were mistaken. The jury, like the rest of us, understands that people make honest mistakes.
21. Stop instantly when the judge interrupts you, or when an attorney objects to a question, and wait for the judge to tell you to continue.
22. Give positive, definite answers when at all possible. Avoid saying, "I think", "I believe", or "in my opinion" if you can be positive. If you don't know, say so. Don't make up an answer. You can be positive about important things which you naturally would remember. If asked about little details which a person naturally would not remember, it is best just to say so if you don't remember.
23. When being questioned by defense counsel, don't look at the Assistant State's Attorney or at the judge for help in answering the questions. You are on your own. If the question is improper, the Assistant State's Attorney will object. If a question is asked and there is no objection, answer it. Never substitute your own ideas of what you believe the rules of evidence are.
24. Sometimes an attorney may ask this question: "Have you talked to anybody about this case?" If you say "no", the judge or jury knows that doesn't seem right, because a prosecutor usually tries to talk to a witness before they take the stand and many witnesses have previously talked with to one or more police officers, or federal law enforcement agents. It is perfectly proper for you to have talked with the prosecutor, police, or family members before you testify, and you should, of course, respond truthfully to this question. Say very frankly that you have talked with whomever you have talked with, the Assistant State's Attorney, the victim, other witnesses, relatives or anyone else. All that we want you to do is to tell the truth as clearly as possible.
25. After a witness has testified in court, they should not tell other witnesses what was said during the testimony until after the case is over. Thus, do not ask other witnesses about their testimony and do not volunteer information about your own.

# LIMITS OF THE LEGAL SYSTEM

While the legal system is very important to your child's case and can be emotionally draining for you and your family, it is only one step in the process and is not essential to your child's recovery. Maintaining a focus on your child's wellbeing will help you to prioritize your emotional energy and hopefully lessen the frustrations of the legal process.

Another thing to remember: Day after day, therapists who talk with adult survivors of child sexual abuse hear them say, "My parents didn't do anything about it." However, your child will not say that if you are supportive and explain that you will not tolerate abuse.

Celebrate when the court case has ended. No matter what the outcome, conviction or not, tell the child it is over. Acknowledge that you both did your best and worked hard. Recognize your efforts and the end of this stage of the process.



# HOW TO TELL YOUR CHILD ABOUT THE LEGAL OUTCOME



It is best to be honest and direct with your child. However, how much you explain depends on your child's age and level of understanding about the case. The most important thing is let your child know that you are proud of him/her for being brave.

When the case is completed, you may feel let down or have a period of depression. This happens to many parents, even if the legal proceedings had a positive outcome. If your child hears you express disappointment in the outcome, your child may think you are disappointed in him/her. Instead, find a supportive friend with whom you can share your feelings and frustration.

Remember you have done your best in trying to prevent further abuse and hold the offender responsible for what s/he did. Even if the case was dropped or did not result in a conviction, ensuring your child's safety is a major accomplishment.

## **SOME THINGS YOU CAN SAY TO YOUR CHILD IF THE ALLEGED OFFENDER IS NOT HELD LEGALLY ACCOUNTABLE:**

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- Just because they didn't find \_\_\_\_\_ guilty, that does not mean they didn't believe you. It's just that they have to follow the court's rules, and sometimes it's hard for other people to prove that it happened.
- You may be wondering how someone can do something wrong or against the law and not be punished. It doesn't make sense to me either.
- It doesn't matter what the court process did. What matters is that you did what you needed to do—you told.
- You are safe. You have been very brave.

# NOTES



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# Turning Point

## Child Advocacy Center

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[www.turningpointcac.org](http://www.turningpointcac.org)

This handbook was developed by the Child Advocacy Center of McHenry County staff with assistance of the National Children's Advocacy Center. Edited by Turning Point Child Advocacy Center with information specific to our center.



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