



If your child tells you that somebody touched him sexually, listen!

No one has the right to do such a thing!

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This guide has been created to help you see clearly in such situations, by answering most of your questions.



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Table of Contents

Presentation	2
Should I believe my child?	4
Should I insist in knowing what happened?	6
Why didn't my child say anything?	8
May I express my own feelings to my child?	10
Should I file a complaint with the police?	12
Do I have to report the event to the Youth Protection Agency?	14
Will my child have to be subject to a forensic exam?	16
What reactions should I expect from my entourage?	18
Could my child have "provoked" the assault?	20
How can I know that my child was assaulted?	22
What impacts can an aggression have on my child?	24
What are the stages of the judicial process?	26
Main articles of the Criminal Code concerns by sexual aggressions on children	28
Does my child have access to compensation?	30
What services are available from the Victims' Assistance Centres?	32
My child has to prepare to give testimony in Court	34
Notice	37
Crime Victims' Assistance Centres	39

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Presentation

A sexual assault against his/her child is one of the most upsetting events a parent can experience. This is especially true if the aggressor is someone known or who has links with the child. The feelings experienced can be confusing and ambiguous.

The feelings towards the aggressor can range from anger to guilt of not having protected his/her child, from fear to disgust, from being convinced to doubting, from wanting to know what happened to the fear of this truth, from the desire of vengeance to denial, the most painful in

fact, is certainly the overwhelming emotions enhanced by doubt which reappears when you least expect it.

The Victims' Assistance Centres are precisely there to help you see clearly in such situations, by answering most of your questions. This guide came to be because of a need expressed by several parents

who received services from the one of the Centres after a sexual assault on their children.

The Victims' Assistance Centres have **professional associates that are specially trained to help victims** of criminal acts, their family and their friends in every stage of the process they decide to undertake after the event.

This guide was prepared for parents who have children that have been victims of sexual assaults and for professionals who work with these children.

Should I believe my child?

Always believe a child who claims he/she has been touched indecently or sexually assaulted because children rarely lie about these things. However, it is important to know the difference between normal sexual games between children of the same age and a sexual aggression. Children's professionals state that, when discussing sexual contacts between children, a five-year difference in age is the extreme limit of normality otherwise there could be developmental problems.

Note that any **sexual contact without consent**, whatever the age, is a criminal offence.

Furthermore, when the aggressor is known, the problem is not simply knowing if the child is lying, but rather who to believe, the child or the aggressor. If this aggressor is a parent or your spouse, who to believe can tear you apart. Always remind yourself that usually in these situations; the aggressor has more to gain by lying than the child. The choice of who to believe is measured in term of "the price to pay" to obtain the truth, which could translate in the end of the relationship with your spouse or the well-being of your child.

One of the difficulties is how implausible certain events of the aggression can be. It is indeed difficult to believe, for example, that for years, your brother or the babysitter who "you know so well", abused your child without you suspecting anything or that this man who "loves women so much" sexually assaulted boys.

Being believed by his/her parent creates a **bridge of trust and breaks the isolation**, which is so painful for a child.

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Should I insist in knowing what happened?

The most normal reaction to doubt is to ask questions about the events.

As previously stated, doubt will re-appear when you least expect it and it will make you hesitate between a deep desire to find out what happened and the fear of these details. Parents and children will often react with denial, convincing themselves that if they don't speak about the events it will be as though it never happened.

Also, children may not want to discuss the details of these unpleasant events, not even to his/her parent. The parents' "need to know" is to assess "the

gravity" of the events and the impact on the child. This "need" is justified because it empowers the parent but it can be contradictory with the well being of the child. Often, if the child finally speaks of these events with his/her parent it will be out of a need to reassure his/her parent.

Later we will discuss the Youth Protection Services and the police officers that intervene in these situations. It is essential that they be informed and that they be the first to collect the details of these events.

In fact, the child will have a need to speak about

his/her emotional experience in regards to the assault, everything around it and with the impact that the reactions of those around him/her had. Being **attentively listened** to will be a determining factor in the child regaining control over his/her environment.

The most fundamental need of the child, in order to stop the aggression, will be a safe place to express his/her feelings.

Although the parents' "need to know" is justified, getting all the details of the events could only happen when the police conducts its inquiry.

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Why didn't my child say anything?

The child is unaware of the aggression

When the child becomes aware of what is right, what is wrong, what is proper and what is improper he/she will realize that he/she is victim of a sexual assault. Often times, they will become aware of this by being in contact with other children who are not experiencing these acts. They could also become aware during a Sex Ed class.

The child finds pleasure in sexual contacts

Sexual acts between an adult and a child can be tender. In this context, by excluding the notion of

good and evil, the child can feel a physical satisfaction during these contacts. A parent's feelings, when putting an end to this abuse, can be in total contradiction with those of the child who does not understand the attitude of his/her parent. **These actions should therefore be directed towards the adult involved in the aggression** who, of course, will understand that these sexual acts are reprehensible.

The child is afraid to speak out

Some assaults can be accompanied with psychological and sometimes physical violence. The aggressor uses the power he/she has over the child to continue his sexual assaults. He will guarantee the silence of the child by threats, extortion or

promises. The aggressor will use the imaginary world of the child to fool him and mount a wall around the child to isolate him/her from his family and friends.

The child wants to protect his parent and his family

The child can be afraid that revealing the abuse can result in the imprisonment of the aggressor, the break up of his/her family unit or having to leave his/her home. He can also want to protect his parent "who would be extremely sad if he learnt of these terrible things". The guilt of these events would be more unbearable than the "inconveniences" of the assault. The child may choose to break his/her silence when the aggressor begins to abuse his/her brother or sister.

May I express my own feelings to my child?

Confronted by an aggression event, a parent and his/her child are overwhelmed with a constant flow of feelings, which must be expressed.

Since these feelings are nourished by our notions of good and bad, it is possible that the child perceives the abuse in a quite different way than the adult. Therefore the intensity and nature of his/her emotional experiences are completely different.

It is also possible that these aggressions have no impact on the child and that it is the parent who is traumatized by these events. A parent who has

him/herself been a victim of a non revealed sexual assault can be even more affected by these events.

Therefore, certain feelings, experienced by the parent, could be shared with the child, but other feelings should be shared with a trusted adult or professional.

The feelings, which could be shared with the child, could be sadness surrounding the events, the pride surrounding the revealed assault and the anger felt toward the aggressor.

While the feelings shared with a trusted adult or professional would be of injustice, guilt, madness,

doubt and fear; he/she could also share his/her own abuse experience. This supposes that the parent who wants to help his child also needs to work out his own issues.

Finally, it is necessary to remember that the child and the parent will feel ambiguity and doubt. Listening to his/her parent expressing his/her own feelings will help the child understand the difference between his feelings and his/her parent's feelings.

The professionals of the Victims' Assistance Centres are specifically trained to help the parent and the child in expressing their feelings on the assault.

The child especially needs to hear that you are proud that he/she has revealed what happened and that you are sad that it happened.

Should I file a complaint with the police?

The Judicial system is the means that our society gave itself to sanction criminal acts and to express its disagreement. It is certainly the best way to stop an assault on any child. However, judicial intervention raises many legitimate questions.

Should he be charged in court?

As a parent, it is normal to be upset by such a situation. Therefore, this makes it impossible to make an objective decision. The Judicial system is there to do so. The highest motives are to stop the aggressor's actions and to protect the child.

What impact will the judicial process have on my child?

This is an unpleasant but sometimes necessary event that will be better lived by the child if he/she understands the role he/she will play and if he/she is well prepared for it. Furthermore, the fact that several adults (police officer, prosecutor, judge) believe him/her has a positive effect on the child and will help him/her regain control over his/her environment while helping him/her heal. However, the most heartrending elements for the child will be the fact of seeing the aggressor again, the cross-examination and some-

times a verdict of not guilty. Therefore, it will be necessary to take into account the fact that the judicial process often spreads out over a long period of time. For all these reasons, one of the principal roles of the prosecutor is to use his/her expertise to take the decision to pursue or not the accused by taking into account the well-being of the child.

Can my child be accompanied?

The professionals of the Victims' Assistance Centres regularly accompany children and their parents in judicial proceedings and in Court.

Do I have to report the event to the Youth Protection Agency?

According to the *Youth Protection Law*, every citizen, therefore every parent, who has reasonable doubt that a child's development is compromised because of a sexual aggression, must report the event to the Youth Protection Agency or to the local police. A reasonable doubt is reasonable when it is based on the observation of rather significant facts to create doubt in your mind. The unveiling of the child creates this minimum doubt.

After reporting the event

After reporting the aggression to the Youth Protection Services and/or the police, they will proceed with an inquiry and an evaluation of the situation according to current procedures in the province of residence. In all stages of the process, the Youth Protection Service can recommend that you seek assistance from your local Victims' Assistance Centre or any pertinent organization that could help you in this matter.

Reporting will therefore have the following impact:

- Your child will have to describe the event to a representative of the Youth Protection Service and/or a police officer and/or the prosecutor.
- If necessary, the presumed aggressor will be met by the local authorities.

Will my child have to be subject to a forensic exam?

If, in the child's revelation, it is revealed that a sexual assault involving genital contacts, the forensic examination can be useful in finding physical wounds, detecting a Sexually Transmitted Disease, proceeding to forensic samples or to prevent a pregnancy if the child has reached puberty.

The hospitals' pediatrics' department's have socio-legal services which are specialized in this area. If you need additional information on the subject, the police officer, the Youth Protection Services and the prosecutor can assist you.

If the assault is recent (less than 5 days) and if there were genital contacts, the parent can take his/her child to the hospital where doctors will proceed with a forensic examination. This examination aims mainly in taking physical proofs of the assault (sperm, DNA) that could be vital in incriminating the aggressor.

In every case, parents should:

- describe the approach to their child;
- reassure him;
- do not force him/her to undergo this exam if he

does not wish to. This exam could be perceived has a second assault for him/her.

Always remember that the forensic exam aims mainly, if necessary, in giving the victim appropriate care. The exam will also, at times, collect proof of the assault. Please note, however, that the forensic exam will very rarely confirm the parent's reasonable doubts that his/her child was sexually assaulted. Therefore, the exam will not necessarily supply the proof of the identity of the aggressor.

What reactions should I expect from my entourage?

Revealing a sexual abuse on a child is often followed by a crisis within your entourage, particularly if the abuser is a friend or a parent.

Reactions will be very different from one person to another. Some will be very supportive whereas others will pressure to keep the event silent, by stating that the child is a liar or even to state that the gestures were insignificant. A child, faced by these unbearable reactions by his entourage, could come to deny the allegations.

Some people, close to the abuser, will try to “explain” these actions as accidental, unplanned or as circumstantial depressive states.

Since it is impossible “to protect” both the child and the abuser, some will find themselves having to “choose sides”. It is at this moment that family history will play a role: friendships, old conflicts and resentments will reappear. The entourage will choose to support the person they feel the closest to and they will begin to

influence either the parent to pursue his actions or to put an end to them.

Others will want a meeting between the child and the aggressor to “reconcile” and to “settle the matter within the family”. We believe that this type of meeting will only benefit an adult’s need to find peace of mind while taking the responsibility off of the abuser. It is important to remember that a **sexual assault** is, first and foremost, an **abuse of power**.

Although reactions from the entourage are unpredictable, we believe that it is essential to involve these people, while, when necessary, asking for professional support.

Could my child have “provoked” the assault?

We often see this type of defense from an aggressor who wants to justify his abuse of power.

Children do not seek sexual relation with adults: they need attention, affection, love and security but no sexual contact. Aggressors will try to justify their own needs by claiming that their actions were merely “sex ed”, however, sexual exploration is experienced amongst children of the same age. Aggressors, in an attempt to divert the attention on the victim, will claim that the child provoked the assault leaving the idea that this “perverted child” is the one who provoked him.

We often hear that beauty is in the eye of the beholder. The same thing can be said about provocation: its source is in the eye of the abuser and not in the way the child is clothed or in his/her attitude.

Even if the child comes to find pleasure in the sexual contacts, the adult, who knows what he is doing, always initiates the sexual contact.

While the child does not seek a sexual relationship,

it is possible that he/she will get close to the abuser and that he/she will want to continue seeing the abuser. This desire to keep in touch does not mean that the child approved of the pursuit of a pathological relationship.

What the aggressor calls a momentary loss of control is in fact taking control of another, the child, who’s emotional well-being and his/her development are absolutely disregarded.

It is important to remember that children that have been sexually assaulted, likewise a woman victim of such an aggression, have no responsibility in the matter. It is also important to remind the child of this.

How can I know that my child was assaulted?

A parent, who suspects an abuse, but whose child does not reveal it, will have to accumulate observable facts. However, parents with the best intentions could misinterpret behaviors. Depending on the age and the maturity of the child, these behaviors, could be completely normal. Some behavioral changes could also be in reaction to another upsetting event (a death, a separation, a relocation, etc), which has nothing to do with an aggression.

Here are some indications:

- Moods swing, cries without reason;
- Abrupt change of behavior;
- Depression, sadness, suicidal tendencies;
- Scared of sleeping alone, nightmares;
- Introverted, low self esteem
- The child refuses to see a specific person;
- The child returns home with toys, or money;
- Inappropriate and persistent sexual games;
- Excessive masturbation;
- Behavior of seduction toward adults;
- Inappropriate drawings with sexual character;
- Reacts Aggressively towards authority;
- Lowering of school results;
- Excessive chastity or exhibitionism;
- Particular reactions during sex education;
- Urinating hurts, pees in bed, penis hurts;
- Vagina itches, losses of virginal secretions;
- Bleedings of the vagina if the child pre-puberty;
- Anal bleeding, constipation, diarrhea;
- Stomach aches, nausea, vomit;
- Refusal to undergo a medical examination;
- Questions on reproduction, STD;
- Runs away;
- Crisis when changing his diaper;
- Sperm on the body or clothes of the child.

As you see, some of these indicators, taken individually, can be part of the normal development of a child. Your principal guides, while searching for the truth, will be caution and your knowledge of your child.

What impacts can an aggression have on my child?

Sometimes, even years after the event, this topic is something that will haunt a parent. Experience has taught us that a sexual assault has less negative effects than what a parent fears.

However, a homosexual assault can create other difficulties in the sense that it will be harder for a boy to reveal this kind of aggression, furthermore he might fear becoming a homosexual himself. These fears are absolutely unfounded because there is no direct link between homosexuality and a sexual assault. This being said, several factors will influence the impact of the aggression :

Elements present before the aggression

- Psycho-emotional stability of the child and the parent;
- The family climate;
- The nature of the relationship between the child and the aggressor

Elements present during the aggression

- The nature of the action by the aggressor;
- The attitude of the aggressor (threats, kindness);
- The number of times the child was molested and the duration.

During the revelations

- The period between the assault and the revelation;

- The reaction of the parent and the entourage;
- The child being believed.

After the revelations

- The rapidity and quality of the support intervention;
- The quality of the support in social, educational and judicial stages;
- The quality of the support given by the parent;
- The capacity of the parent to get support for him/herself;
- The level of regaining control of the child and the parent on their environment.

Impacts of such events are variable but parental competence and relevant clinical interventions can remove negative effects.

What are the stages of the judicial process?

The police investigation

Following a complaint, an investigator will meet the parent in question and/or the person who received the unveiling; finally, he will meet the child to have his version of the facts. Other witnesses will also be seen.

Denunciation

The investigator will transmit the information gathered to the Crown attorney who will judge if it is appropriate to allow a denunciation in front of a judge. If yes, the type of accusation will then be defined and the child will become the main witness of the crime he has been the victim of.

Court appearance

The presumed aggressor is then summoned to appear in front of the judge who will inform the defendant of the accusation brought against him. He may then plead guilty or not guilty. If he pleads guilty, there is no need to hold a trial and your child will not have to testify except, at the verdict, if such is his wish.

The preliminary inquiry

If there is preliminary inquiry, the Crown prosecutor submits to the court the main elements of his evidence. It is at this stage that your child will testify for the first time. If the judge deems the evidence to be sufficient, he will order the accused to stand trial.

The trial

The judge (or the jury) will decide on the verdict

from presented testimonies. Your child will usually be the main witness of the pursuit. The Criminal code includes special measures to facilitate the testimony of children, victims of sexual offences. Indeed, legislation has been enacted to allow a child to testify with the exclusion of public, outside the courtroom, or behind screens and if the judge permits it, the use of videotaped evidence.

Sentencing

If the accused pleads guilty or is found guilty in the course of a trial, a judgment will be pronounced by taking into account the defendant's criminal record (if any) and the gravity of the offence.

Main articles of the Criminal Code concerned by sexual aggressions on children

art. 151

- is guilty (...) every person who, for a sexual purpose, touches (...) with a part of the body or with an object, any part of the body of a person under the age of fourteen.

art. 152

- is guilty (...) every person who, for a sexual purpose, invites, counsels or incites a person under the age of fourteen years to touch , directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites (...).

art. 153

- is guilty (...) every person who is in a position of trust or authority towards a young person () and who :

a) for a sexual purpose, touches (...) a part of the body of the young person;

b) for a sexual purpose, invites, counsels or incites a young person to touch, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites and the body of the young person (...).

art. 155

- Commits an incest every one who, knowing that another person is (...) his child, brother, sister, (...), grandson or granddaughter, (...), has sexual intercourse with that person.

art. 170

- is guilty (...) the father, the mother or the guardian of a person under the age of eighteen years who (...) for the purpose of engaging in any sexual activity prohibited by this Act with a person other than the parent or guardian.

art. 173 (2)

- **is guilty (...) every person who, (...) offend against public decency or order.**

art. 265

- Commits an assault (...) whoever :

a) (...) applies force intentionally to that other person directly or indirectly;

b) (...) attempts or threatens, (...) to apply force to another person;

art. 271

- Whoever commits a sexual assault is guilty (...).

Does my child have access to compensation?

In Canada, almost each province has compensation funds available for victims of criminal acts. The criteria to have access to these funds are:

- a) The offence must have been committed in the province where compensation is claimed;
- b) There must be physical and/or psychological wound.
- c) The claim for compensation must be made within one year of the offense.

The organization where you can get information on compensation varies from province to province. In fact, the CSST, The Crown prosecutor's office or any other Crime Victims' Assistance Centres

are all places where you can get information on the compensation available, if needed.

The victimized child has the right to compensations which are in direct link with the crime.

Here are some examples:

- Therapy fees for the child;
- Transportation fees of the child to the health center or to the therapist;
- Medication fees

It is sometimes difficult to prove that there was a criminal act committed, since often the child is the only witness. That is why, a call for assistance to the Youth Protection Service

and/or an official complaint to the local police may help substantiate a claim for compensation.

On the other hand, a psychologist, a social worker or a recognized professional will be able to make an assessment of "psychological damage" on the child.

For these reasons, the parent and the child should file a claim for compensation. The Victims' Assistance Centres' professionals can assist you in completing the form.

What services are available from the Victims' Assistance Centres?

In Canada, several Victims' Assistance Centres exist. They offer to the victims of crimes and to their close friends and family different services aiming to relieve them of their victimization.

Here are some general examples:

- **Information and support telephone line**
- **Therapeutic help :**
 - To give a place to the victim to talk about the situation and the emotional impact it has had on him or her.
 - To help put in perspective the reactions and consequences of victimization.
 - To explore protective strategies.

- To find ways to deal with stress, to help with sleep, to ventilate their anger, etc.

- **Support and accompaniment of the victim in the different criminal judicial stages :**

The victims will be able to receive information such as :

- Explanation on what is a day like in court
- The role of each person involved in the proceedings
- Their rights and obligations as a witness in court

- **Technical support to complete legal forms such as :**

- Victim Impact Statement
- Compensation form

- **References to appropriate resources if necessary:**

- To help the person with other needs generated by this situation (judiciary resources, medical, appropriate social and community organisation).

My child has to prepare to give testimony in court

When preparing to appear in Court to testify and/or to accompany a child who has to give testimony can be a stressful event. Therefore, it is important to take the time to prepare for that day.

The day before:

- It is best that your child miss a full day of school
- Someone close to you and/or a Victims' Assistance Centre' professional can accompany you and your child, if you feel the need to have someone there.
- On that day, you can have your child dress for-

mally, but comfortably.

- Insure that your child took the time to have breakfast.

Once at the court house:

- The investigator and the Crown attorney will meet with your child to allow him to read over his testimony (chronology of the events noted by the police officer at the time of the complaint) before testifying.
- It is most likely that you will not be able to be present during the testimony of your child, but he/she can be accompanied by a Victims' Assistance Centre' professional or by a trusted individual approved by the judge.

When your child is called to the witness stand:

- In the courtroom, it is

not permitted to chew gum or eat candies.

- Take your child to the restroom before he testifies.
- The child should speak to the judge loudly with a clear voice.
- The child will be able to ask the judge to take a break if he needs (to sit down, to drink, to go to the washrooms, etc.)
- The child will answer every question asked, however, it is normal to have forgotten certain details; in that case he/she must tell the judge.
- If the judge adjourns the case for a few minutes, you must avoid speaking to your child about his testimony because he is still under oath.

Notice

Whe hope that this guide has met your expectations and answered your questions. Certain of the author's standpoints were deliberately meant to arouse other questions or positions on your part.

As you noticed, throughout the document, we assume that the aggressor is male and usually known by the child. This was done in purpose because that is ordinarily the case. Indeed, statistics demonstrate that men or teenagers commit the majority of sexual crimes. Furthermore, most

of the time, the aggressor is a person known by the child.

On the other hand, in this guide, the feminine is used rather than the male to indicate the speakers to relieve the text.

Finally, we did not make prevention a specific topic. We believe that this document can be used as a prevention tool because it contributes to increase parental competence in a complex and unpredictable situation as that of an aggression on his/her child.

Crime Victims' Assistance Centres

CAVAC Gaspésie et Îles-de-la-Madeleine

(418) 689-4331
1-866-892-4331

CAVAC Côte-Nord

(418) 962-2822
1-866-962-2822

CAVAC Capitale-Nationale et Chaudière-Appalaches (Région de Québec)

(418) 648-2190
1-888-881-7192

CAVAC Lanaudière

(450) 755-6127
1-888-755-6127

CAVAC Montréal

(514) 277-9860

CAVAC Bas-St-Laurent (Région de Rimouski)

(418) 724-0976
1-800-820-2282

CAVAC Marthe Vaillancourt, Saguenay-Lac-Saint-Jean

(418) 543-9695
1-877-543-9695

CAVAC Mauricie-Centre-du-Québec

(819) 373-0337
1-888-552-2822

CAVAC Laurentides

(450) 569-0332
1-800-492-2822

CAVAC Laval

(450) 629-4580
1-877-629-4580

CAVAC Estrie

(819) 820-2822
1-877-822-2822

CAVAC Outaouais

(819) 778-3555
1-800-331-2311

CAVAC Montérégie

(450) 670-3400
1-888-670-3401

CAVAC Abitibi-Témiscamingue

(819) 797-5599
1-866-335-5599

