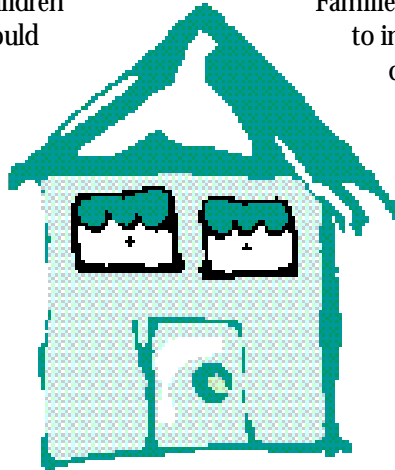


Q&A

Child Victims in Criminal Abuse Cases

Q. I represent a child who is the complaining witness in a criminal court case. Will this case also be open in Dependency Court?

A. Maybe. Dependency Court aims to protect children with direct intervention. Criminal Court aims to punish an offender. DHS (Philadelphia's children & youth agency) provides services to children in Dependency Court and should be notified by the police or Child Advocate when a child is abused physically or sexually. If the DHS case-worker is assured by the parent or caretaker that the child is safe and the perpetrator (perp) is no longer allowed in the home, DHS and Dependency Court will usually close the case.



Q. Will a conviction against a parent have any effect on the Dependency Court case?

A. Yes. Pursuant to recent amendments to the Juvenile Act, a conviction for homicide, "aggravated assault, rape, sexual or indecent assault is considered an "aggravating circumstance." These amendments are often referred to as ASFA, the federal Adoption and Safe Families Act, which required the states to implement changes to protect children and to expedite adoption. If the Court finds that aggravated circumstances exist, the Court may decide that DHS does not need to offer the family services toward reunification. They must work toward adoption instead. Discuss implications with your Support Center Social Worker or a Staff Attorney.

Q. What if I learn that the parent is permitting the perp to visit or live in the home?

A. There are several steps we take to protect the child who is already involved in a criminal case:

- First, call DHS and request that the case be re opened.
- Second, notify the assigned Assistant District Attorney and the Judge that the Protective Order is being violated.
- Third, file a Dependent Petition, alleging that the child is without proper parental care. *This will bring the case into Dependency Court, where the focus is more on the child's needs and care.*

Q. Should I contact the defense attorney and ADA?

A. Child Advocates represent children much like lawyers represent adult clients. As such, other lawyers should not have contact with the child client without your permission or presence. You should let the defense attorney know that you represent the child and that the child must not be interviewed by the defense. You should also keep in contact with the ADA to discuss:

- your progress in working with the child and family
- the status of the case—when listed, strengths/weaknesses of the case, etc.
- that you want to be present when the child is "prepped."
- the status of plea negotiations. You should be involved in negotiations to make sure that any agreement protects the child. Sometimes you may need to 'nudge' the ADA toward a non trial disposition when it is not in your child client's interest to testify.

Do you have questions about children's law, practice or services? Call the Support Center for consultation with a Staff Attorney or Social Worker, or drop us a line to have your question answered in a future issue of ADVO KIDS.