

If your child is a victim of crime, or if you know a parent whose child has been victimised, what can you do?

Dedicated community organizations and public agencies are there to help, listen, and provide information.

This resource guide contains information on the rights and claims available to victims of crime, as well as on how to best support and guide your child through this period.

“Remember, crime is always the perpetrator’s fault.”

Why did this happen to my child.?

A PARENT'S GUIDE TO HELPING
PARENTS OF A CHILD WHO HAS
BEEN A VICTIM OF CRIME



CAVAC

CENTRE D'AIDE AUX VICTIMES
D'ACTES CRIMINELS

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YOUR CHILD HAS BEEN VICTIM OF A CRIME?



Whether your child was the victim of assault, theft, threats, or another offence, as a PARENT and/or concerned adult, you are also directly affected by what the child has experienced, and you may have many questions:

- **How does my child feel?**
- **Is it normal for my child to feel overwhelmed?**
- **Should I file a police complaint?**
- **How can I best help my child?**

The offence committed against your child carries consequences for you as well and you may be wondering how to cope with them.

This guide will provide answers to many of your questions, as well as a list of support resources for both you and your child.

Remember, you are not alone!

2 WHAT IS A CRIMINAL OFFENCE ?

Legally speaking, a "criminal offence", or a "crime", is an action or omission that violates the Criminal Code, which is the legislation instituted by the federal government to ensure public order, the safety and security of individuals and their property, and the safety of the general public .

The crime against your child may be of two types: a crime against the person or a crime against property. Here is a brief description of these two categories of crime.

A - CRIMES AGAINST THE PERSON

These are crimes that physically and/or psychologically harm a person.

ASSAULT:

Assault means to intentionally use force against another person, without their consent, either through physical aggression, the use of a weapon, or threats.

For example:

Your child is punched in the stomach.

THREATS:

Threats are words or gestures that express an intention to harm someone or to damage, destroy or break someone's property.

For example:

Someone threatens to hurt your child if he/she doesn't give up her jacket.

ROBBERY:

Robbery means to take possession of the property of another person by using or threatening to use violence.

For example:

One person holds your child down while another steals his/her money.

SEXUAL OFFENCES:

- Sexual offences involve physical contact, invitations, or attempts to have physical contact for sexual purposes with a person who had not consented to do so.
- Sexual offences include indecent acts, exhibitionism, prostitution.

For example:

Someone touches your child's breast without her consent.

INCEST:

Incest refers to sexual relations between blood relatives (father, mother, brother, sister, grandparents, etc.).

HARASSMENT:

Harassment consists of having certain behaviour toward a person, and continuing to behave the same way despite how this person feels about it, when such behaviour makes that person fear for their safety or the safety of someone they know.

For example:

Your child is being followed on an ongoing basis.



IN CONCRETE TERMS...

Has your child been threatened?

Has your child had clothing or other possessions stolen?

Has your child been injured or sexually assaulted?

Etc...



B - CRIMES AGAINST PROPERTY

Property crimes are crimes in which property is damaged, stolen, or otherwise illegally obtained.

BREAKING AND ENTERING:

This is an offence that consists in breaking into a place for the purpose of committing an offence.

For example:

Breaking a window to enter a home and steal things.

MISCHIEF:

Mischief is a crime that involves destroying or damaging the property of another person.

For example:

Throwing rocks through windows.

THEFT:

Theft means illegally taking property or money, without using violence.

For example:

Stealing a child's jacket from a locker.

FRAUD:

Using trickery, lies or other misleading means to deprive someone of property, services, money, or anything else of value.

For example: Extortion, "bullying" ...

A WORD ON «*Bullying*»

"Bullying" is an expression used by young people, but is not a term that exists in criminal law. "Bullying" is actually robbery and can include conspiracy, threats, harassment, extortion, assault, etc.





HOW CAN CRIME AFFECT YOUR CHILD? HOW MIGHT HE/SHE RESPOND?

A REACTIONS:

Being victim of a criminal offence can be traumatising for children. During the incident, they may have felt powerless, believed they were having a bad dream, or feared for their life.

You may observe a change in your child's behaviour in the days, weeks or months following the crime.

- **Abrupt mood swings**
- **Aggressive behavior**
- **Sleep disturbances**
- **Anxiety**
- **Persistent fear**
- **Etc.**

With adequate and appropriate support, these disturbances will gradually diminish.

WHY DIDN'T MY CHILD TELL ME SOONER?

Children are often reluctant to talk about what happened to them, especially to adults, and tend to keep the incident a secret. Why?

- **Fear of retaliation (if they were threatened)**
- **Fear of not being believed**
- **Fear of being judged**
- **Belief that telling someone won't make a difference**
- **Desire to protect the perpetrator, in the case of a loved one (father, mother, caregiver, etc.)**

B **IMPACTS:**

Children may be affected by crime in many ways, including physically, emotionally/psychologically, socially, and financially.

PHYSICAL IMPACTS:

- Injuries caused during the incident
- Headaches
- Digestive problems

EMOTIONAL IMPACTS:

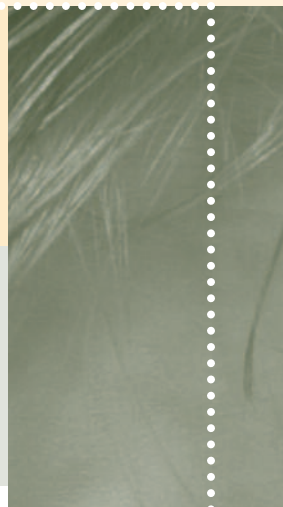
- Sleep disturbances
- Feelings of guilt
- Fear of being victimised again
- Generalised lack of motivation (consequences for school or leisure activities)
- Repetitive thoughts / flashbacks
- Sadness
- Anger
- Distrust
- Memory loss
- Reduced ability to concentrate or focus
- Difficulty making decisions or prioritising
- Reduced self-confidence

SOCIAL IMPACTS:

- Lack of understanding from peers
- Isolation
- Fear of leaving the house
- Fear of being alone
- School absenteeism
- Changed worldview

FINANCIAL IMPACTS:

- Medical care not covered by the Régie de l'assurance maladie
- Loss of money during the incident, or lost wages afterward
- Clothing damaged during the incident
- New security expenses





AND YOU AS A PARENT... ?

HOW MIGHT PARENTS RESPOND? WHAT IMPACTS DO THEY FACE?

Our children are dear to us, and as parents, their experiences can provoke in you a range of feelings and responses, including feelings of anger, sadness, aggression, and powerlessness, hope for a return to normalcy, questions and concerns about our child's physical and psychological wellbeing, feelings of guilt or of not having been able to protect your child, or fear that the incident will occur again.

TALKING ABOUT IT WILL DO YOU A WORLD OF GOOD.

- A trusted friend
- A counselor from a CAVAC, CSSS, Sexual assault centres (CALACS, CPIVAS), etc.
- The school principal
- The police
- Etc.

WHY MY CHILD ?

We tend to believe that this kind of thing only happens to other people, yet now, it has happened to your child. What went wrong?

You may wonder:

Is this my child's fault?

Is this my fault?

Is my child spending time with the wrong kind of people?

There are as many possible reasons for what happened as there are offenders, and the only person to blame is the offender himself.

Your child may simply have been in the wrong place at the wrong time. Or perhaps the crime was planned and your child was chosen because of his solitary nature, small size, or some other reason that made him an easier target for the perpetrator. Even if this is the case, your child is most likely not to blame for what happened and neither are you. Crime is the perpetrator's fault!



HOW SHOULD I REACT TOWARDS MY CHILD? HOW CAN I HELP?

CHILDREN'S NEEDS

To be heard: To tell what happened, and to feel accepted and listened to.

To feel believed: It takes courage to talk about what happened, and knowing that they are believed will help children regain their self-confidence.

To feel supported.

To not be isolated: Children may tend to isolate themselves, despite needing to be nurtured.

To go at their own pace without feeling pushed.

To feel safe and comfortable.

To relax, to rest.

To report the crime.

HOW YOU CAN HELP

It is important to listen to the entire story in the way your child needs to tell it. Your child may feel the need to tell you what happened several times.

Letting children know that you believe them helps them feel less alone in their experience and better equips them to cope with the repercussions of the incident.

Support children in their recovery process, and accompany them through the more difficult steps. Encourage your child to seek professional help from a CSSS, the school, a CAVAC, etc., but remember to respect your child's decision whether to do so or not.

Parents' desire to protect their children can have the unintended effect of isolating them. Rather, help children find ways of continuing their regular activities. Their friendships are important during this time.

Victimised children need time to recover from the crime, and you can help by being patient and understanding of this. The recovery process may take several weeks or several months.

Be willing to accompany children in their comings and goings, and to help them re-build their networks and safety nets, while they gradually regain their independence.

The home is generally a restful place for children. Fostering a relaxed atmosphere at home will help them to resume their regular routine and feel better.

Support your child during this process.

5 NOW WHAT ?

FOLLOWING THE INCIDENT, WHAT AVENUES ARE OPEN TO ME AND MY CHILD?



We tend to associate the term “criminal offence” with the legal proceedings that such an act can lead to. While going through the court system is one important way of handling crime, it is not a necessity in every case.

It is important to report what took place and to lift the secrecy and anonymity, but REPORTING CRIME does not necessarily equal INITIATING A LEGAL PROCESS. You have several options in this regard and counselors are available to help you. There is an entire network of organisations that collaborate with and complement one another to facilitate the avenues you choose to take, to provide a positive environment for victimised children, and to make this period as easy as possible.

■ AT SCHOOL (IF THE INCIDENT TOOK PLACE AT SCHOOL):

The principal and other school staff can take action within the school (suspension, mediation). The school can also be in contact with the perpetrator’s family.

■ POLICE SERVICE:

The police can take preventative action in the community, in collaboration with schools, community organisations, and parents, and can help facilitate restorative measures.

By dialing 911, you can register a formal complaint, which can lead to the perpetrator(s) being charged in a court of law, and to legal proceedings.

■ COMMUNITY ORGANISATIONS:

Counselors from a CSSS, a CAVAC, community organisations, etc., are available to help you and your child.

■ LEGAL PROCEEDINGS:

In some cases, legal action will be necessary, such as for serious or repeat offences, a lack of willingness by the perpetrator to be rehabilitated, etc. See pages 14 and 15 for more information.

You are not alone!



CENTRE D'AIDE AUX VICTIMES
D'ACTES CRIMINELS

www.cavac.qc.ca

CAVAC

The Centre d'aide aux victimes d'actes criminels (CAVAC), is a victim assistance centre where victims and their loved ones can access the following services:

- Assistance, support, and listening services
- Information on the legal process and the rights and recourses available to victims of crime
- Support and assistance during steps taken with various public and private bodies
- Psychosocial and post-traumatic support
- Guidance toward legal, medical, social, and community resources

CAVAC services are free and confidential

**To contact your local CAVAC, look in the phone directory or visit www.cavac.qc.ca.*



■ **THE CSSS**

Provides health and social services to anyone living within their region. The CSSS will assess your needs and provide services for you and your family. Services can be accessed at the CSSS itself, or in various other settings, such as in the workplace, at school, or at your home. If necessary, the CSSS can also guide you toward other centres, organisations, or individuals who are more appropriate to assist you.

■ **IVAC**

People who were injured as a result of a crime against the person may be eligible for compensation and services under the Crime Victims Compensation Act. In the event of a victim's death, the victim's dependants may receive compensation. Parents and guardians may also receive compensation to support them as they help their child recover.

■ **CALACS/CPIVAS**

These are non-profit organisations that assist victims of sexual assault and/or their loved ones. The age of the clientele varies from one organisation to another.

■ **YOUTH CENTRES**

Youth Centres provide specialised assistance to young people experiencing serious difficulties and their families, as well as to young mothers facing severe adaptation issues.

6 TAKING LEGAL ACTION

THE COMPLAINT:

By contacting 911, you and your child can register a formal police complaint.

THE POLICE INVESTIGATION:

The police officer will gather information establishing that a crime was committed, record what the complainant (your child) says, and have your child sign a statement.

LEGAL PROCEEDINGS:

If the police investigator gathers sufficient evidence, he or she will submit a report to the **Criminal and Penal Prosecuting Attorney*** for examination. This person then confirms whether there is sufficient evidence and whether taking legal action is appropriate. If the accused is a minor, the Criminal and Penal Prosecuting Attorney can also refer the case to alternative justice agencies.

THE VICTIM/WITNESS:

In the court system, all victims are considered witnesses for the prosecution. As such, victims may be examined in court by the Criminal and Penal Prosecuting Attorney, and may also be questioned by the defence lawyer.



***The Criminal and Penal Prosecuting Attorney**

Is a lawyer who represents SOCIETY. His or her role is to present the evidence that will allow the judge to convict the accused. To strengthen the evidence and the case at hand, this lawyer may take the victim's best interests into consideration as well.

GENERALLY *speaking*

Criminal proceedings are held at the Court of Québec.

- In the Youth Division, if the accused is a minor.
- In the Criminal Division, if the accused is an adult.

Whether the accused is a minor or an adult, the process is essentially the same.

The accused can plead guilty at any time during the legal process. If the accused pleads guilty, the victim does not have to testify (other than possibly during sentencing).

Hearings are open to the public unless a judge orders otherwise, as is sometimes done, for example, in cases of sexual assault.

7 THE STAGES OF THE LEGAL PROCESS

COMPLAINT/ ARREST:

After a criminal offence has been committed, the victim calls the police and files a complaint. The police arrest the accused, who may then be either released with conditions or put into custody.

REPORT:

The police officer files the complaint with Criminal and Penal Prosecuting Attorney.

APPEARANCE:

The accused is read the charges against him or her, and pleads guilty or not guilty.

Following the appearance, the accused may plead guilty at any stage of the legal process. If so, he or she will move directly to the sentencing phase.



BAIL HEARING:

Judges must release accused persons who were placed in custody following arrest unless the Criminal and Penal Prosecuting Attorney can demonstrate that there are reasonable grounds for detaining them.



DISCLOSURE OF EVIDENCE:

The Criminal and Penal Prosecuting Attorney submits the evidence to the defence lawyer. Then the judge sets a date for the next stage. Defence lawyers are not required to share the evidence in their files.



PRELIMINARY HEARING:*

A hearing to determine whether there is sufficient evidence against the accused to bring the case to trial.

** For certain types of offence, if the perpetrator was age 18 or over, a preliminary hearing will be held. Criminal proceedings held in the Youth Division do not involve a preliminary inquiry.*



TRIAL:

The trial aims to determine if the accused is guilty or not guilty beyond a reasonable doubt.



This symbol indicates that the victim may be called to appear in court to testify or take part in other discussions. Usually, victims may also attend hearings to which they have not been summoned.



THE SUBMISSIONS:

The Criminal and Penal Prosecuting Attorney and the defence lawyer make their submissions. They describe the facts of the case and try to convince the judge that the accused is guilty or not guilty, respectively.



THE VERDICT:

The judge issues a verdict. If the accused is found not guilty, he or she is acquitted.

If the accused is found guilty, the judge will determine the appropriate sentence. Judges must be convinced “beyond a reasonable doubt” if accused are guilty in order to convict them. If this is not the case, they must acquit them.



THE SENTENCE / DECISION:*

The judge determines the accused sentence.

** This is called a “sentence” in adult court, but is often referred to as a “decision” in the Youth Division.*



For more information, do not hesitate to contact the support resources listed on pages 10, 11 and 12.

*And remember...
you are not alone!*