Reducing Court-Related Stress Through Court Education: Examining Child Witnesses, Attorneys and Parents

Brittnie Turquoise Watkins

University of Nevada, Las Vegas, watkin53@unlv.nevada.edu

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REDUCING COURT-RELATED STRESS THROUGH COURT EDUCATION:
EXAMINING CHILD WITNESSES, ATTORNEYS AND PARENTS

by

Brittnie Turquoise Watkins

Bachelor of Arts in Psychology and Criminal Justice
Michigan State University
2006

Master of Arts in Criminal Justice
Department of Criminal Justice
University of Nevada, Las Vegas
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Doctor of Philosophy - Educational Psychology
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Rebecca Nathanson, Ph.D., Committee Chair
Paul Jones, Ph.D., Committee Member
LeAnn Putney, Ph.D., Committee Member
Joe Crank, Ph.D., Committee Member
M. Alexis Kennedy, Ph.D., Graduate College Representative
Kathryn Hausbeck Korgan, Ph.D., Interim Dean of the Graduate College

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ABSTRACT

Reducing Court-Related Stress Through Court Education

by

Brittnie T. Watkins

Dr. Rebecca Nathanson, Examination Committee Chair
Professor of Education and Law
University of Nevada, Las Vegas

Child witness research first became highly prominent in the 1980s, when reports of child abuse rose substantially, requiring children to give evidence more often. Although children are testifying more often, many children associate testimony with fear and anxiety. Children’s fear of the courtroom may contribute to negative outcomes for memory. Moreover, attorneys often doubt whether children have the ability to testify accurately and parents are often afraid of re-traumatizing their children by allowing them to testify. For these reasons, many professionals contend that the courtroom is no place for children. Nonetheless, the Sixth Amendment’s Confrontation Clause guarantees defendants the right to confront their accusers, irrespective of age or fear.

Court education presents a useful approach to addressing children’s stress, anxiety or fear related to testifying. The current study uses a pretest-posttest design to evaluate whether Kids’ Court School (KCS), a court education program in Clark County, Nevada, reduces court-related stress in child witnesses. In addition, attorneys’ and parents’ concerns related to various elements of the child’s impending testimony, are evaluated.

The measure used to assess stress was the Court-Related Stress Scale (CRSS), a 10-item Likert scale adapted from the Stressfulness of Life Scale. In addition, open-ended
questions were posed at the time of posttest. The CRSS was administered to all participants prior to and subsequent to the child witness’s participation in the KCS curriculum intervention.

Hypotheses for the current study were: 1) Children’s stress will be reduced subsequent to the KCS curriculum intervention; 2) Lawyers will report a significant reduction in concern for their client’s impending testimony after their client has attended KCS; and 3) Parents will report a significant reduction in concern for their child’s impending testimony after their child has attended KCS.

Child witness testimony presents concerns related to stress, memory accuracy and testimonial outcomes, and thus, presents concerns for the truth finding function of the American system of jurisprudence. Nonetheless, the legal proceedings brought about when crimes are committed against children or witnessed by children will continue to require children to take the stand. If child witness preparation programs similar to KCS reduce court-related stress that negatively affects testimony, then formal court education programs should be implemented on a wide-ranging scale, from jurisdiction to jurisdiction, and should be the future standard for minimizing stress in testifying child witnesses.
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*For LaChel R. Burton*

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My son gave me motivation, appreciation, laughter, hope, hugs and kisses (although sometimes reluctantly).

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May you find the peace in the next life that you did not find in this one.

_In Loving Memory of Delores Burton_

_September 24, 1942 (or 1941) – December 12, 2013_
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CHAPTER ONE

INTRODUCTION

Child witness testimony and related issues do not often reach the public eye until far-reaching crimes occur, in which children are the only witnesses and are required to provide testimony or “give evidence.” A child testifies when he or she answers questions about what happened while on the witness stand during a trial or formal inquiry. Throughout the testimony, the child is expected to successfully retrieve memories of the event in question and communicate those memories to adults in a courtroom—an environment that is often highly stressful, even for adults (Saywitz, 1995).

The earliest recorded incidence of children testifying in American jurisprudence was during the Salem witch trials, a 300-year-old case (Ceci & Bruck, 1995, p. 8). During the Salem witch trials, a group of children ages five to sixteen testified that they saw the defendants flying on brooms, among other inexplicable behaviors. Nineteen defendants were put to death and many others confessed, in reliance on the testimony of children. It should suffice to say that the opinion of the masses regarding the validity of the Salem witch trials and the testimony used to convict people of witchcraft has changed. The trials are now looked upon as a cautionary tale of mass hysteria, false accusations and failure in due process. This case, and others that followed, had long-lasting effects on perceptions of children as witnesses.

In the McMartin preschool trial, which began in 1983, members of the McMartin family were accused of sexually abusing the children for whom they were supposed to be
providing care (Earl, 1995). This case was the longest and most expensive criminal case of its time (Meyer, 1997). The trials lasted for six years and resulted in the acquittal of each defendant (People v. Buckey, 1990). The McMartin preschool trials are an important part of child witness history because it signified an age of widespread hysteria concerning satanic ritual sexual abuse of children (Nathan, 1990) and brought to light the issue of suggestive questioning while interviewing children (Schreiber et al., 2006). Child sexual abuse, a primary reason for child witness testimony, and suggestive questioning, a method of providing misinformation to alter memories, are discussed in more detail later.

Many people, including psychologists, attorneys and other legal practitioners, may argue that the Salem witch trials and McMartin preschool cases are prime examples of why children should be kept out of the courtroom. These cases and others like them share blame for the misguided perception that children are unable to provide truthful and accurate testimony (Snyder, Nathanson & Saywitz, 1993, p. 40). Although these events have had long-lasting influence on perceptions of child witness testimony, they occurred before psychologists, justice officials and educators developed the body of knowledge available today to understand and promote best practices to address child witness testimony. This distrustful view of children as witnesses, common within the legal community, stirred the forensic community into research on the social, psychological and cognitive influences on children’s testimony (Nathanson & Saywitz, 1993, p. 40; see Quas, Goodman, Ghetti, & Reddisch, 2000). For example, we now know that limited memory recall, mediated by stress, is part of the cause of faulty child witness testimony (Small et al., 2006; Nathanson & Saywitz, 2003). We also know that suggestive
questioning can alter to-be remembered information, but that memory alteration can be minimized with the proper preparation and tools (Loftus, 1992).

Memory performance is at the heart of concern over child witness testimony because if a child cannot retrieve the memories for the events about which they are called upon to testify, they cannot successfully testify. The outcome of a trial may hinge upon a child’s ability to successfully and accurately retrieve an event from memory. In essence, the delivery of justice may depend on a child’s memory.

This introduction to child witness testimony aims to familiarize the reader with the phenomenon by providing a historical framework and by using special types of child witness cases to relay underlying concerns relevant in the broader discussion of child witness testimony.

**Child Witnesses in Historical Context**

In the 1500s and 1600s, children were not only allowed to testify in court, they could also serve in the military, in the legislature, sign labor contracts, marry, and be convicted of crimes, as cited in *Birth or Consent* by Holly Brewer (Tanenhaus & Bush, 2007). However, in the 1600s, the legal identities of children were altered as a result of religious disputes over Enlightenment and the meaning of consent. Children became the subjects of their fathers, instead of subjects of lords. Children remained subjects of their father until they came to an age of reason. Legal professionals incorporated these ideas into civil and criminal law. In this Age of Reason, as it became known, both reason and age classification was paramount to societal beliefs about children and the law.

In the late 1600s, the idea that children should not testify in court was introduced (Brewer, 2005). By the 1700s, the conversation related to child witness testimony
centered on what age minimum should be established for testimony. This is in contrast to what is normally recited about child witnesses: that they were historically not allowed to testify (See Bottoms, Najdowki, & Goodman, 2009).

Brewer (2005) argues that Mathew Hale, whose writings formed the basis of evidence law in the early 1800s, intentionally transformed the history of child witnesses in his writings. Brewer reported that Hale “revised the law to make it fit more closely with [his] religious and political beliefs about justice. [His] reforms tended to limit the ability of children to give voice, to give consent, and to form intent.” Hale played a significant role in advancing the perception of children as unreliable, dishonest, or highly suggestible witnesses (Olafson, Corwin, & Summit, 1993) beginning in the Age of Reason (Brewer, 2005). The culmination of Hale’s impact was that children were rarely asked to testify on their own behalf in criminal trials, especially in incidences of sexual offenses (Olafson, Corwin, & Summit, 1993). This judgment of the child witness is still alive and well today, but more recent research has emerged that calls into question the validity of this perception.

The Evolution of Child Witness Research

Child witness research first became highly prominent in the 1980s. During this time period, reports of child abuse rose substantially (Ceci & de Bruyn, 1993). A 1989 survey of all fifty states found 2.4 million reports of suspected child maltreatment. In other words, one out of every forty children under the age of twelve was suspected of being abused. Approximately 900,000 of those cases were substantiated and approximately a quarter of those cases involved sex-related crimes.
Society reacted to these statistics and cases, among them, the McMarti preschool case, with great concern (Troxel et al., 2009), causing widespread child sex abuse hysteria (Nathan, 1990). As a result, children were increasingly admitted as witnesses in juvenile and criminal proceedings (Ceci & de Bruyn, 1993). Today, it is common to see children participating in court as witnesses, although attitudes and opinions of children in court may not have changed with the times.

Legal practitioners have skeptical perceptions of children’s ability to accurately recall and relay events, especially as it relates to younger children (Kalven & Zeisel, 1966; Penrod & Borgida, 1983; Harvard Law Review, 1985). Studies have shown that children are less likely to be believed than adults and that younger children especially, are less likely to be believed than older children (Ceci & de Bruyn, 1993). One prime example of how this perception affects cases is found in a study by Ceci and Bruyn, which found that there were fewer criminal convictions in cases involving preschool children than in cases involving older children.

As a result of the onslaught of research in the 1980s and later research, our understandings about the nature and abilities of child witnesses have changed (Troxel et al., 2009). Historically, literature portrayed children as prone to suggestibility, however, more recent studies are more equivocal in portrayals of children’s testimonial competence. Some literature suggests that child witness testimony is comparable to that of adults, while other literature suggests the opposite. It is now widely recognized by researchers that it is possible for children to provide reliable and accurate testimony, if given proper preparation and tools. Research on the actual suggestibility of children’s recollections is contradictory (Ceci & de Bruyn, 1993).
Irrespective of research, adults (who have the potential to become jurors) tend to have largely negative perceptions of children’s testimony (Olafson, Corwin, & Summit, 1993). Some researchers question whether the doubt espoused by adults is a legitimate reaction to children’s inferior memories and their proneness to suggestibility. Perhaps the lack of credibility contended by those with a stake in the outcome, such as defense attorneys and their hired experts, has been exaggerated. “In sum, America is faced with a problem: At the same time that more...children are becoming involved in the legal system, [adults have] not yet...decided how much weight to give their testimony” (Ceci & de Bruyn, 1993).

**Special Types of Children as Witnesses**

What weight should be given to particular segments of child witnesses? Within the group of children who become witnesses, there are different types of child witnesses whose circumstances are distinct from others. Sexually abused children and children with disabilities are a source of more concern because they are even more susceptible to becoming involved in the court system.

**Sexually Abused Children**

It has been estimated that children are victims in 80% of cases that involve child witness testimony (Leippe, Brigham, Cousins, & Romanczyk, 1989). Particular to cases involving child sexual assault, children are often the only witness. (Goodman et al., 1989; Myers, 1992, p. 1; Saywitz, 1995, p. 113) Many of the children who enter the courtroom as witnesses do so because of allegations of child sexual abuse (Lipovsky et. al, 1992). Other crimes to which children tend to be the only witness are kidnapping and domestic violence (Goodman, Golding, & Haith, 1984).
Prosecutors can face an uphill legal battle when trying to bring a case to trial that involves a sexual assault against a child. (Berliner & Barbieri, 1984). Children are often the only witnesses to these crimes because by its nature, it is a private act, usually committed out of site of others. Moreover, many cases of sexual assault involve fondling rather than rape, making corroborating physical evidence difficult to obtain (Goodman et al., 1989, p. 12). Thus, corroborating physical or eyewitness evidence is often not available to prosecutors to meet the standard of proof required: beyond a reasonable doubt (Saywitz, 1995). Although all states within the United States dropped the corroboration requirement in cases of child sexual abuse in the 1980s (Ceci & de Bruyn, 1993), prosecutors may still be hesitant to bring these types of cases because 1) although corroboration is no longer a requirement, it may still be considered by jurors and 2) distrustful perceptions among jurors, in addition to stress and memory factors, also affect child witness testimony (Saywitz, 1995; Berliner & Barbieri, 1984).

Whitcomb et al. reported that sexual assault is the most common type of case for which children are asked to testify. The high prevalence of children testifying in sexual assault cases is directly related to the high occurrence of sexual assaults against children, according to Finkelhor and Russell (as cited in Goodman et al., 1989, p. 12). Just outcomes are needed for these types of inexcusable crimes, but outcomes are often contingent upon a particular child’s ability to accurately recall and relay substantial information as evidence of the assault (Myers, 1992, p. 1).

**Children with Disabilities**

Child witnesses with disabilities require additional consideration and bring about additional complexities. They are more likely to become associated with the legal system
as victims, perpetrators or witnesses, but less likely to be asked to testify (Kebbell & Hatton, 1999) because they are viewed as especially unreliable witnesses (Milne & Bull, 2001; Sharp, 2001). Authorities and professionals may decline to even question children with disabilities. Nathanson and Crank (2002) cited limited resources as a possible explanation for this hesitance to question. Another reason for the phenomenon may be found in the explanations of the accused. Unique to the circumstances of certain disabled children, caretakers can plausibly explain that conduct that seems inappropriate is actually an ordinary behavior in the course of caring for the child, such as bathing the child. Additionally, Cardon & Dent (1996) reported that children with disabilities are more susceptible to suggestibility. It is also more difficult for these children to provide accurate responses to complex questions (Kebbell et al., 2001) and children with particular intellectual disabilities may have impaired memories (Perlman et al, 1994).

Despite the uphill battle faced by sexually abused children who are often the only witnesses to the crimes committed against them, and disabled children, whose victimization can be explained away, these children must still be given the opportunity to tell their story in court. When children are kept from telling their story in court, the story, and therefore justice, is impaired. On the other hand, children’s participation in court processes brings about special concerns. If those concerns can be lessened, paving the way for legally sanctioned practices in the ordinary course of child witness testimony, more offenders may be brought to justice, using children’s testimony as the vehicle. The present study is an attempt to achieve that goal.
The Current Study

The United States’ system of justice was designed to be an adversarial process. Many adults are intimidated by the prospect of being propelled into its grips. Imagine what it must feel like to be a child, involuntarily entangled in such a confusing, unfamiliar and confrontational process, crafted without the child in mind. The notion that court is a scary place for children may seem to furnish validity for the contention that the courtroom is not at all a place for children. However, that viewpoint fails to consider all the relevant factors when addressing the multitude of issues bearing upon the child witness in court.

In reality, many children enter through the courthouse doors, daily. They enter because people commit crimes against children, children commit crimes against others, parents get divorced and children are often the only witnesses to events that our society has deemed wrongful enough to criminalize. When we can remove all of society’s ills, only then will we be able to proclaim that the courtroom is no place for children. In fact, when that time comes, we will not need court at all.

Another position taken by advocates for children in court aims to implement alternative methods of testimony as a matter of procedure. One example of an alternative method is video taped testimony (Ceci & de Bruyn, 1993). Another alternative method is indirect child testimony through an interview with a child psychologist. Although the alternative methods approach to child witness testimony may successfully lessen stress experienced by some child witnesses, assumingly facilitating the accuracy and effectiveness of testimony, it is not universally applicable. The Constitution of the United
States of America and Supreme Court decisions interpreting it, limit the implementation of alternative methods, which are also known as shielding laws.

The Sixth Amendment provides defendants with the right to confront witnesses against him or her. Jurisdictions have interpreted this right inconsistently. The Supreme Court, however, has said that not all children are eligible to testify through alternative methods and must meet a minimum standard of distress before a jurisdiction can allow for alternative means of testifying (Maryland v. Craig, 1990). Jurisdictions may choose to allow child witnesses to testify via alternative methods when this minimum standard is met, but if the jurisdiction desires, they can still require the child to provide testimony via face-to-face interaction in court. Moreover, when children do not meet the minimum level of distress, the jurisdiction cannot consider shielding methods. Therefore, many children experiencing court-related stress are still required to confront defendants, who may have harmed them, face to face, in open court.

The two abovementioned approaches to addressing concerns related to child witnesses cannot resolve the immediate problem. Keeping children out of court is simply unrealistic. Alternative methods do not address the entire scope of the problem. Child advocates should commit their energy to an approach more tangible and more comprehensive. Children should be prepared for court. They should be educated.

Child witness preparation programs (CWPPs) help to prepare and educate children about court processes and significant role players in the court before their impending testimony. Kids’ Court School (KCS) is a research-based child witness preparation program dedicated to preparing children, ages four to seventeen, for testimony in Clark County, Nevada. KCS teaches stress management techniques, exposes
children to a real courtroom and gives them an opportunity to practice being a witness during a mock trial.

The current research aims to assess whether KCS is effective in reducing court-related stress in children who will testify and whether parents and attorneys are less concerned about the child’s testimony subsequent to the KCS curriculum intervention. If children are less stressed after being educated about court, then negative affects of stress on memory should be reduced. Improved memory performance and less visible stress should make for more effective testimony. Moreover, attorneys and parents may be more willing to allow children to take the stand if they are less concerned after the child’s participation in KCS.
CHAPTER TWO

REVIEW OF LITERATURE

The review of literature that follows begins inside the mind and memory of the child witness, progresses toward the relationship memory and stress share in the courtroom context and concludes with a wide ranging legal context analysis to give implication to the social, psychological and educational variables discussed. This review of literature takes an interdisciplinary approach to understanding the complete child witness and to resolving the most pertinent concerns: protecting the child and upholding the Constitution.

Unlocking the mind of the child witness is the key to understanding child witness testimony. The child’s mind holds the answers to knowledge sought by attorneys, psychologists, parents and a host of other professionals. If the child’s mind is the key, then the child’s memories are the gateway. The next section explores the cognitive processes involved in memory at retrieval, memory alteration, stress and motivation at retrieval and briefly addresses ways that memory may be improved.

Memory: The Gateway to the Child Witness

The study of memory and learning developed out of philosophical questions about how people acquire knowledge (Bower, 2000). Much of the research on memory and recall in the 20th century emerged from Hermann Ebbinghaus’s 1885 creation of nonsense syllables: groupings of letters to which grammatical rules are not attached.
Memory research has come a long way since then. A significant amount of research capital has been committed to the study of recall in memory, a concept separate from encoding and storage (Bower, 2000). After information has been encoded and stored in memory, it must be retrieved or “recalled,” if it is to be used. Memory retrieval is one of the three core processes of memory and is applicable to almost every part of daily life, from remembering where car keys were placed to taking an exam. Memory retrieval, then, is the activity of accessing stored memories.

**Cognitive Processes in Memory at Retrieval**

A memory model. Retrieval of memory does not occur in a vacuum, thus, a framework for understanding memory in general is provided, through which retrieval can be understood. More than one general model exists to explain memory, but the focus of this study is retrieval, thus a comparison of general memory models is outside the scope of this study.

Following the cognitive revolution of the 1950s, the information-processing model, which compares the human mind to a computer, became a widely accepted model of memory (Maitland, 2004). In this framework, information input to the mind is compared to adding information to the computer’s central processing unit. Storing and retaining information in the mind, then, is similar to saving information on the computer’s hard drive. Retrieval of information stored in the mind is comparable to locating and opening a document from the computer’s hard drive.

Within the information processing structure, Atkinson and Shiffrin developed a more specific, three-stage model of memory (or multi-stage model), which is characterized by time frames (Atkinson & Shiffrin, 1968). The three stages are the
sensory registry, short-term store and long-term store. Although the Atkinson-Shiffrin Model has been criticized for being overly simplistic, for the purposes of this study, it provides a conceptual model within which to analyze retrieval processes. Note, however, one important change as a result of dissatisfaction with the Atkinson-Shiffrin Model’s simplicity: the working memory. In the updated model, as set forth by Baddeley and Hitch in 1974, the working memory replaces the short-term memory store, as a more active memory maintenance system (Baddeley, 2000).

In the Atkinson-Shiffrin Model, sensory memory is the first stage, where external stimuli are perceived for a short period of time, but where most information is also lost (Maitland, 2004). Selective attention to information in the sensory memory aids in transferring information to short-term memory, which can hold about seven random bits of information for about 30 seconds, unless that information is further processed. More elaborate processing transfers information to long-term memory, where it is relatively permanent and unlimited in its capacity. Long-term memory is made up of explicit and implicit memory. Explicit memory is our conscious memory of facts and experiences, while implicit memory does not need to be consciously recalled. Semantic memory, memory for facts and general knowledge, and episodic memory, memory for events in our personal lives, make up explicit memory. Implicit memory, long-term memory for skills and procedures, is made up of procedural memory (memory for motor and cognitive skills) and classical and operant conditioning effects (such as automatic associations among stimuli) (Maitland, 2004).

**Retrieval processes.** A general understanding for the structure of memory facilitates the understanding of retrieval processes occurring during testimony. Children
called to testify are required to recall information from episodic memory, such as the witnessed event, in addition to from semantic memory, such as facts about their life or demographics (Rugg & Wilding, 2000). Recall is central to the current study because it is the main task child witnesses are asked to perform while testifying and a task that is mediated by stress. The event that the child witness recalls from episodic memory is the event witnessed: what the child saw, heard, or had happen. The court is primarily concerned with the episodic memory the child possesses. The important information to be recalled from semantic memory is general factual information that attorneys will ask of the child witness. KCS provides both semantic, general knowledge memories and episodic, event knowledge in hopes that the information will be prospectively remembered. Prospective remembering involves remembering to perform a certain task at the appropriate time, such as the stress inoculation techniques learned at KCS.

Tulving’s episodic memory theory states that when to-be-remembered (TBR) information is presented to a subject, his or her experience with that event produces a unique memory trace in the episodic memory system (Tulving & Thomson, 1973). The trace is assumed to be unique as determined by the cross-section of information, context and time. The linguistic knowledge of the subject may influence the nature of the trace, but the episodic memory is presumed to be independent of permanent knowledge i.e. independent of semantic memory. To retrieve the episodic memory, location or temporal distinction, is important. Retrieval cues, which assist in identifying the location of the event in the child’s memory, must have also been stored in that location. Thus, “what is stored is determined by what is perceived and how it is encoded, and what is stored determines what retrieval cues are effective in providing access to what is stored”
(Tulving & Thomson, 1973, p. 353). This idea is known as the principle of encoding specificity and transcends any boundaries between episodic and semantic memory.

The encoding specificity principle assumes that what can be retrieved from memory depends to a significant extent on whether the situation and environment at retrieval is similar to the situation and environment at encoding (Bruning, Schraw, & Norby, 2011). Famously, in their examination of state dependent learning, Godden and Baddeley (1975) found that divers who were first exposed to information underwater and then tested about that information underwater, had fifty percent better recall than when context differed from encoding to retrieval. The principle of encoding specificity and its applicability to recall has important implications for the preparation of child witnesses who are asked to recall information in the court context. Studies reveal that strategies that improve encoding, also improve retrieval (Bruning, Schraw, & Norby, 2011). Thus, for the child witness, having a visual of the courtroom environment and actually being placed in a courtroom and surrounded by professionally dressed people at encoding, is likely to improve retrieval of the information learned in that environment, given that they are placed in a similar environment when they attend court.

Similar to the principle of encoding specificity, the principle of transfer appropriate processing emphasizes that memory is a function of the degree to which cognitive processes taken up at encoding are re-engaged at retrieval. Tulving (1972) also highlighted the importance of the concept of retrieval mode: the proper cognitive state. It is only in retrieval mode that a stimulus event will act as an episodic memory retrieval cue. More recently, retrieval mode has been deemed a necessary prerequisite to “reliving the past” through remembering (Rugg & Wilding, 2000).
Many of the concepts advanced by Tulving’s principles—encoding specificity, transfer appropriate processing and retrieval mode—provide the basis for understanding recall of memories. These principles are applicable not only to everyday remembering but also to the child witness when asked to recall information in the courtroom context.

**Memory Alteration**

Although many people claim to have the unique privilege of having a perfect memory, memories are, in fact, imperfect. Memory retrieval does not provide a playback type of recording of prior experiences or learned information. As a result, memories can undergo reconstruction: the adding, dropping or changing of details to fit a schema (Maitland, 2004).

**Forgetting.** Many times, to-be-remembered information has missing pieces (Maitland, 2004). Forgetting can be considered a form of dropping information from memory. Forgetting can be the result of failure to properly encode information, decay of memories that have previously been stored, or an inability to access or retrieve information from long-term memory.

In a child witness who experiences forgetting, child advocates can do little to help the child successfully encode the to-be-remembered event because the event is likely to have already taken place because it is the primary reason why the child has become involved in court processes. Advocates can, however, guard against decay by encouraging swift justice and fewer continuances in procedures that involve child witnesses. Also important, child witness advocates can promote ideal situations for retrieval to limit forgetting caused by the inability to access information from long-memory. In doing so, child witness advocates must remember that attempts to promote
ideal situations for the child witness must be balanced against the defendant’s right to confront the witness against him or her.

Inability to access information from long-term memory may be the results of inadequate retrieval cues, interference, or motivated forgetting (as advanced by Freud). The “tip of the tongue” phenomenon is an example of the inability to access information from long-term memory. In this instance, retrieval cues are likely insufficient. Attorneys asking child witnesses to retell their story in court should be prepared by being familiar enough with the child’s story in advance to provide adequate retrieval cues to solicit the desired information. However, attorneys must also be aware of the dangers of suggestive questioning or providing misinformation.

Newly learned information can also prevent retrieval of information learned in the past, which is known as interference (retroactive interference). Conversely, information learned previously can interfere with information learned later (proactive interference). Thus, retroactive interference acts in rewind mode and proactive interference acts in fast forward mode. Although it would be ridiculous to advise individuals concerned with promoting best testimony in child witnesses to sequester a child before a trial and thereby prevent the child from learning new information for fear that they may forget the to-be-recalled event when asked to testify, it is more reasonable to encourage limited interruptions during the child’s testimony.

Repression, a concept advanced by Sigmund Freud, is the idea that people unconsciously forget painful memories as a defense mechanism to protect self-concept and to diminish anxiety. In other words, they are motivated to forget. It is certainly imaginable that children who have undergone traumatic experiences would be motivated
to forget in an attempt to avoid the emotional state that arises from reliving the experience, especially in the cases of sexually abused children. Although Freud believed that memories forgotten in this way could be resurfaced with appropriate therapy, he had his share of rivals not sharing this belief.

Elizabeth Loftus disagreed with Freud’s idea that these so-called “repressed” memories could be reeled in from the unconscious mind with proper therapy. She did not agree that painful memories, such as those of child molestation, were miraculously recovered in therapy sessions. Her research, pivotal to research on the constructive nature of memory, is discussed next.

**The Misinformation Effect.** “Misleading information can turn a lie into memory’s truth” (Loftus, 1992, p. 123). According to Loftus, additions and changes to memories play a role in reconstructed memories. Loftus advanced the position that those resurfaced memories that Freud spoke of were actually reconstructed or *confabulated*, whereby combining and substituting memories from other events, fill holes in memory.

In their studies, Loftus and Palmer (1974) found that many factors, such as emotional state or an officer’s form of questioning, could result in the confabulation of memories by witnesses at an accident scene. After subjects were shown a video of a car accident, those who were asked, “How fast were the cars going when they *smashed* into each other?” gave higher estimates of speed than those who were asked, “How fast were the cars going when they *hit* each other?” Moreover, those subjects for whom the operant word in the question was *smashed* were twice as likely to report seeing broken glass in the video one week later. The video did not depict any broken glass. From this example, and similar reproductions across the world, it has been concluded that the wording of
questions can distort memories for an event. In essence, when people are provided with misinformation, they tend to misremember. This occurrence is known as the misinformation effect (Loftus, 1992).

Some situational characteristics or personal attributes make people more or less susceptible to the effects of misinformation. (Loftus, 1992). For example, acceptance of misinformation becomes easier with the passage of time. Misinformation is also more likely to be incorporated into memory if it is introduced in a subtle manner.

A few studies, in particular, highlight the impact of age on the misinformation effect. Among college students, few individual differences exist with regard to susceptibility to misinformation. However, some studies have shown that young children are especially susceptible to incorporating misleading information into their memories for events (Ceci, Ross, & Toglia, 1987).

In one large subject population experiment on individual differences in the effects of misinformation, 2,000 science museum visitors watched a video for one of the exhibits and were later asked to recall the information. Some museumgoers, ranging from ages five to seventy-five, were exposed to misinformation in the questioning, while others were not exposed. The results showed that the very young and very old were the most susceptible to the effects of misinformation, which is supported by the vast majority of literature on episodic memory age effects.

An important issue debated among theorists is whether misinformation actually impairs memory, and if so, how? If misinformation does impair memory, there are two essential debates of how this occurs. Misinformation could cause trace impairment—updating or altering the previously formed memory, or misinformation could cause
retrieval impairment—rendering the original memory more difficult to access without actually altering it.

Some researchers do not acquiesce to the idea that misinformation impairs memory at all. McCloskey and Zaragoza (1985) argued that misinformation simply affects the reports of memory and does not actually impair memory itself. According to McCloskey and Zaragoza, people either do not recall the original event and use the misinformation to report their memory or have two sources of information available, the original source (or event) and the misinformation source, but decide to report the misinformation because they have decided that it must be correct.

Although dispute exists with regard to whether misinformation actually impairs memory, a majority of evidence points to the existence of impairment. One sort of proof for impairment utilizes tests that do not provide misinformation as an answer choice. For instance, if subjects were originally exposed to the viewing of a stop sign and later exposed to misinformation implying a yield sign, the subsequent and related test question would provide answer choices that do not include a yield sign. Those answer choices might be a) a stop sign and b) a no parking sign. If subjects in the experimental condition are less likely to choose the stop sign than the control group, it is concluded that the subjects’ memory was impaired. Control and experimental groups are expected to perform similarly if memory was not impaired. Preschool children were examined in one study. Results were consistent with many of the studies in this line of research: misinformation led to memory impairment (Ceci, Ross, & Toglia, 1987).

Other evidence supporting the existence of memory impairment uses yes-no tests. Subjects are exposed to an event, provided with misinformation and then asked to answer
yes or no to whether they saw a particular scene in the original exposure (Belli, 1989). Less accurate memories were found in the misinformation group as compared to the control group in Belli’s 1989 study. Implicit memory testing lines of research (see Loftus, 1991), in addition to logic of opposition procedures (see Lindsay, 1990), also support memory impairment. Taken together, these lines of research support the existence of memory impairment as a result of misinformation exposure.

As applied to the current study, the misinformation effect could have unjust consequences for children in the legal context. Misinformation comes in the form of suggestive questioning or leading questions. During suggestive questioning, lawyers subtly impose their misinformation on the child, which is allowable in our adversarial court procedures, at least on cross-examination. This process is known as leading the witness and is actually a well-rehearsed trick of the trade for trial attorneys. Thus, lawyers cross-examining children are well equipped to provide misinformation and influence children’s recollection of events, which could in turn lead to unjust trial outcomes, especially if the child is a key witness or is the only witness and the trial hinges on the accuracy of their memories. The KCS curriculum addresses the misinformation effect, which materializes in the courtroom as leading questioning, by informing child witnesses that it is okay to say, “I don’t know.”

**False Memories.** Perhaps more surprising than the idea that memories can be altered by adding inaccurate information, is the idea that simply imagining actions that have never been performed, can lead to false memories altogether. Goff and Roediger (1998) found that asking subjects to repeatedly imagine an action that they had never performed, such as breaking a toothpick, led to the increased likelihood that those
subjects would report that they had actually broken a toothpick in the first phase of their experiment. Additionally, in another study college students were more likely to be confident that they experienced events as a child when first instructed to imagine those events (Gary et al., 1996). In a study conducted by Garry et al., college students were initially asked to report their level of confidence that they had experienced various events as children. Two weeks later, the students were asked to imagine four of those events. A fourth of the students who were asked to imagine events reported that they had actually experienced those events as children.

**Rationalization.** In 1932, Frederic Bartlett introduced the concept of rationalization through his important work *Remembering: A Study in Experimental and Social Psychology* (Roediger, 2005). Famously, he read North American Native folktales aloud to test British participants’ memory. Barlett’s method of studying remembering was termed repeated reproduction because participants were repeatedly required to retell a story. Fifteen minutes subsequent to reading aloud a bizarre, supernatural story entitled *The War of the Ghosts*, he asked subjects to retell the story. He later tested their memory at various intervals of time.

Bartlett found that, over time, people remembered less, stories became shorter and the bizarre supernatural happenings of the stories dropped out from the subjects’ retellings, often replaced with reinterpretations (Roediger, 2005). In general, subjects’ reinterpretations seemed to fit within a fairytale schema. Bartlett defined a schema as an active organization of past experiences, which is always operating (Schacter, 2012). Bartlett determined that when people cannot comprehend the world around them, they force inexplicable events to fit within pre-existing schemas, or knowledge structures, to
rationalize what is happening. The schema often used by British participants exposed to bizarre folk tales, was that of a fairy tale. Bartlett used his folktale findings to show that memory is not a literal or exact reproduction of the past.

As it applies to child witnesses, we must consider that children, who are less developed in comparison to adults, may be even more susceptible to these types of memory alterations. The concept of rationalization makes the case for leaving intact the constitutional safeguards put in place by the Constitution, even stronger.

With the knowledge that individuals have the ability to create and alter “memories,” the need to uphold defendants’ constitutional rights to due process and to confronting the witnesses against them is made more apparent. Stately slightly differently, while it is important to punish the guilty, it is also important to let the innocent go free. History, namely, the Salem witch trials, has shown that rushing to judgment based on false accusations can have profound consequences for the value placed on human life and the value placed on the Constitution that we hold sacred. At the same time, it is imperative to improve the condition of the child witness.

**Improving Memory**

Although memory retrieval is imperfect, it can be improved. A few methods of memory improvement have particular application to the current study on child witnesses. Sufficient retrieval cues, for instance, can help people remember. They are reminders tied to the information to be recalled (Maitland, 2004). A retrieval cue can be another word or phrase within a specific hierarchy or semantic network of information. Retrieval cues prime our memory by activating associations in memory. They are relevant to the current discussion because they may be important to attorneys attempting to jog a child’s
memory during testimony. Although it may be difficult for attorneys to know what retrieval cues are associated with sought-after-information inside a child’s mind, if attorneys enter the courtroom prepared, with an understanding of the context of the to-be-remembered event, they are likely to better be able to provide sufficient retrieval cues to elicit the relevant portions of the child’s story.

Distributed learning is also important. Often times, students cram for tests the day before a test. Despite this seemingly irresistible habit, students are more likely to remember information if they study for the same total time, but over distributed study periods. Many studies have shown that distributed practice facilitates remembering better than cramming (Bruning, Schraw, & Norby, 2011). When applied to the present study, this memory improvement strategy means that the KCS curriculum intervention should be delivered over multiple sessions, as opposed to just one cram session, to provide for superior proscriptive memory.

Many studies have also shown that successful memory retrieval depends on the match between encoding and retrieval. Context, mood and internal state all influence memory for an event. The presence of an individual in the same physical setting as when information is encoded will facilitate retrieval because the physical setting is part of the memory trace. For example, taking a test in the same classroom where information was learned could result in memory advantages. Similarity in mood and state are also important. Oddly enough, recalling information, such as where a gift is hidden, is more likely to be remembered in a drunken state at retrieval if the individual seeking the memory was in a drunken state at encoding (i.e. when he or she was hiding the gift). The utility of linking material to the learning context exceeds even the drunken state context,
proving to hold true to its form when learning occurs under stress. Shwabe and Wolfe (2009) showed that when retention testing was completed in a context similar to the original learning task (i.e. the same room), the detrimental effects of stress on learning were attenuated.

As cited in Craik and Lockhart (1972), it is the depth of processing that affects how an experience is stored in memory and whether we can retrieve it (Bruning, Schraw and Norby (2011). The practice of elaboration is linked to depth of processing theory. In 1983, Palmere provided participants of his experiment with paragraphs about a fictitious African nation (Pal, 2011). Some paragraphs were short, not providing much information. Other paragraphs were longer, elaborating on the main idea. Those participants who received elaborate paragraphs were better able to recall main ideas.

The levels of processing theory proposed by Craik and Lockhart underlies the positive effect of self-generated information on memory. The KCS curriculum incorporates elaboration by providing child witnesses with a definition of important legal terms and elaborating using examples and details. Children are also asked to specifically generate their own sentences for positive self-talk exercises, which are used to reduce their anxiety about testifying.

Finally, the accuracy of memories of child witnesses can be improved by simply warning them against accepting information that they believe not to be true. Thus, they are less likely to provide misinformation in their responses (Loftus, 1992, 2003). The KCS curriculum asks children to remember that if they do not know the answers to questions, they should say they do not know, as opposed to guessing. They are taught that
it is okay to say they do not remember, that they do not understand or that they do not know. They are also informed of how important it is to tell the truth.

**Stress and Motivation at Retrieval**

**Stress.** Feelings of frustration, anger or nervousness can cause stress (University of Maryland Medical Center, 2011). Stressors can interfere with encoding and retrieval of memories (Buchanan, 2007; Kuhlmann, 2005). In response to stressful situations, the brain releases hormones into the bloodstream (Kuhlmann 2005; Buchanan, 2007). Stress hormones, such as glucocorticoids or cortisol, may be released occasionally, such as during acute stressful situations, or chronically, over a longer period of time, which can cause long-term changes and damages to the brain i.e. the hippocampus, prefrontal cortex and amygdala (Henckens et al., 2009; Oel et al., 2007). The predominant view holds that stress has a particularly strong influence on the hippocampus (Lupien and Lepage, 2001). Typically, the hippocampus regulates cortisol production (Kuhman, 2005). When cortisol exists in excess, the receptors in the hippocampus, designed to be sensitive to cortisol, may be impaired, preventing them from retrieving memories (or forming new ones).

Stress hormones can affect memory in negative ways and also in positive ways, but memory is most often affected negatively by stress (Henckens et al. 2009). Studies have found that encoding and consolidation are enhanced by stress (e.g., Buchanan & Lovallo, 2001) but retrieval and working memory are impaired by acute stress (and immediate perceived stress) (Elzinga & Roelofs, 2005; Oei, Everaerd, Elzinga, Van Well, & Bermond, 2006; Tollenaar, Elzinga, Spinhoven, & Everaerd, 2008). In particular, studies have uncovered impairment in delayed memory when stress hormones are applied (de Quervain et al., 1998; Roozendaal, 2002).
Additional factors to consider are those that mediate the relationship between stress and memory. Whether information is perceived as positive, negative or neutral may have an effect on whether stress impairs memory. Research demonstrated that immediate recall of positive and neutral information was impaired by cortisol, but recall of negative information was not impaired by cortisol (Tops et al., 2003) or by stress (Jelicic et al., 2004). In contrast, a study by Kuhlmann et al. (2005) determined that delayed retrieval of negative words, but not of neutral words, was impaired with cortisol exposure. Buss, Wolf, Witt, and Hellhammer (2004) found that acute cortisol administration in healthy young men diminished recall of specific memories. Effects found between stress and memory may also depend on the intensity of the stressor. (Taverniers et al., 2010). Lastly, the effects of stress are assumed to be time dependent (De Quervain et al., 1998, Smeets et al., 2008 and Roozendaal et al., 2009).

This neuropsychological research underlies the negative effects of stress on memory, which can be crucial in the education environment. Stress and anxiety are often present in educational settings, especially during testing. The word stress and the word anxiety are often used interchangeably, but to be specific, anxiety is a specific type of stress. Consider the following definitions. “Stress can come from any event or thought that makes you feel frustrated, angry, or nervous” (University of Maryland Medical Center, 2011). “Anxiety is a feeling of fear, unease, and worry; the source of these symptoms is not always known.” The difference is that “stress is caused by an existing stress-causing factor or “stressor” while “anxiety is stress that continues after the stressor is gone.” In essence, stress and anxiety are often alternative names used to define similar emotions or experiences and they are used interchangeably in the present
In the education context, most studies focus their attention on what is termed anxiety, especially as experienced in the testing atmosphere. Test anxiety research in the past few decades indicates that individuals with excessive test anxiety perform poorly when performing a task that is to be evaluated (Hembree, 1988). Current theories of test anxiety explain that the performance deficit attributed to test anxiety is the result of an interfering effect of test anxiety on the retrieval of relevant task-related information (Wine, 1982). During an exam, an individual who has high test anxiety is reportedly more likely to engage in negative self dialogue or worrisome thoughts about themselves and about the consequences of the test (Deffenbacher, 1986; Hembree, 1988). Cognitive processing and performance are hindered as a result of the worrisome and distracting thoughts about evaluation (Wine, 1982).

This research has particular practical implications for educating and preparing child witnesses for court, especially if one equivocates the aforementioned student testing environment to a child’s “test” in court: an oral testimony. After all, many of the same factors are present, including anxiety and perceived evaluation. Therefore, “test anxiety” may cause worrisome thoughts or negative self dialogue in child witnesses, leading to interference with cognitive processing.

Ideally, as indicated by the discussion on encoding specificity, child eyewitnesses might better be able to recall details of an event at the scene of the event and directly after the event, rather than in the courtroom. However, because legal factors, such as rules of hearsay evidence, the constitutional right of the defendant to confront his accuser and issues of due process, may require delayed presentation of the child as a witness in court,
this ideal is difficult to implement practically. However, understanding how stressors can affect memory facilitates the development of curriculums and programs, such as KCS, that address such issues and attempt to provide each child with an opportunity to reach their testimonial potential.

**Motivation.** Humans are unique from animals in that we are able to procure new knowledge in expectation of a direct reward or in expectation of a distant reward (Halsband et al., 2012). Loftus and Wickens (1960) expressed this concept in their study. Specifically, their study examined the effect of incentives on retrieval processes, effectively distinguishing between short term and long term stores. Later, Atkinson and Wickens (1970) successfully applied the information-processing framework to the concepts of reinforcement and reward. Within this framework, the subjects’ task was to move information from the sensory registry, through the short term and long-term store and later retrieve the information and provide a response. In this sense, memories are regarded as *inflexible*, however, subjects’ use of the stores, strategies and control processes are *flexible*. Subjects’ use of strategies and control processes, both of which determine what is retained, what is transferred and what is lost, depend on the subjects’ motivation. More specifically, the reward associated with an item influences the subjects’ flexible control processes and thereby influences what is transferred, retained and lost.

This theory predicts that information associated with high-value rewards will be more likely to produce an accurate response than information associated with low-value rewards. That effect was proven when the reward was presented at the time of learning by Atkinson and Wickens (1970). Loftus and Wickens (1960) proved this to be true when the reward was presented at the time of retrieval. They predicted that it was possible to
control subjects’ retrieval processes by offering incentives. That prediction was validated. They found that associating a reward with correct responses at the time the information is studied or at the time it is tested can improve memory performance. However, the effect was greater if presented at the time of study. Loftus and Wickens (1960) reasoned that the control processes available to the subject during study were more powerful than the control processes available at the time of retrieval.

The aforementioned theoretical framework and study capture how motivation can affect memory, in that the desire to receive a reward incentivizes an individual to choose to control and to what degree to control his memory processes. However, the changes in the magnitude of the effect might better be explained by Tulving’s principle of encoding specificity, which would be akin to a flexible control process using this model. If, at the time of learning or studying, the individual is made aware of a reward, it provides the opportunity to be motivated to consciously control the context in which information is encoded and then also to consciously control that process at retrieval. However, the process of encoding specificity is inhibited if the individual does not become aware of the reward until retrieval, thereby lessening the ability of the individual to retrieve in a similar context as encoding.

Halsband et al. (2012) examined the relationship between transfer appropriate processing (similar to encoding specificity) and motivation onset in a more recent study. Similar to Loftus and Wickens, they concluded that motivation at retrieval influenced successful response. Additionally, they found that reward motivation at the time of learning led to the adoption of a reward-associated retrieval orientation (similar to the concept of retrieval mode, said to be necessary for reliving an event) and that retrieval
orientation effects retrieval processes.

Another study looked at the measure of *importance* of information as it relates to motivation to remember (Kassam et al., 2009). Taking into account that important information increases motivation to remember and that greater opportunity to control memory processes exists at the time of encoding rather than retrieval, Loftus & Wickens (1970) (and others, including Naveh-Benjamin, Craik, Gavrilescu, & Anderson (2000), Kassam et al. (2009)) asked whether people take the *timing* of motivation to remember into consideration when judging other people’s memories. This quandary was partly based on the assumption that Scooter Libby (Chief of Staff during the Bush administration) was found guilty of obstruction of justice for revealing the name of a CIA official because jurors did not believe he “did not remember” that fateful conversation, as he claimed. Jurors thought it was impossible to not remember such an important conversation. However, Kassam et al. expressed that jurors did not understand the importance of motivation timing (whether motivation to remember occurs at encoding or retrieval) when adjudging Libby guilty. The argument is that, at the time Libby had the conversation, it may not have been important and did not become important until the time of retrieval.

Other research suggests that people’s beliefs about memory processes are often flawed, increasing their likelihood to engage in errors related to the illusion of knowing and hindsight bias (Bjork & Dulosky, 2008). If lay people, such as those who become jurors, do not understand that motivation to remember is more effective at encoding, they may expect others to remember information that did not become important until later. Kassam et al. (2009) found that subjects who judged the memory of others did not
consider when the information became important in making their judgments. This misapprehension by jurors is likely to be applied to adult and child witnesses alike.

**Memory in the Legal Context**

As memory retrieval does not occur in a vacuum, removed from other memory processes, memory processes do not occur in a vacuum, removed from the environment. The environment of the current study is the legal context. Concerns arise from the interconnectedness of factors related to stress, memory capabilities and the legal milieu.

**A Proposed Theoretical Framework**

No established theory or explanation of memory alteration, stress, motivation, or memory improvement, taken alone, is capable of explaining the multifaceted experience of the child witness on the stand. A more all-inclusive theoretical framework is necessary. Karen Saywitz took up this endeavor.

Saywitz (1995) suggests a social-motivational framework (see Paris, 1988; Verdonik, 1988) for understanding child witness testimony. When children do not achieve their highest level of functioning, the social motivational framework provides for the analysis of issues related to information processing shortfalls (Saywitz, 1995). For example, within this theory, children may implement less effective strategies for remembering because they fear failure of other strategies that are not as well rehearsed. Saywitz underscores the likelihood of this type of dependent or clutch strategy utilization in cases where consequences of failure are high, incentives for investing effort are undesirable and the environment is unfamiliar or unsupportive.

Environment is key in this description of the child witness’s experience. Saywitz (1995, p. 132) defines environment broadly, as the physical, social and psychological
atmosphere within which testimony transpires. The physical atmosphere is the courtroom. The social atmosphere is made up of feelings of support from family and friends. Finally, the psychological atmosphere is composed of both cognitive and emotional aspects. Using that understanding of what environment encompasses, the following section explores the interconnectedness of these issues and their effect on child witness testimony.

**Cognitive Variables.** Children’s memory functioning while testifying, which is arguably one of the most relevant child-centered considerations in child witness testimony, is influenced by both cognitive and emotional variables (Saywitz, 1995). An underdeveloped cognitive understanding of the legal system can hinder memory performance. Factors that make up the child witnesses’ cognitive understanding include **limited knowledge** and **faulty expectations.** Children often have limited knowledge of court processes and procedures. In Saywitz’s (1989) study of four to seven year old children, many thought the court was a place you pass in route to jail and that jury members were friends of the defendant. Moreover, children who had experience in legal processes were just as confused as children without experience. These types of misconceptions about the legal process can affect children’s testimony.

Children’s limited knowledge of the courtroom may lead to faulty expectations of what will happen in court (Saywitz, 1995). In the Saywitz (1989) study, many children believed that judges already know everything and that witnesses will be believed, irrespective of the conceptions and perceptions of others. Such beliefs could lead to less motivation to retrieve memories. If a child thinks the judge already knows everything, what motivation does that child have to expend exhaustive efforts to recall and relay
possibly painful memories that he is already embarrassed to discuss? Limited knowledge or misconceptions could also lead to exaggerated fears and generalized anxiety related to what is “unknown,” which, in turn, leads to avoidance, reduced effort, reduced motivation and impaired free recall. Further, generalized anxiety can complicate retrieval efforts, even if effort and motivation are high.

**Emotional Variables.** In addition to cognitive factors, emotional responses can hinder memory functions (Saywitz, 1995). High levels of stress are said to disrupt attention, disorganize memory processes, reduce motivation and reduce effort (Paris, 1988). Children may have emotional reactions to the legal system based on their cognitive understandings (Saywitz, 1995). Sources of fear include: public speaking and scrutiny, facing the accused who might lie, the possibility of losing control, embarrassment, rejection by peers, being yelled at in court, being disbelieved and angering family members (Sas, 1991; Saywitz & Nathanson, 1993). Motivated-remembering suggests that expectations, beliefs, emotional states, and coping patterns will have a significant impact on the quality of testimony given by child witnesses.

**Communicating in the Legal Context: Extracting Memories**

At the most basic level, children must be able to communicate in order to successfully deliver testimony about their memories (Ackil, 1995). Even if a child’s memory is accurate and detailed, if he or she cannot convey or communicate memories during testimony, then the information trapped inside the child’s mind is immaterial in the legal context.
Communicating: Children as the Source

Testifying child witnesses must have the appropriate developmental level to comprehend and produce language in the legal context (Saywitz, 1995). Before a child can deliver information containing memories, he or she needs to first comprehend adult grammar, vocabulary, paralinguistic expression and conversational rules (Ackil, 1995; Sas, 2002; Saywitz, 1995). Producing the language for testimony requires children to translate memories into words that can be understood and delivered. Adults who are unfamiliar with the to-be-recalled event must understand the language produced. Despite these demands, children’s linguistic skills are generally less developed when compared to adults, making ineffective communication skills highly problematic in children’s testimonies (Saywitz et al., 1990), as children are disadvantaged at the outset (Saywitz, Jaenick & Camparo, 1990).

Communication Anxiety. Oral communication apprehension (OCA) permeates every facet of life (Richmond & McCroskey, 1993). One of the most common types of OCA is public speaking apprehension, which affects children’s testimony. Motley (1988) reported that public speaking is a top fear among Americans and that approximately 85% of Americans are uncomfortably anxious about public speaking. For 15% to 20% of American college students, the apprehension of public speaking reaches a level where it is debilitating or severely impairs functioning (McCroskey, 1977).

Others view individuals who experience high degrees of communication anxiety less favorably because the symptoms of high anxiety are attributed to the person’s character. High anxiety individuals are perceived as unresponsive, uncommunicative, hard to know (Merill, 1974), less attractive, less competent, less trustworthy, (Mulac &
Sherman, 1975) less task oriented, less sociable, less likely to be opinion leaders and less productive professionally (McRoskey, Daly, & Richmond, 1975).

Children who must testify in court are no different than the many Americans who are apprehensive about speaking in public. If people attribute these feelings to high anxiety individuals in general, it is likely that they attribute the same or more negative typecasts to highly anxious child witnesses, who, even without taking anxiety into account, are perceived as less credible by jurors and lawyers (Goodman, Golding & Haith, 1984). Research on jurors has noted that juror judgments are related to perceived trustworthiness, consistency, certainty, confidence and objectivity (Deffenbacher, 1980; Miller & Burgoon, 1982). If communication anxiety causes jurors, who decide verdicts, to attribute these character traits to highly anxious child witnesses, anxiety is likely to be a factor in trial outcomes, especially in cases where the child is the only witness and there is no corroborating evidence, as is common in cases of child sexual abuse.

**Communicating: Adults as the Source**

Although children may have trouble communicating memories to adults, adults also have trouble extracting memories from children through communication (Ackil, 1995). In the legal context, adults ask questions to extract responses from child witnesses. Question formats are one source of the problem (Carter, 2005). Ideally, adults should frame questions in a way that is developmentally appropriate for the unique child being questioned (Ackil, 1995).

In the courtroom, however, attorneys often attempt to confuse children in a subtle manner, making it difficult to detect misinformation in questioning (Loftus, 1992). If attorneys were to use more harsh tactics (as opposed to subtle tactics), it might foster
sympathy from the jury for the child and anger at the deviant attorney (Goldstein, 1959; Stafford, 1962). Goodman, Golding and Haith (1984) examined the complexity of language used in an intentional attempt to confuse a child witness in the following scenario:

In one recent California murder trial, this tactic was employed by a lawyer when he asked an 11-year-old girl the following question: "Would you agree with me—this is a tricky question as sometimes lawyers do—would you agree with me that the person you picked out or tried to pick out before I opened my mouth and made an objection, would you agree that you are identifying that person because you recognize him from the photograph that you picked out for the Sheriff's Office?"

This 11-year-old had the presence of mind to respond: "I am confused right here."

But the attorney's goal was to fluster the child, who might then have refused to answer or might have responded with statements that were inconsistent with prior testimony (internal citations omitted) (p. 147).

As previously recognized, the practice of suggestive questioning or providing misinformation during questioning may alter children’s memories or responses (Loftus, 1992). However, it is an important tool for attorneys in our adversarial justice system. Children should be prepared to reject misinformation and should be informed prior to testifying that it is acceptable to say that they do not understand, do not know or do not recall.

**Stress and Memory in the Courtroom**

**Children’s Court-Related Stress**

For many adults, testifying can be an anxiety–provoking situation (Carter, 2005;
Walker, 2011). If testifying causes anxiety for adults, then imagine what anxiety may be brought on a child when asked to testify about embarrassing facts in front of a room full of strangers (Carter, 2005). Anxiety is likely intensified for a child, as compared with an adult, because of the added stress of communication barriers in the courtroom (Saywitz & Nathanson, 1993).

Sas (1991) showed that many children associate testimony with fear and anxiety. This result was also found in studies conducted by Goodman et al. (1992), Saywitz & Nathanson (1993) and Sas et al. (1996). A majority of children go even further to describe testifying in court as *frightening* (Goodman et al., 1992). Even 17-year-olds identified testifying in court as one of their biggest fears of the legal process (Sas, 1991). Moreover, if children believe their fear or anxiety will be noticed and impact the trial, the initial fear of anxiety may induce more anxiety (Sas, 1991; Troxel, Ogle, Cordon, Lawler and Goodman, 2009).

The anticipation of some experiences in particular, such as being yelled at and feeling embarrassed, adds to children’s anxiety (Berliner & Conte, 1995). Also, the formal and adversarial environment of the court (Brennan & Brennan, 1988), direct and (to a greater extent) cross-examination, facing the defendant, and lack of knowledge about the legal system all contribute to children’s fears. Children are also not immune from the reality that the accused could go free, a commonly stated fear (Sas, 1991).

Adding to the above named fears is the fact that the adversarial judicial system of the U.S. was not designed with children in mind (Carter, 2005). Children cannot simply tell their story to the court, without being challenged by an attorney. They are not excused from the antagonistic lawyering and questioning that makes up the adversarial
nature of the justice process. Lawyers are often undertrained in child development and proper questioning techniques for children and even if they were trained, they may choose not to utilize their training. Lawyers may intentionally or unintentionally ask questions that confuse or misguide children, another situation that can manufacture anxiety because children may be afraid to admit they do not understand. Anxiety can be so high that it interferes with the child’s ability to remember or testify accurately. Nonetheless, steps can be taken to mitigate the effects of anxiety on testimony.

**Stress and Memory**

Theories of motivated remembering advance the position that expectations, as well as emotions, are mediators between memory capability and actual memory functioning (Nathanson & Saywitz, 2003). Well-established theories of memory are insufficient because they focus on strategy use, metacognition and knowledge base without exploring cognitive and emotional factors (Saywitz, 1995). In Paris’ (1988) and Verdonik’s (1988) social-motivational framework, the success of a child’s purposeful effort to remember, which is at play during testimony, depends upon the child’s strategy selection and that child’s belief that the chosen strategy will yield a particular outcome.

A possible progression of thought in line with this theory might involve a metacognitive evaluation of the task to be performed and the effectiveness of the selected strategy in addition to the anticipation of outcomes and consequences (Saywitz, 1995). A cost-benefit appraisal of whether the outcome expectation is worth the effort necessary is likely to arise. The determination of how useful a particular strategy is will vary across circumstances, with task, environment and people being a primary consideration. Thus, whether children view testifying as interesting and challenging versus stressful and
unpleasant could affect their memory when understood in the framework of motivated remembering (Nathanson & Saywitz, 2003). The court context can provide support or be an impediment to the child’s testimony. In essence, children’s fear of the courtroom can contribute to negative consequences for memory outcomes (Bruck & Ceci, 1999; Peters, 1991).

**Memory and Environment**

A range of research exists to show that context or environmental factors influence memory (Nathanson & Saywitz, 2003). In particular, researchers found that children were able to more efficiently use prospective memory strategies in a familiar setting, such as their home, in comparison to an unfamiliar setting (Ceci, Bronfenbrenner & Baker, 1988).

The courtroom is often an unfamiliar place to children (Melton et al., 1992; Saywitz, 1989). Along with the unfamiliarity of procedural processes and the formal milieu, children may become confused or distracted, reducing the resources available to pay attention and retrieve information (Nathanson & Saywitz, 2003). This affect on attention and memory may occur even without taking increased levels of anxiety into account.

**Environment and Stress**

In the Ceci, Brofenbrenner & Baker (1988) study, anxiety was perceived to be a factor associated with the laboratory setting that had an adverse impact on memory because anxiety, *in addition to memory*, has been shown to vary depending on setting. Unique contexts have distinctive effects on anxiety in children in particular i.e. children show less stress in familiar settings in comparison to unfamiliar settings (Simpson,
Ruzicka & Thomas, 1974). Children are less fearful of testifying in a near-empty classroom than in a courtroom full of strangers (Saywitz & Nathanson, 1993).

The aforementioned literature on the relationship between environment, stress and memory indicates that children can become stressed in the context of the courtroom and that stress can impair memory (Bruck & Ceci, 1999; McGough, 1994; Sas, 2002), which is necessarily part of children’s ability to reach their full testimonial potential (Goodman, Levine, Melton & Ogden, 1991).

The Courtroom, Stress and Memory

A few studies have actually taken to the courtroom to test the hypothesis that the context of the courtroom and stress can impair memory. Studying children’s testimony in the legal context, however, presents unique problems. It is difficult to study memory accuracy in genuine child witnesses because researchers are not usually privy to the details of the original incident that brings the child to court (Nathanson & Saywitz, 2003). Videotapes or other objective evidence of the original event are unlikely to be available, against which researchers could compare the accuracy of the child’s memory. Furthermore, because of legal concerns, it is difficult to access child witnesses and more objective measures of anxiety, such as heart rate monitors, are difficult to use on actual child witnesses. Therefore, much of the child witness research has been conducted using analogue studies.

In one analogue study, researchers observed a higher incidence of nervousness of children while in court than while in a private room (Hill & Hill, 1985). In experiment one, Hill and Hill (1985) examined children’s recollection of a videotaped event. They found diminished free recall and fewer correct responses in the courtroom. The authors
also perceived children to be more anxious in the courtroom. In experiment two, Hill and Hill (1985) examined recall and anticipatory anxiety in the courtroom setting and the private room setting, using a staged event as the to-be-recalled information. Children in the court context displayed more incomplete free recall, more errors in responses and increased susceptibility to misleading questions compared to children in the private room context. Additionally, children questioned in court viewed court experiences as more stressful than children interviewed in the private room context. Finally, anxiety was negatively correlated with correct free recall.

Contextual differences were also observed in another study where anticipatory anxiety was measured in a simulated courtroom context and in a private room context and compared (Saywitz & Nathanson, 1993). Participants included thirty-four eight to ten year olds who took part in an activity and then two weeks later took part in a test to assess their memory for that activity. Memory deficits, increased errors and increased suggestibility, were common in the courtroom context. Some children believed they would not be able to cope with particular aspects of the legal environment, which they viewed as threatening. Children in the courtroom context reported certain variables of the courtroom to be more stressful than peers who were interviewed in a private room. The results further revealed that when the amount of correct information recalled decreased, anxiety, as perceived by the child, increased.

In a follow-up study, Nathanson and Saywitz (2003) examined heart rates, an indicator of stress, of children in a private room compared to children in the courtroom. They found that the courtroom setting was associated with increased heart rate variability, in addition to an increased likelihood of incorrect responses to specific
questions. Additionally, children interviewed in the courtroom recalled half the information that children interviewed in a private room recalled. Also noteworthy was the finding that the higher children perceived themselves and their social support to be (as assessed through a standardized self-report of self-concept and social support), the less anticipatory anxiety they exhibited.

Another study examined the effects of children’s testimony through closed-circuit television in comparison to the courtroom context (Tobey et al., 1995). Researchers did not observe differences in free recall or error rates from the courtroom context to the closed-circuit television context. The closed circuit television setting was, however, associated with diminished suggestibility. Children in the study who were expecting to testify in court, as compared to children expecting to testify through closed circuit television, were more likely to express anticipatory anxiety. Moreover, when children possessed greater legal knowledge, anticipatory anxiety related to testimony was diminished and correct responses to direct questions were increased. This supports the assumption behind child witness preparation programs, that arming children with information and experience may calm their fears of the court experience. No relationship, however, between legal knowledge and free recall was found.

Lastly and more recently, a final study examined the effects anxiety can have on other courtroom procedures, in addition to children’s testimony. Blandon-Gitlin and Pezdek (2009) found that children are more suggestible and are more likely to inaccurately recall memories when they are engaged in a highly anxious or emotional state.
Although the five studies related to child witnesses in court have begun to bridge the gaps between theory, policy and practice, more research is needed. Practitioners have advocated for the use of alternative methods of child testimony, including closed circuit television testimony, although it is unclear that this solution to child witness issues is more attractive than court preparation and education. After all, no significant difference in memory or error rate from the closed circuit television context to the courtroom context was found (Tobey et al., 1995). In fact, it was found that greater legal knowledge was associated with less anxiety, in addition to other benefits, which supports a legal education approach. Across studies, however, the picture seems quite clear: children experience anxiety or stress about testifying and that stress is likely to be associated with diminished memory performance. Addressing this known ailment should be a goal of advancing research, policy and practice in child testimony.

As noted, any theoretical understanding of the experience of the child witness must take into account a variety of factors related to the environment, memory and stress. Any attempt to improve the condition of the child witness should apply the knowledge of underlying issues of children’s testimony, established through research ignited by societal concern. The KCS curriculum, which will be used in the current study and is empirically grounded, incorporates the current knowledge base.

Examples from the curriculum are relevant to explain the theoretical application. For instance, it is believed that the environment may lead to children’s feelings of stress and that stress may impede memory. Thus, the KCS curriculum and training exposes children to the courtroom setting, allowing them to sit and answer questions in the witness’s chair and next to someone who is playing judge, to desensitize them to this
courtroom environment. The theoretical framework also provides that whether children view testifying as interesting and challenging versus stressful and unpleasant, could affect their memory when understood in the framework of motivated remembering. The KCS curriculum attempts to heighten children’s interest in testifying by providing them with information, so they can be more informed of what is happening to them. The KCS experience is also associated with pleasantries such as prizes and certificates, which may motivate children to embrace the challenges of the court process. Thus, whether children are actually competent witnesses is seemingly an issue largely dependent on the particular child and their motivation to be competent.

**Are Perceptions of Incompetence Justified?**

**Competency**

Researchers disagree on the issue of child witness competency. Some researchers have found that children are highly suggestible to misleading or deceptive questioning techniques (Bruck & Ceci, 1999). Others, such as Bottoms and Goodman (1996) found that children are quite capable of accurate recall and can be competent witnesses. Researchers seem to agree, however, on what conditions are more likely to result in accurate testimony. Children are more likely to accurately recall memories when they feel safe and are questioned in a developmentally appropriate and age appropriate manner (Goodman, Aman, & Hirshman, 1987). Moreover, court preparation can assist children in feeling more comfortable in the court environment.

**Perceptions**

Adults have a difficult time delineating when children should be believed and when they should not (Goodman, Golding, & Haith, 1984). The uncertainty related to
children’s believability is magnified in the courtroom because perceptions about child witnesses may affect the outcome of trials (Ceci, Ross & Toglia, 1989 p. 1).

Preconceived notions about children’s inherent truth telling abilities affect people’s perceptions of the credibility of child witnesses (Ceci, Ross & Toglia, 1989 p. 1). Some people believe that children are highly suggestible and have poor memories. Others believe that children usually tell the truth. Stereotypes assigned to children, both legal and cultural, may also affect perceived credibility (Goodman, Golding, & Haith, 1984). Stereotypes may portray them as honest but easy to manipulate, unable to distinguish between fantasy and reality or cognitively underdeveloped.

Yarmey and Jones (1983) found that 69% of citizens believed children would not provide truthful testimony, demonstrating a common predisposition against children’s credibility. Adult’s perceptions of child witnesses bleed over into juries, lawyers and parents perceptions, as juries, lawyers and parents necessarily originate from the adult population pool. This section explores the perceptions of child witnesses as seen through the eyes of jurors, lawyers and parents.

**Jurors.** Research concerning juror’s perceptions of child witnesses is plentiful (See Goodman et al., 1987; Goodman, Golding & Haith, 1984; Leippe & Romanczyk, 1987; Myers, Redlich, Goodman & Prizmich, 1999; Nightingale, 1993; Ross, Miller, Moran; 1987; Ross, Dunning, Toglia, Ceci, 1990). Testimony given by children can have an impact on juror’s verdicts of guilty or not guilty (Goodman, Golding, & Haith, 1984, p. 148). However, in general, juries initially doubt the credibility of child witnesses. Factors that affect juror’s judgments include: trustworthiness, consistency, certainty, confidence and objectivity (Deffenbacher, 1980; Hovland, Janis, & Kelley, 1953; Mil- ler &
Burgoon, 1982; Sealy & Wain, 1980; Wells, Ferguson, & Lindsay, 1981; Wells & Leippe, 1981). Other factors include: the child’s ability to recall events, presentation style and physical characteristics (Goodman, Golding, & Haith, 1984). When a particular child testifies, the doubts jurors have initially can be confirmed or disproven, largely as a result of these factors.

In one analogue study by Goodman, Golding and Haith (1984) jurors were asked to rate the credibility of child witnesses. Researchers found that on a scale of 1 to 7 with 7 being most credible, adults were perceived as more credible than children and older children were perceived as more credible than younger children, when testifying about a simple perceptual event. Researchers were also able to understand juror’s perceptions of child witness’s credibility by video taping mock jury deliberations. In those deliberations, jurors made more negative comments about child witnesses than adult witnesses.

In addition to those findings, Goodman, Golding and Haith also noted that children’s testimony may, at times, be highly influential, given the low expectations of credibility that jurors bring to the courtroom. Whether or not corroborating evidence exists may also be a factor related to the effectiveness of children’s testimony.

**Attorneys.** Decisions in the legal arena are made with the jury in mind (Kalven & Zeisel, 1966; Penrod & Borgida, 1983; Harvard Law Review, 1985). A simple supposition that a child will not be credible to a jury is enough to persuade lawyers not to put a child on the stand or even to bring charges in the first place.

On direct examination, the lawyer questions the child about his or her memory (Goodman, Golding, & Haith, 1984, p. 146). Here, the child’s ability to recall information will be important. If the child is hesitant or unable to recall, the lawyer is
able to ask the judge for permission to lead to prompt the child’s memory (Yarmey & Jones, 1983). Still, the jury may believe that leading the child will simply result in the child answering according to what the child believes the lawyer wants to hear, which is what the lawyer performing the direct questioning would like to avoid. Cross-examination is another matter, where suggestibility to misleading questions will be highly relevant (Bruck & Ceci, 1999). Leading questioning (also known as suggestive questioning in memory research) may influence a child’s statements to become inconsistent, or questionable, at the least.

In the study conducted by Yarmey and Jones (1983), potential citizen-jurors; psychologists who research eyewitness identification and testimony; legal professionals; law students; and college students were asked to judge the reliability of an 8-year-old child’s testimony in a legal setting. Less than 50% of attorneys believed the child would respond reliably. In another study conducted by Nathanson and Platt (2005), 74% of attorneys believed that in a hypothesized 15-second scenario, a child would recall less or much less than an adult. Eighty-eight percent of attorneys thought a child witness would be more or much more suggestible than adults. Finally, 56% of attorneys believed that a child’s version of events would include more or much more inconsistencies than an adult’s.

Similar results were garnered in an earlier study by Leippe, Brigham, Cousins, & Romanczyk (1989). In addition, the Leippe et al. study distinguished between prosecuting attorneys and defense attorneys. When compared to prosecuting attorneys, defense attorneys were significantly more likely to favor adult witnesses on variables related to: recall, ability to identify the assailant in a lineup, suggestibility and proneness to
inconsistencies. On a survey item in the same study related to accuracy of accounts of sexual abuse, prosecutors believed that children’s accounts were accurate 63% of the time while defense attorneys only believed the accounts were accurate 44% of the time. Only 12% of prosecutors believed children’s accounts of sex abuse were significantly exaggerated, in contrast to 40% of defense attorneys.

A separate study reported by Leippe, Brigham, Cousins, & Romanczyk (1989) yielded surprising results with regard to attorney’s likelihood to depend on child witness testimony. Both prosecuting and defense attorneys estimated that significantly more (23%) cases involving key child witnesses reached the courtroom in comparison to cases involving key adult witnesses (18%). Researchers also found that prosecutors rated young children, older children and adults similarly high at approximately 83%, with regard to accuracy of testimony, while defense attorneys thought accuracy increased with age. Defense attorneys perceived over half of identifications made by young child witnesses (9 and under) to be inaccurate. One other noteworthy finding was that, although defense attorneys were skeptical of children’s testimony, they did not perceive jurors to be skeptical about child witnesses.

Lawyers, like other populations of adults, perceive children in general to be less credible, but children with disabilities are another issue. Lawyers may further discount credibility because of age combined with disability (Nathanson & Platt, 2005). Despite added vulnerability, children with disability may be even more likely than children void of disability to be denied the opportunity to tell their story in court. In the study identified above by Nathanson and Platt (2005), 94% of attorneys believed that in a hypothesized 15-second scenario, a child with a mental disability would recall less or much less than a
child void of mental disability. Eighty-nine percent of attorneys thought children with mental disability would be more likely or much more likely to be suggestible when compared to children without mental disability. Lastly, 68% of attorneys thought the recollection of events by children with mental disability would include somewhat more or many more inconsistencies than a peer void of disability. Despite attorneys’ perceptions, children with mental delay have strong long-term memories.

**Parents.** No studies were located that specifically evaluated parent’s perception’s of their own child’s stress levels or credibility. However, in one study that examined whether jurors status as a parent, in general, effected their views on child witness credibility, it was found that status as a parent did not correlate with ratings of credibility, as applied to a 6-year-old witness and a 10-year old witness (Goodman, Golding & Haith, 1984 p. 152).

With regard to how parents believe other people will perceive their child, it has been noted that the mere supposition that a child will be doubted may influence parents not to pursue charges.

Although the research supports the notion that children are perceived to be less credible, by jurors themselves and by those who are primarily concerned with jurors perceptions—attorneys—the blame for their apparent lack of credibility does not rest with the children themselves. Attorneys and other legal professionals may be partly to blame, as their inability or unwillingness to effectively communicate with children in an age-appropriate way may lead to perceptions of children as less credible (Saywitz, 1995, p. 115).
Child witnesses are expected to testify using numerous abilities and skills that they may not yet possess. Cognitive abilities, language skills and memory functions are among the significant abilities that will impact the child’s testimony (Walker, 2011). It is important to understand the effects of stress, memory processes, language skills and the environment when examining the struggles that child witnesses face. The literature discussed so far has shown that children are anxious or stressed in court settings, that recall may be negatively impacted due to stress and related factors and that children are not likely to be viewed as competent witnesses. What the research has not shown is whether steps can be taken to mitigate the effects of anxiety on testimony. A logical first step would be to reduce court-related stress in children, thereby alleviating anxiety’s effect on memory.

**Alternative Methods of Testimony**

Children are regarded as innocent and in need of protection from harm or trauma. When children are put on the stand to testify against the accused, they may experience re-traumatization, that is, traumatization in addition to the original exposure that lead to their introduction to the legal system in the first place. Alternative methods of testimony attempt to minimize trauma for children as they take part in the legal process (Mnookin, Weisberg, 2000, p. 467).

provisions eliminating the marital privilege are all methods considered by professionals in an attempt to protect child witnesses.

Some states allow children’s testimony to be videotaped prior to trial and then presented as evidence during the trial (Myers, 1993; Strobel, E.J.M., 1999). In states that allow videotaping, some require the defendant’s presence and the opportunity for cross-examination at the taping (“Testimony of Child Victims,” 1985). Others require an opportunity for cross-examination at a judicial hearing (Cal. Penal Code §1346 (West 1999); N.M. Stat. Ann. §30-9-17 (1993)).

Courtroom closure is a method used by trial judges. At his or her discretion, the judge can close the courtroom to the public. In Globe Newspaper v. Superior Court (1982), the court determined that protecting child witnesses from further trauma was a “compelling interest” but found the Massachusetts statute under review to be unjustified. The court advised a case-by-case determination instead of mandatory closures in all cases.

Child courtrooms were one of the earliest proposals for protecting kids from the possible trauma of courtrooms (Libai, 1969). In a “child courtroom,” a one-way mirror separates the child from the jury, defendant and spectators. The child cannot see them but they can see the child. The defendant and defense attorney consult through the use of an earphone and microphone.

Protective evidentiary rules come in many forms. One type is the hearsay exception, where the child’s prior statements, made outside of the courtroom, often times to a physician, are admitted as evidence during trial (Ariz. Rev. Stat. Ann §13-1416 (West 1994); Wash. Rev. Code Ann. §9A.44.120 (West 1994). Another type of
evidentiary exception is use of the “child sexual abuse accommodation syndrome” (CSAAS). When this type of evidence is admitted, it is used to offer an explanation of children’s behavior (Bechtel v. State, 1992; State v. Morgan, 1997). Admissibility of evidence involving the use of anatomically correct dolls is another type of evidence admitted in these types of cases (NJ. Stat. Ann. 2A:84A-16.1 (West Supp. 1998). To ameliorate the experience of the child witness in cases of sexual abuse, some legislatures have enacted statutes that disregard marital privilege and in this way, spouses are allowed to testify as witnesses against one another (Mass. Gen. Laws, ch. 233, §20 (West Supp. 1999). Lastly, twenty-six states have implemented delayed discovery statutes extending the statute of limitations in cases involving child sexual abuse (Reagan, 1999).

**Closed Circuit Television**

In Maryland v. Craig, the Supreme Court of the United States decided whether a child witness in a case involving child abuse was able to testify outside the physical presence of the defendant by one-way closed circuit television (Maryland v. Craig, 1990). The Confrontation Clause of the Sixth Amendment grants the right for a defendant in a criminal trial to confront his accuser. The respondent (and defendant) in this case, Sandra Ann Craig, was charged with first and second-degree sexual offenses against children who attended Craig’s kindergarten center.

The State attempted to invoke a statutory procedure that allowed for a child witness to give testimony via a one-way closed circuit television (Md. Cts. & Jud. Proc. Code Ann. §9-102(a)(1)(ii) (1989). The statute allowed for closed circuit television testimony in cases where the child witness was determined by the trial judge to be likely to “suffer serious emotional distress such that the child cannot reasonably communicate”
if he or she were to give testimony in court (Md. Cts. & Jud. Proc. Code Ann. §9-102(a)(1)(ii) (1989). The expert testimony presented by the State attested to the fact that the children would have considerable difficulty testifying in Craig’s presence. The expert, as characterized by the Maryland Court of Appeals (1989, p. 1128–29), said that what “would cause him the most anxiety would be to testify in front of Mrs. Craig” and that the child “wouldn’t be able to communicate effectively” (Mnookin, Weisberg, 2000, p. 468).

The defense objected to the use of closed circuit television testimony, but the Court disagreed, explaining that the defendants essential right to confrontation was not damaged by the use of closed circuit television (Mnookin, Weisberg, 2000, p. 468). The trial court further determined that the children would suffer serious emotional distress if required to testify in court.

The children went on to testify against the defendant using the one-way closed circuit television procedure. In cases where this procedure is invoked, the child witness, defense attorney and prosecuting attorney retreat to a private room. Direct and cross-examination ensues while a video camera records and displays the testimony to the courtroom, where the judge jury and defendant view it (Mnookin, Weisberg, 2000, p. 467).

A jury convicted Craig on all counts using the assistance of the closed circuit television procedure. Craig's conviction was then affirmed by the Maryland Court of Special Appeals, but reversed by the Court of Appeals. Citing its earlier decision in Coy v. Iowa, the U.S. Supreme Court determined that “the Confrontation Clause guarantees
the defendant a face-to-face meeting with witnesses appearing before the trier of fact” but not an *absolute* right without exceptions (*Maryland v. Craig*, 1990, p. 844).

The central concern of the Confrontation Clause is the reliability of evidence presented against the defendant (*Maryland v. Craig*, 1990, p. 845). Evidence presented should be able to withstand the rigorous testing set forth in the adversarial process of the justice system. Physical presence, oath, cross-examination, and observation of demeanor by the trier of fact form the elements of confrontation. The element of physical presence enhances fact finding by lowering the risk that a witness will wrongfully implicate a defendant (*Maryland v. Craig*, 1990, p. 846). It is “more difficult to tell a lie about a person to his face than behind his back.” Although physical presence or face-to-face confrontation is the “core of the values furthered by the Confrontation Clause,” (*California v. Green*, 1970, p. 158), it is not the “sine qua non” of the confrontation right (*Maryland v. Craig*, 1990, p. 847). On the other hand, although the face-to-face confrontation is not absolute, it does not mean the legislature can easily dispense with it because of presumed emotional trauma. Only important competing public policy and a guarantee of reliability through other methods can pave the way for the absence of physical presence during confrontation.

*Maryland v. Craig* was decided after *Coy v. Iowa* (1988), where a defendant was accused of sexually assaulting two 13-year-old girls. In *Coy*, the State attempted to invoke a different statutory procedure whereby the child witnesses were allowed to testify from behind a screen where the defendant could see their dim figure but the witnesses could not see the defendant. However, in Iowa’s statutory procedure, the trial judge was not required to determine that the child would experience any specified level of trauma
before invoking the procedure. Inherent in the Iowa statute was a presumption of trauma. The Court held that the procedure in the Iowa statute violated the defendant’s right to confrontation.

**Implications of *Craig & Coy*.** *Craig* did not (explicitly) overrule *Coy*. However, it re-emphasized the importance of finding the right balance between the interests of avoiding psychological trauma to the child and protecting the defendant’s constitutional rights. Although children become nervous in court, mere nervousness does not amount to the need for protection. Conversely, the likelihood of severe trauma does call for protection via closed circuit television (or impliedly, other alternative methods). What about those children who do not have enough anxiety to amount to the likelihood of “serious emotional distress such that the child cannot reasonably communicate”?

In an effort to bring states in line with the opinions in *Craig & Coy*, and to make state policy more uniform, the Uniform Child Witness Testimony by Alternative Methods Act (UCWTAMA), approved by the National Conference of Commissioners on Uniform State Laws (NCCUSL), set out a procedure for standardizing child witness treatment. The Act was formulated after considering a wide variety of standards practiced by states on whether children can testify outside the physical presence of the defendant, and if so what methods can be used (NCCUSL, 2002). The UCWTAMA requires a hearing to determine that the child would suffer “serious emotional trauma,” (as set out in *Craig*) if required to testify in court. The recommended procedure applies to criminal, civil and administrative proceedings and children under the age of 13. The American Bar Association considered and accepted the act at its meeting in February 2003. The Act was supposed to make it easier for NCCUSL commissioners to implement legislative changes in their own states.
In fact, the Act has only been adopted by Nevada, Idaho, New Mexico and Oklahoma, though drafting was complete in 2002. Even if the act were to be adopted by all states, it only applies to children under the age of 13, thus leaving out a group of children who are ordinarily and legally defined as children: those children who have reached the age of 13 up to and including those who have reached 17 years of age. Additionally, the child would first be required to undergo a hearing to determine that the child meets the requisite level of anticipated emotional distress i.e. is likely to experience serious emotional trauma.

**Shortcomings of Alternative Methods**

The U.S. Supreme Court made its decision in *Craig* based largely upon information contained in a brief authored by the American Psychology-Law Society, acting under the American Psychological Association (Goodman, Levine, Melton & Ogden, 1991, Abstract). The brief advised that children interacting with the legal system might be particularly vulnerable to acute distress and that the related affect on testimony is likely to be inconsistent to the state’s interests in the promotion of reliable testimony and child welfare.

To that end, alternative methods have been proposed, however, alternative methods do not have universal appeal. They cannot assist child witnesses everywhere.

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1 As of this year, 2014, Hawaii has introduced a bill to adopt the UCWTAMA.

2 It may be difficult to assess accuracy of memory during actual testimony because of the closed, protected and sensitive nature of legal proceedings involving children. Thus, access may be problematic. Actual memory performance is also difficult to measure in genuine child witnesses because there is usually no objective record of the to-be recalled
The Supreme Court’s stance with its opinions in *Craig* and *Coy* reveal that alternative methods or protective procedures should not necessarily be for every child witness, but those who experience “serious emotional distress such that the child cannot communicate.” In this way, the Supreme Court has limited the *types* of children who can be protected.

Jurisdictional statutes also effectively limited *where* a child can be protected. Jurisdictions have varying policies on the use of protective procedures. Some jurisdictions *require* face-to-face confrontation, if the child’s voice is to be heard at all.

Mnookin & Weisberg (2000, p. 484) explain:

Response to *Craig* has been mixed. Several states have refused to follow *Craig* based on independent state grounds, finding that a child’s testimony outside of the defendant’s presence violates their state constitution. See, e.g., *People v. Fitzpatrick*, 633 N.E.2d 685 (III. 1994) (one-way closed circuit television); *Brady v. State*, 575 N.E.2d 981 (Ind. 1991) (videotaped testimony); *Commonwealth v. Louden*, 638 A.2d 953 (Pa 1994) (closed circuit television and videotape); *State v. Deuter*, 839 S.W.2d 391 (Tenn 1992) (unsworn videotaped testimony). Other states have expanded their protective procedures. See, e.g., *Cal. Penal Code §1346* (West Supp. 1999) (allowing one-way closed circuit television in addition to two-way closed circuit television).

Additionally, Montoya (1992) addresses the favoritism toward the child witness in jurisdictions that have statutory protective procedures. Melton and Lind (1984) assert that reformers have an obligation to “go beyond conventional wisdom and show that
reforms are both needed and likely to be beneficial” when considering the important constitutional principles at stake. Do alternative methods of testifying actually aid in striking the proper balance? Have all methods been thoughtfully considered? Can the child be protected without implicating the defendant’s constitutional rights (Mnookin & Weisberg, 2000, p. 484)?

The Benefits of Giving Testimony

Research advising that child witness testimony can be traumatic for children has been explored above, but research related to the positive outcomes of testifying also exists. Evidence is growing to support the idea that testifying is not wholly or always harmful (Troxel et al., 2009), even if anxiety persists. Some children may leave the courtroom feeling like the experience of testifying was every bit as bad as they believed it would be, but many others actually leave the courtroom in relief because the experience of testifying was not as bad as they had envisioned (Goodman et al., 1992).

Going further, some investigators have found that testifying may be beneficial or a cathartic experience for children (Berliner & Barbieri, 1984; Goodman et al., 1992). According to Brennan and Brennan (1988), the experience can make them feel a sense of control and lessen feelings related to re-victimization and traumatization. Testifying may also make children feel a sense of power from the significant role they play in the case or from having their voices heard (Berliner & Barbieri, 1984). Goodman (1992) attempted to explain these feelings by suggesting that being asked to testify may lead children to believe that their claims are being taken seriously. Further, if the defendant is found guilty, children may feel as though they helped to bring about justice. However, if children are left out of the court process or denied the opportunity to take the stand to tell
their story, they may experience feelings of helplessness or disenfranchisement. Those feelings may be deepened by an acquittal or light punishment for the defendant (Quas et al., 2005).

In a long-term follow-up (12 years) of child witnesses, Quas et al. (2005) reported that, in the long-term, child victims regarded the legal system as more fair if they had the opportunity to testify when compared to those child victims who did not testify. These results were true among this group even though the same group of children had reported seemingly contradictory results when questioned by Goodman et al. (1992) in years prior, immediately following their legal participation. The results of the earlier questioning revealed that children were initially likely to view the legal system negatively if they did testify when compared to children who did not. Hence, even though testifying may induce stress, in the long term, it may promote positive feelings about the legal system (Troxel, Ogle, Cordon, Lawler, & Goodman, 2009). The data is not conclusive on the long-range effects of face-to-face confrontation of child witnesses (Montoya, 1992, p. 1287–88; Graham, 1985, p. 87).

The promotion of positive research findings, in addition to society’s concern with bringing child abusers to justice, has encouraged more openness to children’s testimony (Leippe, Brigham, Cousins, & Romanczyk, 1989). Still, these positive research findings on the benefits of allowing children to have their voice heard in court, do not change the fact that children’s perception of court and their anxiety could have negative effects on their testimony. Testimony can be impaired by perceptions of the court that lead to anxiety, even if a child ultimately benefits from testimony (Melton, 1984).

As cited in Ben-Arieh & Windman (2007) and Goodman et al. (1992), children’s
negative attitudes (if any) about court are reported to coincide with lack of knowledge (Troxel, Ogle, Cordon, Lawler, & Goodman, 2009). In a study utilizing a mock trial methodology and controlling for age, Goodman et al. (1998) found that as children’s knowledge increased, their anxiety decreased. “Overall, an appreciation of children’s anxiety is important so that interventions can be devised to reduce children’s fears” (Troxel et al., 2009, p. 154). Substantial portions of children associate fear and anxiety with testifying in court (Goodman et al., 1992; Quas & Goodman, 2008; Spencer & Flin, 1993). Considering the shortcomings of alternative methods, the known anxiety experienced by many child witnesses and the potential benefits of testifying, the question is not “whether or not children should testify in court; rather, the issue is how best to accommodate children who must be involved” (Troxel et al., 2009, p. 156).

**Child Witness Preparation Programs**

Understanding and reducing anxiety is a key component of any quality child witness preparation program. Child witness preparation programs can help children reduce court-related anxiety by increasing knowledge, teaching coping mechanisms to deal with potential loss of control and familiarizing children with court processes and people. As previously discussed, at minimum, testifying can be stressful for witnesses of any age (Saywitz, 1989). In the medical context, children facing similarly stressful and unfamiliar procedures experienced reduced anxiety when intervening educational components involving desensitization and anticipatory coping strategies increased knowledge of what was to come (Jay, 1984). In the legal context, age appropriate preparation of child witnesses facing stressful and unfamiliar procedures should experience reduced anxiety through increased knowledge, as well (Saywitz, 1989).
Not all child witness preparation programs are made alike. They can incorporate varying methods and tools (Walker, 2011). In Clark County’s Kids’ Court School, child witnesses are taught about court processes, personnel and anxiety reduction in a classroom setting using a model courtroom, but are then emerged in a mock trial with law students playing the roles of courtroom personnel in a real courtroom. King County has a program called King County Kid’s Court, where children interact with a judge and prosecutor to experience and participate in activities such as role-playing using art, music, puppets and dolls (Carter, 2005, 95). The Children’s Hospital and Health Center in San Diego developed a program called Kids in Court where children are educated about the court system using mock trials and informal question and answer sessions with a judge and prosecutor.

Joddie Walker, Executive Director for the Adams County, Pennsylvania Children’s Advocacy Center, in a recent review of child witness preparation programs, remarked “Having an unprepared child take the witness stand and offer poor testimony is not only regrettable, but preventable” (Walker, 2011, p. 1). Preparation programs should do more than simply give children a tour of the courtroom. A comprehensive program should be educational, informing children about the processes and people they can expect to encounter in the court. The goals of a preparation program should be to 1) demystify the court process; 2) reduce fear and anxiety about testifying through stress reduction techniques; and 3) empower children through emotional support.

**Goals**

**Demystify through education.** Walker cites to Sas et al. (1991) to demonstrate that children who are prepared for court provide enhanced testimony. Without
preparation, children have limited understandings of court processes and terms (Saywitz, 1989).

**Reduce anxiety.** As discussed previously, children have many fears and anxiety about testifying, including crying while testifying, being sent to jail and not understanding questions asked (Sas et al. 1996). Stress can have a negative effect on testimony, through impaired recall (Sas, 2002). Recall or the ability to retrieve a memory is paramount to the effectiveness of children’s testimony. Child witness preparation programs help to reduce stress through increased knowledge and stress management techniques (Walker, 2011). Anxiety can be further reduced with a support person (Saywitz, 1995).

**Promote emotional support.** Children can be empowered through social and emotional support (Saywitz, 1995). Maternal support is key, but often times mothers are required to remain outside the courtroom (Sas et al, 1995). A quality child witness preparation program finds a way to emphasize the significance of non-offending parents’ support (Walker, 2011).

**Key Components**

Walker (2011) outlines five key components to a quality preparation and support program, as cited in Hurley, Scrath & Stevens in 2002: education; role play and practice; relaxation and anxiety management; support and debriefing; and follow-up.

**Education.** The educational component should address the lacking cognitive abilities of children as a result of their age and should include: roles of courtroom personnel, rules for witnesses, differences between the truth and a lie, definitions of an oath and a promise to tell the truth and definitions of the judge/jury and the court process
(Hurley et al., 2002). The objectives should include: familiarizing the child with the courtroom, procedures and legal terms, helping the child to understand the adversarial nature of the legal system and helping the child feel comfortable with the physical layout of the courtroom (Sas et al., 1996).

**Role-play and practice.** The role-play portion gives children an opportunity to cope with cross-examination, practice listening to questions, ask for clarification and speak loudly. The goal of practicing is to help reduce anxiety. Walker (2011) notes that role-play should never be related to real or imagined abuse. Role-play should be positive. Suggestions for subjects that witnesses can ask questions about include a school trip or summer vacation.

**Relaxation and anxiety management.** Anxiety management is another key component to the quality preparation program. The preparation program should attempt to help the child witness identify their support team, promote positive self-talk and teach breathing and relaxation techniques in the mock courtroom, which should be practiced daily.

**Support.** The support person component of the preparation program should include: 1) how to identify an appropriate support person; 2) how to foresee the needs of the child witness; 3) how to respond to the support person’s worries as well as the child’s; 4) practice on where the support person will be during the trial; and 5) leading the support person to become knowledgeable about court processes and procedures themselves, so that they can provide support and comfort to the child witness.

**Debriefing and follow-up.** Finally, debriefing and follow-up, which can be conducted by a child advocacy center, prosecutor or court preparation program
Examples of debriefing questions include but are not limited to the following: What was the worst part? Where were others during the worst part? Is the worst part over? The debriefing should: help the child specify traumatic parts of the court process, reframe the experience, celebrate the courage needed to testify, explain the victim impact statement and convey additional support resources, as cited in Hurley et al., 2002 (Walker, 2011).

The goals and elements of a child witness preparation program are grounded in research and best practices and are critical to the effective testimony of the child, in addition to the child’s well being. Still, preparation programs can be fun and creative. For example, in Clark County’s Kids’ Court School, educators relay a story about a boy who had his bicycle stolen to lead children through the investigative and court processes. These and other characteristics of Kids’ Court School, the curriculum intervention on which the current study is based, make it uniquely qualified to host this forward reaching and much needed research.
CHAPTER THREE

METHODS

Rationale for Educating to Reduce Anxiety

Most researchers agree that the state of anxiety is closely linked to anticipation (Lewis, 1970). Freud (1926) first presented anticipation as the underlying variable responsible for anxiety in his second theory of anxiety. Children learn to anticipate traumatic situations while developing. They then exhibit anxious behavior in expectation of those situations. Particularly, anxiety is exhibited when the individual conceptualizes the future event as a situation in which they will be unable to cope (loss of action control) (Kelly, 1955) or when they lack knowledge of what may occur (loss of predictive control) (Glass, Singer, & Friedman, 1969; Lazarus & Averill, 1972; Pervin, 1963; Seligman, 1968).

Anticipatory anxiety can be understood in terms of the relationship between the elements of a situation (in whole or in part) and threatening consequences, as perceived by the individual (Stattin et al., 1991). The individual is informed by his or her own perception of the possible outcome of an event. Thus, in a threatening situation, the individual does not simply react to sensory input but also reacts to perceived aversive consequences. In this sense, anxiety can be described as “a subjectively conceptualized expectancy of potential physical, personal or interpersonal harm” (Stattin et al., 1991, p. 142).

Because child witnesses have expectations about what testifying may be like and
they may perceive the courtroom to be a threatening place, anticipatory anxiety is often present in child witnesses. In a study that employed a staged mock trial to understand the differences between child testimony via closed circuit television and child testimony via open court, researchers found that children who expected to testify in court were more anxious than peers expecting to be questioned through closed circuit television (Tobey et al., 1995). However, if child witnesses are educated about what may occur in court (gaining predictive control) and are provided with techniques to cope (gaining action control), they may experience less anxiety about going to court.

Research Questions

1) Does the KCS curriculum reduce children’s court-related stress?

2) Does children’s participation in the KCS curriculum reduce their attorney’s concern about their client testifying in court?

3) Does children’s participation in the KCS curriculum reduce their parents’ concern about their child going to court?

Hypotheses

1) Hypothesis 1: Children’s court-related stress will be reduced subsequent to the KCS curriculum intervention.

2) Hypothesis 2: Lawyers’ responses will reflect less concern about their client testifying in court following the KCS curriculum intervention.

3) Hypothesis 3: Parents’ responses will reflect less concern about their child going to court following the KCS curriculum intervention.

The assumption in Hypothesis 1 that stress will likely be reduced after child witnesses attend KCS aligns with the underlying theory, which postulates that people experience anticipatory anxiety because they fear what is unknown, because they lack
adequate knowledge or because they fear the loss of control associated with limited coping mechanisms. Because KCS demystifies the court process, provides children with adequate knowledge to prepare them for what they are about to experience and teaches coping mechanisms to reduce any stress experienced while testifying, stress should be reduced. Hypotheses 2 and 3 should follow from the reduction in child witness stress assumed by Hypothesis 1. If child witnesses, in fact, become less anxious, their reduction of anxiety should become apparent to the parent and lawyer. Specifically, lawyers and parents should report feeling less concerned about the child’s impending testimony after participating in KCS.

Participants

The subjects of the current study were child witnesses who were participating in impending legal proceedings in Clark County, their parents and their attorneys. The research participants obtained in the current study are of particular value, in comparison to analogue studies. This study engages authentic child witnesses, who are typically inaccessible. As such, much of the past research employed analogue studies to understand the possible child witness experience. The disadvantage of conducting analogue studies, whereby a simulated approach is developed, is that the true emotional state of the genuine child witness is not captured. Child witnesses have often observed extremely traumatic events and as a consequence, may be experiencing greater court-related stress in anticipation of having to relive that experience through testimony. Participants in analogue studies do not actually experience the pressures and stresses associated with court in the same way i.e. they are simply pretending to be involved in court. Using
genuine child witnesses as participants is a unique and invaluable research opportunity in this field.

The descriptive statistics for child witness participants of this study are reported in Table 1 below. A total of 47 child witnesses participated in this study. There were 15 males and 32 females. The participants’ ages ranged from 4 to 17, but the majority of children (23) were between the ages of 8 and 12. Fourteen of the total participants were between the ages of 4 and 7. Nine of the total participants were children between the ages of 13 and 17.

Fourteen of the children were Caucasian. Ten of the children were African American. Nineteen of the children were Hispanic. Three of the children identified with a race or ethnic group other than Caucasian, African American or Hispanic.

For 42 of the child witnesses, English was their primary language. Only 4 children spoke Spanish as their primary language. Each of those 4 children spoke English as a second language.

Only two children had a disability. Researchers were unable to ascertain type of disability from the information collected.

Thirty-nine of the child witness participants were victim-witnesses. Five were non-victim witnesses and two were subject minors whose parents presumed they would be called to testify at a later date.

Twenty-two cases were pending in the criminal court. Twenty-one cases were being adjudicated in the child welfare court. Two of the cases were pending in the delinquency court and in one case the child was a witness participating in civil proceedings.
Thirty-four of the child witnesses attended KCS absent a court order. Nine of the children were court ordered to attend KCS.

Thirty-six of the children were accompanied by a parent. Three of the children were accompanied by grandparents. Two of the children were accompanied by their attorneys. Additionally, although sometimes children were accompanied by multiple people, the primary person responsible for bringing the child to KCS and supporting the child was the person listed as the accompanying party.

Only 1 child witness in the current study had participated in KCS before.

The most common number of child witnesses in a session was three, occurring in fourteen sessions. Also, on seven occasions, there were four child witnesses present and on seven other occasions, there were seven child witnesses present.

The majority of child witnesses (33) participated in a double session of KCS. In a double session, session one and session two are taught on same day. Thirteen child witnesses participated in two, single sessions during their KCS experience. In two, single sessions, child witnesses participate in the first session of KCS on one day and then return approximately 1 week later to complete the second session of KCS.

Child witnesses were referred from multiple sources, including 8 from the District attorney’s office, 31 from the Children’s Attorneys Project of the Legal Aid Center of Southern Nevada, 4 from pro bono attorneys in the community and 1 from the Department of Family Services.
Table 1

*Child Participant Descriptive Statistics*

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<th>Gender</th>
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<table>
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<tr>
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<th>Six</th>
<th>Seven</th>
<th>Eight</th>
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Attorneys of child witnesses and parents of child witnesses were also subjects of this study. Data were collected for a total of 37 parents. However, only three attorneys were able to complete the pretest and posttest.

**Design**

The current research employed a pretest-posttest design. The child witnesses were referred as a result of their participation in Clark County legal processes. Thus, no random sampling took place. A control group was not employed in this study because KCS is an established, court education program that serves the Clark County community. When children are referred to KCS, it is expected that a service will be provided. Therefore, each of the children attending KCS need to receive the curriculum intervention for ethical reasons. Moreover, the within subjects design has the advantage of reducing error variance related to individual differences because of the repeated observations of the same participant. Each participant serves as his or her own control.

**Intervention: KCS Curriculum**

The KCS curriculum includes two, one-hour sessions. A one-week time span between session one and session two is typical. The second session is taught approximately one week prior to the child’s scheduled court date. Court processes and concepts taught are littered throughout a story about a boy whose bicycle was stolen and witnessed by two others. During session one, the pretrial process concepts taught include accused, law, crime, investigation, evidence, witnesses and district attorney. The trial process concepts taught include the roles and functions of the judge, bailiff, defendant, witness, prosecuting attorney, defense attorney and jury. The witness’s role is heavily elaborated upon, as this will be the child’s role in court. The focal points are why the
witness’s job is important, telling the whole truth, the process of taking an oath and speaking so that the child can be heard and understood. Children are also taught that if they do not remember or know the answer to a question or if they do not understand a question that is asked, it is appropriate to simply express that they do not remember, do not know or do not understand. Additionally, to promote the understanding of outcomes, the concepts of verdict, guilty and not guilty are taught.

Throughout the curriculum instruction, a model courtroom and model characters are used as a visual aid. Also, to check for understanding, a game called Red Card Green Card is incorporated into the curriculum on three occasions. The game helps children understand the difference between the truth and a lie by asking them to hold up the green, true card if the statement the educator makes is true or the red, false card if the statement the educator makes is false. The statements are a quick review of terms and roles taught most recently in the curriculum.

During session two, children are asked to recall and retell the story they were told in the first session. They are also asked to envision themselves going to court and to express their feelings about going to court. Stress management techniques that children can employ if they experience stress or anxiety while testifying, are also taught.

The two techniques introduced to the children are called deep breathing and positive self-talk. Children participate with the educator in deep breathing exercises and are asked to breathe in through their noses and out through their mouths. During the positive self-talk exercises, children are given examples of positive things they can say to encourage themselves if they experience stress or anxiety while testifying. Children are then asked to generate their own positive self-talk statements.
Next, children are taken to the moot courtroom, where law student volunteers are positioned and dressed in the roles of prosecuting attorney, defense attorney, defendant, bailiff and judge. Children are encouraged to play the role of witness using the story of the boy who had his bicycle stolen. Children are also given the opportunity to play the role of judge, in hopes of making the judge role seem less intimidating. A mock trial then takes place. Children are exposed to direct-examination, cross-examination and interruptions and objections, as in a real trial.

Lastly, children return to the private room and are provided with a certificate of completion for their participation. Educators also encourage children to choose from a wide selection of prizes as a reward for their participation and completion.

**Measures**

**Court-Related Stress Scale (CRSS)**

Quantitative and qualitative data were collected using the Court-Related Stress Scale (CRSS) followed by two open-ended questions. Child witnesses self-reported feelings of stress prior to and following the KCS curriculum intervention. Attorneys and parents self-reported concern related to the child’s testimony prior to and following the KCS curriculum intervention.

The CRSS (Saywitz & Nathanson, 2006) is a 10-item instrument used to measure anxiety related to various court-related experiences. Each item begins with “How would you feel about...” and identifies a court experience in which a child attending court might be involved. These court related experiences are: going to court (CRSS Item 1); being a witness in court (CRSS Item 2); answering attorneys’ questions in court (CRSS Item 3); answering questions in front of a judge in court (CRSS Item 4); answering questions in
front of strange adults in court (CRSS Item 5); having people not believe you in court (CRSS Item 6); not knowing the answers to questions asked in court (CRSS Item 7); answering embarrassing questions in court (CRSS Item 8); answering questions in front of someone who might have hurt you in court (CRSS Item 9); and crying in court (CRSS Item 10). Experiences are rated on a five-point likert scale ranging from not upsetting or bothersome to very very upsetting.

**CRSS – Child.** The answer form on which the child reported stress, defined as something that is “upsetting,” depicts a range of facial expressions from neutral to very upset. After a research assistant read each question aloud, the child was prompted to mark an X on the facial expression that most accurately reflected how he felt about the particular question. For example, if the child were asked: “How do you feel about being a witness in court?” he would then be given time to draw an X on the face that corresponds to his feelings. The researcher then moved on to the next question.

To provide for better understanding and accuracy in responses, the researcher asked a preliminary practice question about attending KCS. The child was told that if it bothers him a lot, mark an X on the last face in the row, if it bothers him a little, mark an X on the first face, and if it upsets him more than a little but not a whole lot, put an X on any of the middle faces. The researcher checked with the child for understanding.

On the second portion of the child witness CRSS measure, two open-ended questions were asked aloud by the researcher and written by the child at the bottom of the same answer form the child used for the ten Likert scale items. For children who were unable to complete the writing portion, the researcher wrote down the exact response verbalized by the child witness. The open ended questions were: 1) What did you like
best about coming to Kids’ Court School? and 2) What about Kids’ Court School helped you get ready for court the most?

**CRSS – Parent.** The parent measure is different from the child measure in a number of ways. First, instead of parents rating how upsetting each court-related experience would be for themselves to engage in it, they were asked to rate how concerned they were about their child engaging in it. Additionally, instead of facial expressions, parents were asked to rate their concern as it correlated to a range of numbers one to five, with one being the least concerned and five being the most concerned. Lastly, the open-ended questions on the second portion of the measure were different. The three open-ended parent questions were: 1) What part of *Kids’ Court School* do you think was most helpful to your child? 2) Do you think *Kids’ Court School* has affected your child’s knowledge about court? Why or why not? 3) Do you think *Kids’ Court School* has affected your child’s stress about going to court? Why or why not?

**CRSS – Attorney.** The attorney measure was similar to the parent measure with two exceptions. First, instead of asking attorneys how concerned they were about their *child* engaging in each of the court-related experiences, attorneys were asked to rate how concerned they were about their *client* engaging in these experiences. Second, the two open-ended questions were: 1) What part of *Kids’ Court School* do you think was most helpful to your client? 2) Do you think your client will be more credible now that he/she has attended *Kids’ Court School*? Why or why not?
Procedure

Session One

**Informed consent.** At the beginning of the first session of Kids’ Court School, parents were given the Parent Permission Form, which was explained to them in detail, in order for their child to participate in the study. If parents signed consent for their child's participation, parents were taken into a separate private room located in the legal clinic of a law school, where they were given the Parent Informed Consent for their own participation in the study. Parents could consent to their own participation in the study by signing the form. Accompanying attorneys were given the Attorney Informed Consent and asked to sign it if they agreed to participate in the study.

The children remained in the KCS classroom where they were given the Child Assent Form. The assent form was explained to each child and they were asked to sign it if they wanted to participate in the study.

**Intake.** KCS research assistants then performed the intake with the parents of the KCS participants. The intake process took approximately ten minutes and included the collection of case background, demographic and other information. Case background information included the court date, defendant’s name, the child’s role in court (as witness, victim witness or subject minor), type of case (family court, child welfare, delinquency, district) and whether the child’s participation in KCS was court ordered or voluntary. Demographic information collected included name, date of birth, age, ethnicity, primary language, whether English was a second language, disability status, parents’ name and parents’ occupation.
Other information collected included referral source, contact information, date and time of session one and session two of KCS, name and role of the person accompanying the child, name of the student educator and number of attendees in the sessions.

The intake information was gathered to conduct correlational analyses using the intake variables as the independent variables and stress, determined by scores on the CRSS, as the dependent variable.

**Pre-test data collection.** After completing the intake, participating parents and attorneys were administered the CRSS. They were instructed to rate their concern about their child/client engaging in each of the ten court-related experiences, knowing that their child/client would be attending court within the next week or two.

While the parents and attorneys were administered the CRSS in the private room in the legal clinic, the children were administered the CRSS in the KCS classroom. Like their parents and attorneys, children were instructed to rate how upset they would be about engaging in each of the ten court-related experiences, knowing that they would be attending court within the next week or two. After completing the CRSS pre-test, parents and attorneys returned to the KCS classroom.

**Intervention.** After the parents and attorneys returned to the classroom, the children were taught the first session of the KCS curriculum.

**Session Two**

**Intervention.** One week after the first session of KCS, children, their parents, and sometimes their attorneys, returned for the second session of KCS. Children reviewed what they had learned in session one, were taught the stress inoculation component of the
curriculum, and participated in mock trials where they role-played the judge and the witness.

**Post-test data collection.** After the second session was taught, and the mock trials were completed, the children were taken to the KCS classroom for post-testing. Parents and attorneys were taken to the private room in the law clinic. All were administered the CRSS post-test and open-ended questions. Children were instructed to rate how upset they would be to engage in each of the ten court-related experiences, now that they had been to KCS. Parents and attorneys were also instructed to rate their concern for their child/client, knowing that their child/client had just completed KCS. Data were then collected and analyzed for results.
CHAPTER FOUR

RESULTS

The findings of the study are presented in this chapter. Both quantitative and qualitative analyses were implemented to examine the data. This section discusses the quantitative results for each hypothesis and then presents qualitative analyses. The examination procedures employed were paired t-tests, repeated measures ANOVA, taxonomic analyses and componential analyses.

Hypothesis 1

Hypothesis one states: Children’s court-related stress will be reduced subsequent to the KCS curriculum intervention.

A paired-samples t-test was conducted for the pretest (time 1) and posttest (time 2) aggregate child witness Court-Related Stress Scale values to measure within group changes. With a sample size of 46 child witnesses, a comparison of paired differences on the CRSS at pretest (M = 31.06, SD = 10.78) and at posttest (M = 28.13, SD = 9.01) revealed a significant difference t(45) = 2.1, p = .041. Thus, given an alpha level of .05, the null hypothesis that there is no change across time is rejected. More specifically, overall stress was reduced from pretest to posttest, as measured by CRSS scores.

The mean difference between the pretest and posttest was 2.93. The lower confidence interval value was .125. The upper confidence interval value was 5.74. Thus, the true population mean lies between .125 and 5.74, with 95% probability.
A paired-samples t-test was also conducted for the pretest (time 1) and posttest (time 2) *itemized* child witness Court-Related Stress Scale values to measure within group changes for each question. As shown in Table 2 below, item 1 was significant from pretest to posttest \( t(45) = 3.35, p = .002 \). Item 2 was significant from pretest to posttest \( t(45) = 2.58, p = .013 \). Item 3 was not significant from pretest to posttest \( t(45) = .417, p = .678 \). Item 4 was significant from pretest to posttest \( t(45) = 2.89, p = .006 \). Item 5 was significant from pretest to posttest \( t(45) = 2.24, p = .013 \). Item 6 was significant from pretest to posttest \( t(45) = 2.07, p = .044 \). Item 7 was not significant from pretest to posttest \( t(45) = 1.53, p = .132 \). Item 8 was not significant from pretest to posttest \( t(45) = .226, p = .822 \). Item 9 was not significant from pretest to posttest \( t(45) = -760, p = .451 \). Finally, item 10 was significant from pretest to posttest \( t(45) = -2.01, p = .013 \). Thus, six of the ten items assessed revealed a significant difference in stress from pretest to posttest. Notably, stress was *reduced* in five of the items (1, 2, 4, 5 and 6) from pretest to posttest, while stress seemed to *increase* on one of the items from pretest to posttest (10). Item 10 measured how the child witness would feel about crying in court.
Table 2

*Mean Scores on Child Court-Related Stress Scale Pre and Post Kids’ Court School*

<table>
<thead>
<tr>
<th>Court Experience</th>
<th>Pretest</th>
<th>Posttest</th>
<th>t</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Item 1</strong>: How do you feel about going to court soon?</td>
<td>2.52</td>
<td>1.72</td>
<td>3.35**</td>
</tr>
<tr>
<td></td>
<td>(1.60)</td>
<td>(1.22)</td>
<td></td>
</tr>
<tr>
<td><strong>Item 2</strong>: How do you feel about being a witness in court?</td>
<td>2.50</td>
<td>1.91</td>
<td>2.58**</td>
</tr>
<tr>
<td></td>
<td>(1.50)</td>
<td>(1.33)</td>
<td></td>
</tr>
<tr>
<td><strong>Item 3</strong>: How do you feel about having an attorney ask you questions in court?</td>
<td>2.24</td>
<td>2.13</td>
<td>0.42</td>
</tr>
<tr>
<td></td>
<td>(1.42)</td>
<td>(1.24)</td>
<td></td>
</tr>
<tr>
<td><strong>Item 4</strong>: How would you feel about answering questions in front of a judge in court?</td>
<td>2.89</td>
<td>2.26</td>
<td>2.86**</td>
</tr>
<tr>
<td></td>
<td>(1.66)</td>
<td>(1.39)</td>
<td></td>
</tr>
<tr>
<td><strong>Item 5</strong>: How would you feel about answering questions in front of a lot of strange adults in court?</td>
<td>3.46</td>
<td>2.85</td>
<td>2.23*</td>
</tr>
<tr>
<td></td>
<td>(1.67)</td>
<td>(1.53)</td>
<td></td>
</tr>
<tr>
<td><strong>Item 6</strong>: How would you feel if you thought people did not believe you in court?</td>
<td>4.04</td>
<td>3.61</td>
<td>2.07*</td>
</tr>
<tr>
<td></td>
<td>(1.44)</td>
<td>(1.54)</td>
<td></td>
</tr>
<tr>
<td><strong>Item 7</strong>: How would you feel if you did not know the answers to questions you are asked in court?</td>
<td>3.00</td>
<td>2.61</td>
<td>1.53</td>
</tr>
<tr>
<td></td>
<td>(1.55)</td>
<td>(1.57)</td>
<td></td>
</tr>
<tr>
<td><strong>Item 8</strong>: How would you feel about answering embarrassing questions in court?</td>
<td>3.83</td>
<td>3.76</td>
<td>0.23</td>
</tr>
<tr>
<td></td>
<td>(1.62)</td>
<td>(1.52)</td>
<td></td>
</tr>
<tr>
<td><strong>Item 9</strong>: How would you feel about answering questions in front of a person who might have hurt you?</td>
<td>3.22</td>
<td>3.41</td>
<td>-0.76</td>
</tr>
<tr>
<td></td>
<td>(1.80)</td>
<td>(1.61)</td>
<td></td>
</tr>
<tr>
<td><strong>Item 10</strong>: How would you feel about crying in court?</td>
<td>3.35</td>
<td>3.93</td>
<td>-2.01*</td>
</tr>
<tr>
<td></td>
<td>(1.68)</td>
<td>(1.50)</td>
<td></td>
</tr>
</tbody>
</table>

*Note.* Standard deviations appear in parentheses.

*p < .05. **p < .01*
In addition to conducting a t-test for child witness data, a Repeated Measures Analysis of Variance (RM-ANOVA) was performed to evaluate the effects of age group (4-7, 8-12, 13-17) and gender (male, female) on court-related anxiety. Time of test (pretest and posttest) was submitted as an independent, repeated factor. Age group and gender were submitted as the between groups independent factors and CRSS score (5–50) as the dependent variable. Results indicated that there were no effects from pretest to posttest for age or gender.

**Hypothesis 2**

Hypothesis two states: Lawyers’ responses will reflect less concern about their client testifying in court following the KCS curriculum intervention. However, because only nine attorneys completed the pretest and three attorneys completed the posttest, the data were insufficient to perform any computational analyses. However, other attorney observations are noted in the discussion section.

**Hypothesis 3**

Hypothesis three states: Parents’ responses will reflect less concern about their child going to court following the KCS curriculum intervention.

A paired-samples t-test was conducted for the pretest (time 1) and posttest (time 2) aggregate parent Court-Related Stress Scale values to measure within group changes. With a sample size of 37 parents, a comparison of paired differences on the CRSS at pretest (M = 34.14, SD = 8.97) and at posttest (M = 25.81, SD = 8.81) revealed a significant difference t(36) = 5.65, p = .00. Thus, given an alpha level of .05, the null hypothesis that there is no change across time is rejected. More specifically, overall
parental stress (defined as concern) was reduced from pretest to posttest, as measured by CRSS scores.

The mean difference between the pretest and posttest was 8.32. The lower confidence interval value was 5.33. The upper confidence interval value was 11.31. Thus, the true population mean lies between 5.33 and 11.31, with 95% probability.

A paired-samples t-test was also conducted for the pretest (time 1) and posttest (time 2) itemized parent Court-Related Stress Scale values to measure within group changes for each question. As show in Table 3 below, item 1 was significant from pretest to posttest $t(31) = 4.74, p = .00$. Item 2 was significant from pretest to posttest $t(31) = 4, p = .00$. Item 3 was significant from pretest to posttest $t(32) = 3.20, p = .003$. Item 4 was significant from pretest to posttest $t(32) = 4.06, p = .00$. Item 5 was significant from pretest to posttest $t(32) = 4.07, p = .00$. Item 6 was significant from pretest to posttest $t(32) = 3.02, p = .00$. Item 7 was significant from pretest to posttest $t(32) = 3.29, p = .002$. Item 8 was significant from pretest to posttest $t(31) = 4.63, p = .00$. Item 9 was significant from pretest to posttest $t(31) = 3.40, p = .002$. Finally, item 10 was significant from pretest to posttest $t(31) = 4.68, p = .000$. Thus, each of the items assessed revealed a significant difference in stress from pretest to posttest. More specifically, stress was reduced from pretest to posttest on all items.
### Table 3

**Mean Scores on Parent Court-Related Stress Scale Pre and Post Kids’ Court School**

<table>
<thead>
<tr>
<th>Court Experience</th>
<th>Pretest</th>
<th>Posttest</th>
<th>t</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Item 1</strong>: How concerned are you about your child going to court?</td>
<td>3.78</td>
<td>2.72</td>
<td>4.74**</td>
</tr>
<tr>
<td></td>
<td>(1.31)</td>
<td>(1.11)</td>
<td></td>
</tr>
<tr>
<td><strong>Item 2</strong>: How concerned are you about your child being a witness in court?</td>
<td>3.72</td>
<td>2.84</td>
<td>3.40**</td>
</tr>
<tr>
<td></td>
<td>(1.30)</td>
<td>(1.11)</td>
<td></td>
</tr>
<tr>
<td><strong>Item 3</strong>: How concerned are you about having an attorney ask your child questions in court?</td>
<td>3.33</td>
<td>2.52</td>
<td>3.20*</td>
</tr>
<tr>
<td></td>
<td>(1.45)</td>
<td>(1.03)</td>
<td></td>
</tr>
<tr>
<td><strong>Item 4</strong>: How concerned are you about your child answering questions in front of a judge in court?</td>
<td>3.06</td>
<td>2.21</td>
<td>4.06**</td>
</tr>
<tr>
<td></td>
<td>(1.20)</td>
<td>(0.96)</td>
<td></td>
</tr>
<tr>
<td><strong>Item 5</strong>: How concerned are you about your child answering questions in front of a lot of strange adults court?</td>
<td>3.73</td>
<td>2.94</td>
<td>4.07**</td>
</tr>
<tr>
<td></td>
<td>(1.18)</td>
<td>(1.09)</td>
<td></td>
</tr>
<tr>
<td><strong>Item 6</strong>: How concerned are you about people not believing your child?</td>
<td>2.77</td>
<td>2.12</td>
<td>3.02*</td>
</tr>
<tr>
<td></td>
<td>(1.55)</td>
<td>(1.29)</td>
<td></td>
</tr>
<tr>
<td><strong>Item 7</strong>: How concerned are you about your child not knowing the answers to questions he/she is asked in court?</td>
<td>2.64</td>
<td>1.97</td>
<td>3.29*</td>
</tr>
<tr>
<td></td>
<td>(1.43)</td>
<td>(1.02)</td>
<td></td>
</tr>
<tr>
<td><strong>Item 8</strong>: How concerned are you about your child answer embarrassing questions in court?</td>
<td>3.94</td>
<td>3.06</td>
<td>4.63**</td>
</tr>
<tr>
<td></td>
<td>(1.11)</td>
<td>(1.13)</td>
<td></td>
</tr>
<tr>
<td><strong>Item 9</strong>: How concerned are you about your child answering questions in front of a person who might have hurt him/her?</td>
<td>4.06</td>
<td>3.34</td>
<td>3.40*</td>
</tr>
<tr>
<td></td>
<td>(1.46)</td>
<td>(1.31)</td>
<td></td>
</tr>
<tr>
<td><strong>Item 10</strong>: How concerned are you about your child crying in court?</td>
<td>4.02</td>
<td>3.06</td>
<td>4.68**</td>
</tr>
<tr>
<td></td>
<td>(1.07)</td>
<td>(1.32)</td>
<td></td>
</tr>
</tbody>
</table>

*Note.* Standard deviations appear in parentheses.  
*p < .005.  **p < .001
Qualitative Results

In addition to measuring stress by conducting a quantitative analysis of Likert scale pretest and posttest scores, the current research study employed a qualitative, taxonomic analysis to examine the relationships among child and parent responses to the open-ended questions presented at the time of posttest. The purpose of a taxonomic analysis is to categorize knowledge within particular domains (Spradley, 1980). For the analysis that follows, the form of the semantic relationship identified was X is a kind of Y. For instance, Playing Roles is a type of Courtroom Experience. Figure 1 below represents the taxonomy for child witness responses. Figure 2 below represents the taxonomy for parent responses.

Taxonomic Analyses

Child Witness Enjoyment. At the first level of the taxonomy, the domain cover term Child Enjoyment was used for the first child witness open-ended question, which asked the participant what he liked best about coming to KCS. Respondents for this domain were forty-six child witnesses. The taxonomy kinds of enjoyment had four levels. The set of terms and included responses at the second level of the taxonomy were: Child Enjoyment-Mock Trial (30), Child Enjoyment-Classroom (5), Child Enjoyment-Rewards (4), Child Enjoyment-Overall Experience (5) and Child Enjoyment-Nothing/Unknown (3). Mock Trial was the KCS condition most cited in the Child Enjoyment domain. Responses were included in the Mock Trial category if the child witnesses listed any part of the mock trial experience as what they liked best about KCS. Responses were included in the category Classroom if the child witnesses listed any part of the classroom experience as what they liked best. Responses were included in the category Rewards if the child
referred to receiving an item at the end of KCS as their favorite part. *Overall Experience* was a category used to capture responses that did not specify which part of KCS was favored. Lastly, responses were grouped as *Nothing/Unknown* when the responses indicated that the respondent did not know what he enjoyed from KCS or did not actually enjoy anything at KCS. For instance, the response “I.D.K.” fits in this category.

At the third level, the included terms and included responses for the main category *Mock Trial* were *Child Enjoyment-Playing Roles* (20) and *Child Enjoyment-Overall Courtroom Experience* (8). *Playing Roles* was the KCS condition most cited in the *Mock Trial* category. Responses were included in the *Playing Roles* category if the child witness specifically responded that they enjoyed “acting” or “playing fake people” or used other terms that describe the same experience conceptually. The other included term for the main category *Mock Trial*, is *Overall Courtroom Experience*. If, for example, the child witness responded “the mock trial” or “when we were at trial” then the response was included in this category. This category is for responses that did not specifically note a part of the mock trial experience as what they liked most.

At the fourth level, the subcategory *Playing Roles* was again broken down into subcategories. *Overall Courtroom Experience* remained intact. The subcategories for *Playing Roles* were *Child Enjoyment-Judge* (13), *Child Enjoyment-Witness* (4) and *Child Enjoyment-Generally Playing Roles* (4). *Judge* was the KCS condition most cited in the *Playing roles* subcategory. Responses that specified “being the judge” or “I was happy to be the judge” were included in the subcategory of *Judge*. Responses such as “I liked being the witness” were added to the subcategory *Child Enjoyment-Witness*. When
responses did not specify which role the child enjoyed most, they were added to the subcategory Child Enjoyment-Generally Playing Roles.

**Child Witness Court Preparation.** At the first level, the domain cover term Child Court Preparation was used for the second child witness open-ended question, which asked the participant what about KCS helped him get ready for court the most.

Respondents for this domain were forty-six child witnesses. The taxonomy kinds of court preparation had five levels. The set of terms and included responses at the second level of the taxonomy were: Child Preparation-Courtroom Experience (17), Child Preparation-Classroom Knowledge (10), Child Preparation- Affect (11), Child Preparation-Rewards (1), Child Preparation-Overall Experience (8), Child Preparation-Nothing/Unknown (2). Courtroom Experience was the KCS condition most cited in the Child Court Preparation domain. Responses were included in the Courtroom Experience category if the child witness identified anything that occurred while they were in the moot courtroom as what helped him the most, such as in the following two examples: “how to act in court” and “the witness part and taking an othe [sic].” Responses were included in the classroom knowledge category if the child identified anything learned in the classroom as what best helped him prepare for court. Responses were included in the Affect category if the child identified a type of feeling he received from KCS as helping him prepare for court the most, such as in the response “not feel embarrassed” or “not to be so scared to answer a question.” Responses were included in the Rewards category in instances where the child referred to an item received at KCS in response to this question. If the child did not specify which part of KCS helped him prepare for court the most, the response was categorized as Overall Experience. If the child witness’s response reflected
that he did not believe any part of his KCS experience helped him get ready for court, it was included in the category Nothing/Unknown.

At the third level, the included terms for Child Preparation-Courtroom Experience were Child Preparation-Courtroom Behavior (4), Child Preparation-Playing Roles (10) and Child Preparation-Courtroom Environment (4). Playing Roles was the KCS condition most cited in the Courtroom Experience category. Courtroom Behavior was composed of responses that reflected how the child should act in court. Playing Roles was composed of responses that identified a specific role, such as witness or judge or identified playing roles in general. Courtroom Environment was composed of responses that reflected the feeling of being in the court setting as important to preparation.

Also at the third level, the included terms and included responses for Child Preparation-Classroom Knowledge were Child Preparation-Stress Inoculation (5), Child Preparation-Model Courtroom (1), Child Preparation-Telling the Truth (1) and Child Preparation-Overall Classroom Learning Experience (3). Stress Inoculation was the KCS condition most cited in the Classroom Knowledge category. Responses were included in the Stress Inoculation category if they cited deep breathing or positive self-talk. Responses were included in the Telling the Truth category if they cited an encouragement of telling the truth as helping them prepare. Responses were included in the Overall Classroom Experience category if the KCS participant did not specifically refer to a KCS classroom experience as most helpful in preparing for court.

To create the final set of third level included terms, Child Preparation-Affect, was broken down into Child Preparation-Confidence (2), Child Preparation-Embarrassment
(1), Child Preparation-Anxiety (3), Child Preparation-Fear (3), Child Preparation-Kindness of KCS Personnel (1), Child Preparation-Overall Affect (1). Anxiety and Fear were the KCS conditions most cited in the Affect category. Responses reflecting the feeling identified in the aforementioned subcategory titles were placed in the respective category.

At the fourth level, Child Preparation-Playing Roles was further broken down into the terms Child Preparation-Playing Witness (9) and Child Preparation-Overall Role Playing Experience (1), both of which include responses respective to the category name. Playing Witness was the KCS condition most cited in the Playing Roles subcategory.

At the fifth and final level, Playing Witness was broken down into the subcategories Answering Questions (5), Taking an Oath (2) and Overall Witness Experience (3), each of which included responses respective to the category name. Answering Questions was the KCS condition most cited in the Playing Witness subcategory.
Figure 1

Child Witness Taxonomy

1. Child Enjoyment
   1.1. Mock Trial
      1.1.1. Playing Roles
         1.1.1.1. Judge
         1.1.1.2. Witness
         1.1.1.3. Generally Playing Roles
      1.1.2. Overall Courtroom Experience
   1.2. Classroom
   1.3. Rewards
   1.4. Overall Experience
   1.5. Enjoyment Nothing/Unknown

2. Child Court Preparation
   2.1. Courtroom Experience
      2.1.1. Courtroom Behavior
      2.1.2. Playing Roles
         2.1.2.1. Playing Witness
            2.1.2.1.1. Answering Questions
            2.1.2.1.2. Taking an Oath
            2.1.2.1.3. Overall Witness Experience
         2.1.2.2. Overall Role Playing Experience
      2.1.3. Courtroom Environment
   2.2. Classroom Knowledge
      2.2.1. Stress Inoculation
      2.2.2. Model Courtroom
      2.2.3. Telling the Truth
      2.2.4. Overall Classroom Learning Experience
   2.3. Affect
      2.3.1. Confidence
      2.3.2. Embarrassment
      2.3.3. Anxiety
      2.3.4. Fear
      2.3.5. Kindness of KCS Personnel
      2.3.6. Overall Affect
   2.4. Rewards
   2.5. Overall Experience
   2.6. Nothing/Unknown
Parent Perceived Court Preparation. At the first level of the taxonomy, the domain cover term Parent Court Preparation was used for the first parent open-ended question, which asked parents to identify the part of KCS they believed to be most helpful to their child. Respondents for this domain were thirty-four parents of child witnesses. The taxonomy kinds of parent perceived court preparation had three levels. The set of terms and included responses at the second level of the taxonomy were: Parent Preparation-Courtroom Experience (23), Parent Preparation-Classroom Knowledge (10), Parent Preparation-Nothing/Unknown (2) and Parent Preparation-Overall Experience (2). Courtroom Experience was the KCS condition most cited in the Parent Court Preparation domain. Courtroom Experience responses were composed of any specific or overall courtroom experience identified. Classroom Knowledge responses were composed of any specific or overall classroom experience named. Nothing/Unknown responses did not identify a court KCS experience as helping the child prepare for court.

At the third level, the included terms for Parent Preparation-Courtroom Experience were Parent Preparation-Playing Roles (11), Parent Preparation-Courtroom Environment (7) and Parent Preparation-Overall Courtroom Experience (7). Playing Roles was the KCS condition most cited in the Courtroom Experience category. The category Playing Roles was composed of responses that identified a specific role, such as witness, or identified playing roles in general, as most helpful. Courtroom Environment was composed of responses that reflected the feeling of being in the court setting as important to preparation. The category Overall Courtroom Experience was composed of
responses that referred to the totality of the courtroom events as beneficial without referring specifically to a part of the courtroom experience.

Also at the third level, the included terms and response rates for Parent Preparation-Classroom Knowledge were Parent Preparation-Stress Inoculation (1), Parent Preparation-Red Card/Green Card (1), Parent Preparation-Telling the Truth (1), Parent Preparation-Instructor (1), Parent Preparation-Terminology (2) and Parent Preparation-Overall Classroom Learning Experience (4). Stress Inoculation was the KCS condition most cited in the Classroom Knowledge category. Stress Inoculation was composed of responses related to deep breathing or positive self-talk. Red Card/Green Card was composed of responses related to the true/false question and answer session in the classroom. Telling the Truth was composed of responses that related to the importance of telling the truth or how to distinguish the truth from a lie. The sole response in the Instructor category identified a specific KCS educator’s instructional style as the most beneficial part of KCS. Terminology was composed of responses that identified the explanation or definition of words used in court as most helpful. Responses that fit in the Overall Classroom Learning Experience did not specify which one of the classroom activities was most beneficial.

At the fourth level, Parent Preparation-Playing Roles was further broken down into the terms Parent Preparation-Playing Witness (4) and Parent Preparation-Overall Role Playing Experience (7), both of which included responses respective to the category name. Playing Witness was the KCS condition most cited in the Playing Roles subcategory.
**Parent Perceived Knowledge Increase.** At the first level of this taxonomy, the domain cover term *Parent Perceived Knowledge Increase* was created for the second parent open-ended question, which asks parents if they believe KCS affected their child’s knowledge about court. Respondents for this domain were thirty-three parents of child witnesses. The taxonomy *kinds of parent perceived knowledge increases* had three levels. The set of terms at the second level of the taxonomy were: *Parent Knowledge-Yes* (27), *Parent Knowledge-No* (3) and *Parent Knowledge-Unknown* (2). *Yes* was the response most cited in the *Parent Perceived Knowledge Increase* domain. Responses were included in the category *Yes* if the parent identified any level of knowledge gain from the child attending KCS. Responses were included in the category *No* if the parent did not believe the child gained any knowledge. Responses were included in the category *Unknown* if the parent did not identify whether or not the child gained knowledge.

At the third level, the included terms for the category *Parent Perceived Knowledge Increase-Yes* were *Parent Perceived Knowledge Increase-Affect* (7), *Parent Perceived Knowledge Increase-Terminology* (4), *Parent Perceived Knowledge Increase-Process* (6), *Parent Perceived Knowledge Increase-Mock Trial* (1), *Parent Perceived Knowledge Increase-What to Expect* (9), *Parent Perceived Knowledge Increase-Techniques* (1) and *Parent Perceived Knowledge Increase-No Explanation* (2). *Affect* was the KCS condition most cited in the *Yes* category. *Affect* responses were related to feelings the parents perceived as knowledge gained from KCS. *Terminology* responses related to defining court terms. *Process* responses related to learning about courtroom pretrial and trial processes. *Mock Trial* responses related to the portion of KCS where a trial is acted out in the moot courtroom. *What to Expect* responses identified improved
expectations as knowledge gained from KCS. Techniques responses identified tools provided at KCS as the important knowledge gained. No Explanation responses identified an increase in knowledge, but did not explain why the parent believed the increase occurred.

**Parent Perceived Stress Reduction.** At the first level of this taxonomy, the domain cover term Parent Perceived Stress Reduction was created for the second parent open-ended question, which asked parents if they believe KCS affected their child’s stress about court. Respondents for this domain were thirty-three parents of child witnesses. The taxonomy kinds of parent perceived stress reduction had three levels. The set of terms and included responses at the second level of the taxonomy were: Parent Perceived Stress Reduction-Yes (20), Parent Perceived Stress Reduction-No (2), Parent Perceived Stress Reduction-Somewhat (4), Parent Perceived Stress Reduction-Difficult to Know (4) and Parent Perceived Stress Reduction-Unknown (2). Yes was the response most cited in the Parent Perceived Stress Reduction domain. Responses were included in the category Yes if the parent recognized a reduction in the child’s stress as a result of the child attending KCS. Responses were included in the category No if the parent did not believe there was a reduction in stress. Responses were included in the category Somewhat if only a minimal level of stress reduction was recognized in the response. Responses were included in the category Difficult to Know if the parent could not yet determine whether the child’s stress level had been affected. Responses were included in the category Unknown if the parent did not respond.

At the third level, the included terms for Parent Perceived Stress Reduction-Yes were Parent Perceived Stress Reduction-Deep Breathing (2), Parent Perceived Stress Reduction-Specific Breathing (2), and Parent Perceived Stress Reduction-Other (2).
Reduction-Knowledge/Expectations (8), Parent Perceived Stress Reduction-Paying Roles (1) and Parent Perceived Stress Reduction-Overall Reduction (12).

Knowledge/Expectations was the KCS condition most cited in the Yes category. Deep Breathing responses reflected a reduction in stress as a result of the deep breathing exercises. Knowledge/Expectations responses reflected a reduction in stress as a result of more appropriate expectations of what would happen in court. Playing Roles responses reflected a reduction in stress as a result of playing roles in the mock trial. Lastly, Overall Reduction in Stress responses reflected a general reduction in stress without specifying a particular part of KCS that helped to reduce the stress.
1. Parent Perceived Court Preparation
   1.1. Courtroom Experience
      1.1.1. Playing Roles
         1.1.1.1. Playing Witness
         1.1.1.2. Overall Role Playing Experience
      1.1.2. Overall Courtroom Experience
      1.1.3. Courtroom Environment
   1.2. Classroom Knowledge
      1.2.1. Stress Inoculation
      1.2.2. Red Card/Green Card
      1.2.3. Telling the Truth
      1.2.4. Instructor
      1.2.5. Terminology
      1.2.6. Overall Classroom Learning Experience
   1.3. Overall Experience
   1.4. Nothing/Unknown
2. Parent Perceived Knowledge Increase
   2.1. Yes
      2.1.1. Affect
      2.1.2. Terminology
      2.1.3. Process
      2.1.4. Mock Trial
      2.1.5. What to Expect
      2.1.6. Techniques
      2.1.7. No Explanation
   2.2. No
   2.3. Unknown
3. Parent Perceived Stress Reduction
   3.1. Yes –
      3.1.1. Deep Breathing
      3.1.2. Knowledge/Expectations
      3.1.3. Playing Roles
      3.1.4. Overall Reduction in Stress/Anxiety/Fear
   3.2. No
   3.3. Somewhat
   3.4. Difficult to Know
   3.5. Unknown
Componential Analysis

A componential analysis was conducted to examine the difference between child witness perceptions of their own court preparation and parent perceptions of children’s court preparation. Table 4 below reveals that parent and child perceptions about what KCS experience was most helpful differed greatly in some respects, but were similar in others. The Venn diagram depicted in Figure 3, following Table 4, is also insightful in this regard, but simplifies the existence of responses to present or not present, within each group.

Both parents (23) and child witnesses (17) agreed that the courtroom experience was the most helpful part of KCS. Also, within the courtroom experience, both parents (11) and child witnesses (10) perceived playing roles to be the most helpful activity.

Parents (10) named the knowledge gained in the classroom as the second most helpful activity, but child witnesses named classroom knowledge (10) as the third most helpful activity. Among the classroom activities, parents (4) named the overall experience as most helpful, but child witnesses (5) identified the stress inoculation activity as most helpful.

Parents (0) did not identify any type of changed affect as one of the most helpful experiences at KCS. Child witnesses (11), however, perceived changed affect as the second most helpful experience at KCS. Child witnesses identified changes in anxiety (3) and fear (3) as the most helpful changed affect from their KCS experience.

No parent (0) identified rewards as the most important part of KCS. Similarly, only one child witness identified rewards as the most important part of KCS.
Two parents and two child witnesses perceived the overall courtroom experience as most helpful.

Lastly, eight child witnesses and two parents did not identify any part of KCS as most important or did not know.
Table 4

*Child Witness and Parent Comparison of Court Preparation Responses*

<table>
<thead>
<tr>
<th>Category</th>
<th>Child Witnesses</th>
<th>Parents</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(n = 46)</td>
<td>(n=34)</td>
</tr>
<tr>
<td><strong>Courtroom Experience</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Courtroom Behavior</td>
<td>17</td>
<td>23</td>
</tr>
<tr>
<td>Preparation Playing Roles</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Courtroom Environment</td>
<td>10</td>
<td>11</td>
</tr>
<tr>
<td>Overall Courtroom Experience</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td><strong>Classroom Knowledge</strong></td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Stress Inoculation</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Model Courtroom</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Telling the Truth</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Overall Classroom Learning Experience</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Red Card/Green Card</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Instructor</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Terminology</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td><strong>Affect</strong></td>
<td>11</td>
<td>0</td>
</tr>
<tr>
<td>Confidence</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Embarrassment</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Anxiety</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Fear</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Kindness of KCS Personnel</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Overall Affect</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td><strong>Rewards</strong></td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td><strong>Overall Experience</strong></td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td><strong>Nothing/Unknown</strong></td>
<td>8</td>
<td>2</td>
</tr>
</tbody>
</table>
Figure 3

*Child Witness and Parent Comparison of Presence vs. Absence of Court Preparation Response*

- **Child Witnesses**
  - Courtroom Behavior
  - Model Courtroom
  - Affect
    - Confidence
    - Embarrassment
    - Anxiety
    - Fear
    - Kindness of KCS Personnel
  - Overall Affect
  - Rewards

- **Both**
  - Courtroom Experience
    - Preparation Playing Roles
    - Courtroom Environment
  - Classroom Knowledge
    - Stress Inoculation
    - Telling the Truth
    - Overall Classroom Learning Experience
  - Overall Experience
    - Nothing/Unknown

- **Parents**
  - Overall Courtroom Experience
  - Red Card/Green Card
  - Instructor
  - Terminology

*Note.* Main categories are represented by bold text.
CHAPTER FIVE

DISCUSSION

Summary

The current research began by confronting the long held belief that children are highly suggestible and unable to provide complete and accurate testimony. From an evaluation of memory research, it was shown that the effects of suggestive questioning could be minimized with proper preparation and tools (Loftus, 1992). When children are given the right tools, they are also capable of providing truthful and accurate testimony (Bottoms & Goodman, 1996). Given that anxiety or stress acts as a mediator of memory, in which too much stress can result in memory deficits (Small et al., 2006; Nathanson & Saywitz, 2003), influencing anxiety can influence stress. With the aforementioned literature as the basis for understanding anxiety and memory in child witnesses, the current research addressed anxiety.

An evaluation of the evolution of child witness research demonstrated that when reports of child abuse rose substantially in the 1980s, child witness research reached its height in prominence (Ceci & de Bruyn, 1993). As a result of the attention to the child witness’s condition and the distress that may be caused by the courtroom experience, great efforts were made to transform the court setting into an idealistic environment for the child’s comfort and psychological wellness.

Many of these changes to the courtroom came in the form of alternative methods of testimony. Alternative methods include Closed Circuit Television (CCTV) testimony,
video taped testimony, child courtrooms (one-way mirrors) and protective evidentiary rules, such as the hearsay exception, which allows a child’s prior statements, often times made to a physician or psychologist, to be admitted as evidence. These and other forms of pseudo testimony or testimony outside the presence of the defendant limit the defendant’s constitutional right to confront his accusers, at the least. At most, legal practitioners have argued that the methods impede upon the Confrontation Clause, which guarantees the defendant a face-to-face meeting with the witnesses appearing before the trier of fact (Maryland v. Craig, 1990, p. 844).

Not only do alternative methods of testifying raise concerns about defendants’ constitutional rights, but alternative forms of testimony, as a whole, are not uniformly allowed from jurisdiction to jurisdiction and options for alternative testimony, such as by video tape or closed courtroom, are not uniformly provided. The decision in Maryland v. Craig, promulgated by the Uniform Child Witness Testimony by Alternative Methods Act (UCWTAMA), provided that child witnesses must be determined to have a certain level of distress prior to being allowed to testify by alternative means. Particularly, a judge or mental health professional must determine that the “child would suffer serious emotional trauma that would substantially impair the child’s ability to communicate with the finder of fact if required to be confronted face-to-face by the defendant.” Child is defined by the UCWTAMA as a person age thirteen or under. Therefore, because of 1) the level of stress required, and 2) age restrictions, many children who experience court-related anxiety are not expressly allowed to testify by alternative means.

The standard set forth in the UCWTAMA is a minimum standard that must be met before allowing alternative testimony, as the Maryland Court rejected the idea of
allowing all children to testify via alternative means. Thus, jurisdictions may voluntarily raise the standard for allowing alternative testimony or not allow for alternative testimony at all, creating policy differences from jurisdiction to jurisdiction. Additionally, the Court did not specify which alternative methods are to be allowed, creating differences in which *types* of alternative methods are implemented, if at all.

Testimony by alternative means is not the uniform approach to child witness testimony that its name suggests, nor has it been determined that this alternative is more beneficial to child witnesses, especially given the benefits of testifying in open court. Importantly, although drafting of the UCWTAMA was completed in 2002, at the time of this study, the UCWTAMA has only been adopted by Nevada, Idaho, New Mexico and Oklahoma (National Conference of Commissioners, 2014). As of 2014, Hawaii has introduced the bill. Moreover, although it is well established that the courtroom environment produces anxiety in children (Goodman et al., 1992; Saywitz & Nathanson, 1993, Sas, 1991; Sas et al., 1996), many children who were given the opportunity to confront their accusers in open court have looked back on the courtroom experience as gratifying (Berliner & Barbieri, 1984; Goodman; 1992).

Court education presents a novel approach to ameliorating the experience of the child witness and, in doing so, resolves the issues of constitutional violations and the fundamental limitations of alternative methods. Promise was identified in court education and preparation, as supported by the Tobey et al. (1995) finding that when children possessed greater legal knowledge, anticipatory anxiety related to testimony was diminished and correct responses to direct questions increased.
Although court education presents a promising approach, perceptions and concerns about child witnesses may keep them from ever reaching the stand. Lawyers’ distrustful perceptions about the ability of children to provide complete and accurate testimony was highlighted in the 1983 study by Yarmey and Jones. Parents concern about involving children in court processes as a whole, was highlighted in Goodman, Golding & Haith (1984), stating that the mere supposition that a child will be doubted may influence parents not to pursue charges (p. 152).

The purpose of the current study was to extend the literature on court education by using a naturalistic approach, as opposed to an analogue study, to determine whether an existing court education program reduces court-related anxiety in child witnesses and concern in parents and attorneys, who are often hesitant to allow children to testify. This study is unique in its use of genuine child witnesses and thus, its results are likely to be more authentic.

Two of three hypotheses were tested. Results of statistical, taxonomic and componential analyses supported each of the two tested hypotheses. Results demonstrated that court-related stress was decreased in children after attending KCS, as perceived by both child witnesses and parents. Results also demonstrated that parents’ anxiety/concern over their child testifying in court was significantly reduced after their child attended KCS. Due to limited sample size, analyses could not be conducted on attorney data to evaluate the final hypothesis.

Particularly, the present study found that overall child witness stress (defined as “upsetting”) was reduced from pretest to posttest, as measured by CRSS scores. Six of the ten Likert scale items assessed revealed a significant difference in stress from pretest
Five items, Item 1 (How do you feel about going to court soon?), Item 2 (How do you feel about being a witness in court?), Item 4 (How would you feel about answering questions in front of a judge in court?), Item 5 (How would you feel about answering questions in front of a lot of strange adults in court?) and Item 6 (How would you feel if you thought people did not believe you in court?), revealed a significant reduction in stress from pretest to posttest. However, unexpectedly, one item, item 10, revealed a significant increase in stress from pretest to posttest. Item 10 measured how the child witness felt about crying in court.

Through further qualitative analysis, it was found that parents also perceived a decrease in child witness stress. Specifically, parents credited increases in knowledge and changes in expectations as what helped to reduce their children’s stress.

In addition, overall parental stress (defined as “concern”) was reduced from pretest to posttest, as measured by CRSS scores. The very low p-value for the parental group indicates a very low likelihood that the difference between means identified occurred by chance. Moreover, 10 out of 10 individual test items revealed significant differences in the parental group. Six of the 10 items, Item1 (How concerned are you about your child going to court?) Item 2 (How concerned are you about your child being a witness in court?), Item 4 (How concerned are you about your child answering questions in front of a judge in court?), Item 5 (How concerned are you about your child answering questions in front of a lot of strange adults in court?), Item 8 (How concerned are you about your child answering embarrassing questions in court?) and Item 10 (How concerned are you about your child crying in court?), were reported as statistically significant at .000 by the SPSS software used to compute the p-value.
Interpretation of Findings

The following section uses theoretical understandings of child witness testimony, research findings of past literature and reasonable inferences to interpret the results of the current study. The discussion aims to bring new perspectives to the conversation surrounding children as witnesses and drawing reasonable inferences, the analysis puts the present findings in practical perspective. First, the effects of the KCS curriculum on child witnesses are discussed. Next, the effects of the KCS curriculum on parental concern are discussed. Last, the effects of the KCS curriculum on attorney concern are briefly addressed.

Effects of Kids’ Court School Curriculum on Child Witnesses

Kids’ Court School is a research-based, child witness court education program distinct from any other known court preparation program in the country. The opportunity to utilize the genuine child witnesses who attend KCS for the current study is the first of its kind and is invaluable. Although it has been theorized that court preparation and familiarization may help child witnesses regulate anxiety, that theory had not been evidenced, until now. Moreover, parent and attorney concern had not been measured, until now. The successful evaluation of such a uniquely designed, research-based program with access to authentic child witnesses demands an in-depth dialogue of conclusions to be drawn and implications to be considered for child witnesses and courts in the future.

Anxiety. Both past research and theoretical understandings for the causes of anxiety informed the current study’s design. The finding that child witnesses’ court-related stress was reduced by the KCS curriculum intervention is supported by previous
research that established that increased legal knowledge was inversely related to
decreased court-related stress (Tobey et al., 1995). The supposition made in the current
research is that teaching the KCS curriculum increased legal knowledge and thereby
reduced court-related anxiety. Parent’s responses to open-ended questions supported this
assumption, as they credited increases in knowledge for reducing their child’s stress. It is
not known, however, through more objective measures, whether knowledge was actually
increased.

It is possible that other factors, such as friendliness of the KCS educator, led to
the child’s feelings of reduced anxiety, as educators anecdotally noted how often they
were told how nice they were. Moreover, being in a comfortable and welcoming
environment with kind people may cause the children to feel more relaxed. Many of the
children who attend KCS, including the study participants, have experienced or were
experiencing high stress home lives where they are subject to abusive parents or others.
In those cases, KCS personnel’s warmth could be associated with relaxed feelings.

Nonetheless, it is much more likely that an increase in legal knowledge is
responsible for the observed decrease in anxiety, as theories related to the sources of
anxiety support this presumption. Anxiety theories attribute anticipatory anxiety to two
main sources: 1) loss of action control and 2) loss of predictive control. In the first, loss
of action control, anxiety is exhibited when an individual perceives a future event as a
situation in which they will be unable to cope (Kelly, 1955). The KCS curriculum
intervention provided children with two tools to help cope with court-related anxiety: 1)
positive self-talk and 2) deep breathing. Given these “stress inoculation techniques,”
child witnesses may have felt a greater ability to cope with stress associated with the
future event of testifying. Loss of predictive control is further discussed in the next section.

**Knowledge and Expectations.** The perceived increase in knowledge through the KCS curriculum intervention affects child witnesses in other ways. According to the social-motivational framework for remembering, both limited knowledge and faulty expectations are factors that contribute to cognitive understandings (Saywitz, 1989). Increased knowledge changes perceptions or cognitive understandings of the courtroom and thus, expectations of what will happen.

Thus, through information learned at KCS, child witnesses are more likely to have expectations that coincide with what will actually happen in court, theoretically leading to decreased stress. As evidenced, the majority of parents credited increased knowledge and changed expectations with a perceived reduction in child witness stress.

Researchers have also observed statements of changing conceptualizations of the court process among child witness participants. For example, subsequent to KCS, one child witness was observed as saying “That was not as bad as I though it would be.” Another child witness was heard declaring: “I thought the witness would get in trouble.” Both of these statements support the notion that a change in expectations of the court process occurred as a result of the KCS intervention.

Saywitz (1989) further explains that an underdeveloped cognitive understanding of the legal system can impede memory performance. A study of four to seven year old children revealed that many children thought court was a place traveled past on the way to jail, and that jury members were friends of the defendant, which evidences children’s limited knowledge of the courtroom before attending KCS (Sawitz, 1989). The
knowledge children gained through the KCS curriculum intervention ensured that they had an accurate cognitive understanding of the legal system to prepare them to reach their memory potential during testimony.

Children may also have emotional reactions to the legal system based on their cognitive understandings (Saywitz, 1995). In addition to cognitive factors, emotional responses can impede memory functions (Saywitz, 1995). High levels of stress are said to disrupt attention, disorganize memory processes, reduce motivation and reduce effort (Paris, 1988). The social-motivational framework suggests that expectations, beliefs, emotional states, and coping patterns will have a significant impact on the quality of testimony given by child witnesses. Saywitz & Nathanson, 1993). Due to the interconnectedness of each of these variables and the results of this study (KCS decreases stress) it is likely that KCS impacts each of the related variables, directly or indirectly.

Increased legal knowledge obtained during the KCS curriculum intervention likely changed expectations of what would occur in court, in addition to beliefs about court, as verbally expressed by many children to educators after attending KCS. Also, because the curriculum expressly provided and caused children to practice coping mechanisms (deep breathing and positive self-talk), coping patterns were likely changed. This presumption is supported by reports from judges that they witnessed children employing the coping mechanisms taught in KCS. As one judge put it, “You can tell the kids who have been to KCS because you can see them ‘smelling the roses and blowing out the birthday candles.’” Additionally, on the open-ended question that asked children what helped them prepare for court the most, out of the responses that identified
classroom knowledge, stress inoculation techniques were the most helpful, one of which was deep breathing.

**Motivation.** The theoretical understandings of motivation discussed in the memory section of the literature review, especially as it relates to incentives to retrieve information (Halsband et al., 2012), are important to the current study examining child witness testimony. Like other people, children may choose to be motivated or not to be motivated to remember when giving testimony. In other words, children can be motivated to remember with the enticement of a sought-after item. The KCS curriculum attempts to enhance children’s likelihood of prospectively remembering how to be a good witness by associating rewards with their learning. When children complete KCS, they are rewarded with a certificate and perhaps more highly valued, a prize in the form of a toy.

The prize reward serves at least two functions. The first is that it serves as an incentive for children to pay attention and gain the legal knowledge taught during the KCS curriculum intervention. Educators encourage children to pay attention and provide correct responses during the “Red Card Green Card” game for the possibility to receive two prizes instead of just one (although all children are able to choose two prizes upon completion).

The second function is that the reward association at encoding helps children to recall what they have learned in KCS later, during testimony, as supported by the literature. The review of literature revealed that associating a reward with correct responses at the time the information is studied can improve memory performance (Atkinson & Wickens, 1970; Loftus & Wickens, 1960). Halsband et al. (2012) additionally noted that reward motivation at the time of learning led to the adoption of a
reward-associated retrieval orientation, which effects retrieval processes needed to recall information. Perhaps most important to the present study is that child witnesses remember the stress inoculation techniques taught while testifying, in an effort to reduce anxiety and counteract the negative effect that stress can have on memory, testimony and perceived credibility. The stress reduction techniques, which are part of the curriculum, and noted by children to be most helpful in preparing them for court, helped reduce court-related stress in this study and should help reduce stress during actual testimony. Motivation to remember, whether it is the court process and definitions, roles of the courtroom personnel, the environment of the courtroom or the stress inoculation techniques taught, is an underlying process that is essential to successful testimony: the ultimate goal.

It is apparent that improving children’s motivation to provide accurate testimony is an important part of the KCS curriculum. The qualitative analyses exposed a previously unrecognized source of motivation in the curriculum. Namely, the same KCS experience that helped children prepare for court was the condition that children enjoyed the most: the court experience. This is important because the relationship between enjoyment and learning may motivate children to recall what they have learned in KCS, in addition to the event in question, on the day of testimony. The connection between perceived enjoyment and motivation to remember is supported by the social motivational framework, i.e. children’s perceptions of testifying as interesting and challenging vs. stressful and unpleasant affect motivation to remember (Nathanson & Saywitz, 2003). Understanding that the court experience is most enjoyable and provides the most preparation, provides an area of focus for KCS educators, who aim to efficiently help
children realize the interesting and beneficial aspects of the courtroom experience and to give them the necessary tools to embolden their confidence in meeting the challenges of testifying.

**Crying in Court.** One challenge of the court experience, in particular, is for child witnesses to avoid crying in court or to accept that crying in court is okay. T-test results of the quantitative analyses demonstrated that stress was *reduced* in five items (1, 2, 4, 5 and 6) from pretest to protest, but that stress actually *increased* on one item, as measured from pretest to posttest (10). Item 10 measured how the child witness would feel about crying in court. This result was surprising; hence it is discussed further here.

It is likely that this increase was the result of a new desire to please KCS personnel. Researchers noted that the child witnesses, after building rapport with the KCS educators, tended to search for the educators approval. Children may feel more pressure to do well in court and not to cry in court after attending KCS because they want to avoid disappointing educators.

Alternatively, it may be that exposing child witnesses to the formalized nature of the courtroom, in absence of a specific curriculum intervention to address crying in court, induced the significant increase in anxiety on this item. For instance, children are given the opportunity to play judge in court, which familiarizes them with the judge’s role and is likely the catalyst for the reduction in stress observed in item 4: How would you feel about answering questions in front of a judge in court? However, no specific KCS activity sufficiently addresses crying in court in this same way.

Child witnesses are brought into a large, formal courtroom, an environment that most of them have never experienced. While there, they encounter unfamiliar people who
are dressed very professionally and whose demeanor is serious and formal. When they are exposed to this formalized nature of the courtroom, it is possible that they become more afraid, not less, knowing that if they happen to cry, this intimidating place is where they will be crying, not behind closed doors. To correct this oversight and unintended consequence, the curriculum could be amended to include specialized instruction for what children should do if they happen to cry in court or to help them understand that crying in court is normal and acceptable. Reducing stress in each of the items, separately and in aggregate, should be the goal of KCS.

**Generalizability.** The successful employment of a court education program to reduce anxiety in the court setting may also be generalizable to other settings. People often experience anxiety, stress or concern in apprehension of matters about which they have limited knowledge or faulty expectations. Medical settings might be similar to court settings in this regard. The general population is likely to have limited knowledge about both court proceedings and medical proceedings due to the closed door policy, limited cross-sections that these industries have in people’s everyday lives and specialized knowledge required in each of these fields. Moreover, the industries are also similar in their service orientation. The outcomes of significant issues in clients’ lives, such as custody matters, waking up from surgery or going to jail, are entrusted to these professionals.

Medical professionals may be able to benefit from educating clients prior to medical procedures to reduce anxiety, as high anxiety may be related to other, unwelcome, physiological variables in the medical setting. In essence, although this study found that educating to reduce anxiety is valuable in the court setting, this type of
problem-solving approach can be applied to many other situations in which individuals experience anxiety in anticipation of a limited knowledge event.

**Effects of Kids’ Court School Curriculum on Parental Concern**

The current study found that parent concern or stress was reduced after child witnesses attended KCS. Although previous child witness research did not draw a relationship between child stress and parental stress, it was assumed that if parents’ perceived their children as becoming more knowledgeable and comfortable with the court process, then they too would become more comfortable with their child participating in the court process, thereby reducing parental stress. Although a causal relationship cannot be determined between parental stress and child stress, parents overwhelmingly reported a perceived reduction in child witness stress. It is reasonable to assume that the reduction in child stress influenced parents’ feelings of concern because of the intimate relationship shared by parent and child.

This reduction in parent stress through a perceived reduction in child witness stress may act as a counterbalance to parents’ resistance to involving their child in legal proceedings because of fear the child will not be believed or lack of perceived credibility (Goodman, Golding & Haith, 1984 p. 152). High anxiety or stress, as previously noted in the communication literature, impacts others’ judgments of credibility (McRoskey, Daly, & Richmond, 1975). Parents may be intuitively aware of this perception of highly anxious children as lacking credibility and be more willing to support their child’s testimony once they perceive reduced anxiety in the child.

Reduced child stress may reduce parent stress, but reduced parent stress may also lead to reduced child stress, creating a cycle. If parents have less concern about children
participating in legal processes, the reduced stress experienced by the parent is likely to flow to the child. However unintentionally, when parents are stressed, children can often sense it. Both parents’ and children’s newly formed knowledge and perceptions of the courtroom can inform their dialogue with one another and help to further dispel any unwarranted fears about the impending process.

Another possible explanation for the reduction in parental concern may result directly from the curriculum intervention, as opposed to through an observation of reduced child stress. Anecdotally, researchers noted parents’ comments that they learned a lot about court themselves from observing KCS. Parents’ limited knowledge and faulty expectations about the court process may have caused unwarranted anxiety prior to observing KCS. A new conceptualization of the court process and roles may have lowered anxiety to a level respective to the reformed and more accurate expectations.

Finally, it is important for child witnesses to have a support person who can follow them through the legal process (Nathanson & Saywitz, 2003; Saywitz, 1995). In one study that examined children’s heart rates as an indicator of courtroom stress, the higher children perceived their social support, the less anticipatory anxiety exhibited (Nathanson & Saywitz, 2003). If the parent is capable of being that support person for the child, which seems more likely when parents feel less concern, it can be invaluable to the child’s emotional state, especially in cases where the child is a victim witness and the other parent (or parental figure) was the perpetrator.

**Effects of Kids’ Court School Curriculum on Attorney Concern**

Although researchers were unable to use testing procedures to analyze attorney data because of the insufficient amount, researchers were still able to arrive at some
conclusions related to attorneys’ perceptions of the effectiveness of the KCS program. Researchers noted attorney comments such as “I am glad this program exists,” “That was more than I could have done for him [in reference to the child witness] to prepare him for court,” “This is an amazing program” and “I have tried to explain to him [in reference to the child witness] what it would be like, but this makes it more real” and “Wow, what a great idea!” It seems obvious that attorneys perceive KCS to be a program that is beneficial to their child witnesses from these statements. Moreover, many attorneys were repeat customers, bringing every child witness client that they believed would testify in court to experience KCS.

If attorneys feel less concerned about allowing their child clients to testify after attending KCS, perhaps they would be more likely to actually allow their child clients to take the stand. It is often the child’s attorney who decides whether the child should testify in court. As such, attorneys must see the child’s testimony as beneficial, or at the least, not harmful to their case.

Moreover, perhaps attorney perceptions of child witnesses as incapable of providing truthful and accurate testimony can be altered. Improving the likelihood that what children say is accurate, and perceived as credible by legal professionals and others, will aid in changing perceptions. Changed perceptions can pave the way toward allowing more children to have a voice in the courtroom, a goal of the Kids’ Court School program.

**Limitations**

Although the current study was able to provide a unique contribution to the child witness field through its evaluation of authentic child witnesses, the naturalistic design of
the study was accompanied with a few drawbacks. The current study was unable to produce a finding for the third hypothesis related to attorney concern due to insufficient amounts of data. Attorneys, who often lead busy lives, were not always able to remain for the entirety of the KCS sessions or were unable to return for both sessions. A longer data collection period would have made it possible to gather more attorney data. Additionally, although a sufficient amount of data was collected to successfully perform analyses on child witness data, perhaps between subjects effects on age and gender would have been observed with a larger subject pool.

Another limitation of this research was the limited measurement. Although the study, in its interdisciplinary approach, provides broad perspective, it does not directly measure all of the theoretically relevant factors, such as memory and legal knowledge. Again, concerns arising because of the use of genuine child witnesses as study participants limit measurement possibilities. It would have been difficult to convince emotionally fragile parents and children, who sometimes spend two and a half hours in KCS, to take another thirty minutes of their time to fill out questionnaires related to memory and legal knowledge, issues far from the top of their priority list during such turbulent times. Thus, researchers needed to be considerate of time constraints.

Lastly, researchers were unable to utilize a control group in the current research. Although a control group would have allowed for comparisons between children who received the KCS curriculum intervention and children who did not, it would have been unethical and inconsistent with the goals of KCS, to deny the curriculum to randomly selected participants. Child witnesses are referred to KCS with the expectation that KCS staff will provide each child witness with the tools needed to prepare for court. Again, the
naturalistic design of this study limits the type of variables that can be measured. In an analogue study, it would have been possible to use a control group because the children would not actually be preparing to testify in real court.

Despite the aforementioned drawbacks, the advantages brought about by gathering data from authentic child witnesses, in furtherance of enhancing the truth finding goals of courts, far outweigh the drawbacks of the naturalistic design.

**Future Research**

**Data Collection**

The current study found that court-related stress in child witnesses and concern in parents of child witnesses is reduced with court education as an intervention. Researchers were unable to empirically determine the effect that the intervention had on lawyers. Future research should attempt to gather more attorney data to examine that effect. Additionally, gathering a larger number of child witness participants may allow for greater visibility in between subjects groups analyses, such as age and gender effects.

**Additional Measurement Time**

Another consideration for future research is to add another evaluation time for the repeated measures design (pretest, posttest, follow-up). If child witness anxiety could be assessed again in closer temporal proximity to the date of testimony, researchers could develop a better idea of how court education affects actual courtroom anxiety.

**KCS vs. Non-KCS Child Witnesses**

Another approach that may allow researchers to more accurately detect courtroom anxiety would be through the use of attorney questionnaires mailed to attorneys after their client’s testimony. By questionnaire (or by interview), researchers could ask lawyers
about their observations of anxiety for child witnesses who have participated in KCS.

Since all children do not yet participate in court education prior to testifying, the control group would be developed through a random sampling of child witnesses. Lawyers would identify whether or not their child client participated in KCS prior to testifying. Child witnesses who have not participated in KCS would make up the control group.

**Memory**

The last suggested direction for future research is related to memory. The current study does not go as far as to determine whether lowering court-related stress through court education directly improves memory during testimony. Nonetheless, prior research (Hill & Hill, 1985) and theory (Nathanson & Saywitz, 2003) has provided evidence of the existence of an inverse, but not necessarily causal, relationship between stress and memory performance. This relationship has been observed in the courtroom context (Tobey et al., 1995). Likewise, the social-motivational framework for remembering postulates that emotions, as well as expectations, are mediators between memory capability and actual memory functioning. When stress is viewed as an emotional response, according to the theoretical framework, stress impacts memory.

Although it may prove difficult to use actual child witnesses for a study that further examines the affects of court education on memory during testimony, measuring perceptions of memory might be a more viable approach. Lawyers could be utilized again

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2 It may be difficult to assess accuracy of memory during actual testimony because of the closed, protected and sensitive nature of legal proceedings involving children. Thus, access may be problematic. Actual memory performance is also difficult to measure in genuine child witnesses because there is usually no objective record of the to-be recalled event against which to measure the child’s memory.
in this line of research. Lawyers, more so than anyone (with the exception of the witnesses present for the event), are privy to the factual circumstances of a case. A research design utilizing questionnaires or interviews to gather information from lawyers related to their perceptions of their child clients’ completeness and accuracy of memory relative to the known facts of the case might be revealing. Lawyers could again identify whether their client attended KCS (or an alternative court education program) prior to testifying. In this way, researchers might be able to observe a relationship between perceptions of memory performance and court education.

**Implications**

The current study possesses a wealth of practical and policy implications. Much of the past child witness research has focused on optimal ways to reduce distress in child witnesses, such as through CCTV and private room testimony. Although these strategies are commendable when viewing the child witness as the only variable to consider, when viewing the issue in its complete form, as a portion of a much larger system on which our society depends to uphold the rights of people, viewing the child witness as the only variable is an insufficient approach to resolving a much larger issue. Allowing child witnesses to testify by alternative methods arguably abridges the defendant’s constitutional right to confront accusers. Moreover, the approach undermines the deliberately adversarial nature of our legal system.

Because the UCWTAMA has not been widely adopted by states and because it is not a solution that reaches all child witnesses, policy decisions regarding child witnesses should recognize alternative methods as a limited solution to a much broader problem. Policy decisions should support the implementation of court education programs that 1)
teach children about court processes, 2) familiarize children with the courtroom and personnel, and 3) teach stress inoculation techniques. The KCS curriculum should serve as a model for developing other court education programs.

The formalization of court education to address the issues vexing child witnesses strikes a better balance between the interests of the child and the interests of upholding the Constitution, in comparison to traditional approaches. A proper evaluation of the legal context calls for the implementation of court education programs that successfully reduce child witnesses’ anxiety.

Importantly, legal practitioners are also more likely to be open to court education programs, in comparison to traditional approaches. Educating children is not as controversial as altering rules of evidence or undermining defendants’ constitutional rights.

**Conclusion**

The field of educational psychology is typically viewed as the study of human learning, with a focus on testing, measurement and evaluation to enhance educational activities. The current study, however, emphasizes an approach to the discipline of educational psychology whereby education informs psychology i.e. court education reduces anxiety. The merits of the discipline of educational psychology are further strengthened by its application to the legal context. This interdisciplinary approach to resolving the problems faced by child witnesses is both unique and wide in scope. The current study shows that issues surrounding the child witness should not only be informed by psychologists, who evaluate and counsel, but by teachers, who educate and prepare children for the court context. Likewise, legal professionals provide practical
perspectives that help maintain the balance between constitutional safeguards and protecting the innocent. With this balance in mind, it is possible to ameliorate the condition of the child witness while giving children a voice and keeping the American system of jurisprudence intact.
Epilogue

With the substantive portion of my dissertation complete, my dissertation committee suggested I do something unique: write an epilogue. They noted that an epilogue would likely be insightful and make my story more whole. I could not agree more. During the defense, one of my committee members asked specifically, “What was the best part of this experience?” It seems fitting that I focus my thoughts there.

Without reservation, during my three years as an educator and researcher in Kids’ Court, the best part of the experience has been the children. It has been moving and uplifting to watch children find the courage to testify. I can only imagine the courage it takes to testify against your own mother or father, but somehow, these children find it. Despite their suffering and through their pain, they seem to have an inherent strength to rise to the occasion. I admire them for their heroism.

Children come to Kids’ Court with a range of personas and a range of life experiences, but what is similar in all of them, is their strength. Some children come to Kids’ Court quiet and withdrawn. Some children are talkative and excited. Some children are distrustful and angry. Other children are frightened and emotional. One child, in particular, had to be held up as she cried hysterically on her way into the Kids’ Court room. That same girl left smiling.

As adults, we can learn from children. Their resilience, strength and courage are subjects on which we should take notes. I know I have. Regardless of how children enter Kids’ Court, they leave with the instruments to construct their voices and to have a meaningful impact on their own lives. They make our justice system and our world better.
Perhaps equally as important, they leave me with a piece of them. Through them, I am empowered.
APPENDIX A: COURT RELATED STRESS SCALE PRETEST-CHILD

CHILD COURT-RELATED STRESS SCALE PRETEST (Child)

Developed by Karen J. Saywitz, Ph.D. and Rebecca Nathanson, Ph.D.

Soon you will be going to court, right? I want to talk to you about how you feel about going to court. I will describe ten things about going to court. Think about each thing and decide how upsetting it would be to you. If it bothers you very much, put an X on the last face, the unhappiest one (point to last face). If it bothers you very little, put an X on the first face, the least unhappy one (point to first face). If it is somewhere in between, put an X on one of the faces in the middle (point to middle faces).

Let's first try a practice question. Look at the faces by the butterfly. Which of these faces show how you feel about coming to the Kids’ Court School? If it is very upsetting to you, put an X on the last face (point to last face). If it upsets you very little, put an X on the first face (point to first face). If it upsets you more than a little but not a whole lot, put an X on any of the middle faces (point to middle face). Put an X on the face that shows how upsetting coming to the Kids’ Court School is.

Check for understanding. Read each item, asking children to put an X on the face that shows how upsetting it would be.

Think about going to court soon.

1. How do you feel about going to court soon?
2. How do you feel about being a witness in court?
3. When you go to court soon, how would you feel about having an attorney ask you questions in court?
4. How would you feel about answering questions in front of a judge in court?
5. How would you feel about answering questions in front of a lot of strange adults in court?
6. When you go to court soon, how would you feel if you thought people did not believe you in court?
7. How would you feel if you did not know the answers to questions you are asked in court?
8. How would you feel about answering embarrassing questions in court?
9. When you go to court soon, how would you feel about answering questions in court in front of a person who might have hurt you?
10. How would you feel about crying in court?

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APPENDIX B: COURT-RELATED STRESS SCALE POSTTEST-CHILD

COURT-RELATED STRESS SCALE POSTTEST (Child)

Developed by Karen J. Saywitz, Ph.D. and Rebecca Nathanson, Ph.D.

Now that you have been to Kids’ Court School, I want to talk to you about how you feel about going to court soon. I will describe ten things about going to court. Think about each thing and decide how upsetting it would be to you. If it bothers you very much, put an X on the last face, the unhappiest one (point to last face). If it bothers you very little, put an X on the first face, the least unhappy one (point to first face). If it is somewhere in between, put an X on one of the faces in the middle (point to middle faces).

Check for understanding. Read each item, asking children to put an X on the face that shows how upsetting it would be.

Think about how you feel after going to Kids’ Court School.

1. Now that you have been to KCS, how do you feel about going to court soon?

2. How do you feel about being a witness in court?

3. Now that you have been to KCS, when you go to court soon, how would you feel about having an attorney ask you questions in court?

4. How would you feel about answering questions in front of a judge in court?

5. How would you feel about answering questions in front of a lot of strange adults in court?

6. Now that you have been to KCS, how would you feel if you thought people did not believe you in court?

7. How would you feel if you did not know the answers to questions you are asked in court?

8. How would you feel about answering embarrassing questions in court?

9. Now that you have been to KCS, how would you feel about answering questions in court in front of a person who might have hurt you?

10. How would you feel about crying in court?

Great job! Now I am going to ask you two questions. First, what did you like best about coming to Kids’ Court School?

Good. Now, what about Kids’ Court School helped you get ready for court the most?

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APPENDIX D: COURT-RELATED STRESS SCALE PRETEST-ATTORNEY

COURT-RELATED STRESS SCALE PRETEST (Attorney)

Developed by Rebecca Nathanson, Ph.D. and Karen J. Saywitz, Ph.D.

It has been shown that testifying in a courtroom is stressful for many children and youth. Moreover, it has been suggested that this anxiety may adversely affect children’s testimony. Given that your client will be going to court soon, I would like you to think about how concerned you are about your client engaging in the court-related experiences described below. If you are very very concerned, circle the 5. If you are not concerned, circle the 1. If your concern is somewhere in between, circle one of the numbers in the middle.

1. How concerned are you about your client going to court?

   1 2 3 4 5
   not concerned concerned very very concerned

2. How concerned are you about your client being a witness in court?

   1 2 3 4 5
   not concerned concerned very very concerned

3. When your client goes to court, how concerned are you about having an attorney ask your client questions?

   1 2 3 4 5
   not concerned concerned very very concerned

4. How concerned are you about your client answering questions in front of a judge in court?

   1 2 3 4 5
   not concerned concerned very very concerned

5. How concerned are you about your client answering questions in front of a lot of strange adults in court?

   1 2 3 4 5
   not concerned concerned very very concerned

6. When your client goes to court, how concerned are you about people not believing your client?

   1 2 3 4 5
   not concerned concerned very very concerned

7. How concerned are you about your client not knowing the answers to questions he/she is asked in court?

   1 2 3 4 5
   not concerned concerned very very concerned

8. How concerned are you about your client answering embarrassing questions in court?

   1 2 3 4 5
   not concerned concerned very very concerned

9. When your client goes to court, how concerned are you about your client answering questions in front of a person who might have hurt him/her?
10. How concerned are you about your client crying in court?

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>not concerned</td>
<td>concerned</td>
<td>very very concerned</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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APPENDIX E: COURT-RELATED STRESS SCALE POSTTEST-ATTORNEY

COURT-RELATED STRESS SCALE POSTTEST (Attorney)

Developed by Rebecca Nathanson, Ph.D. and Karen J. Saywitz, Ph.D.

It has been shown that testifying in a courtroom is stressful for many children and youth. Moreover, it has been suggested that this anxiety may adversely affect children’s testimony. I would like you to think about how concerned you are about your client engaging in the court-related experiences described below, now that your client has participated in the Kids’ Court School. If you are very very concerned, circle the 5. If you are not concerned, circle the 1. If your concern is somewhere in between, circle one of the numbers in the middle.

1. How concerned are you about your client going to court?
   1 2 3 4 5
   not concerned concerned very very concerned

2. How concerned are you about your client being a witness in court?
   1 2 3 4 5
   not concerned concerned very very concerned

3. When your client goes to court, how concerned are you about having an attorney ask your client questions?
   1 2 3 4 5
   not concerned concerned very very concerned

4. How concerned are you about your client answering questions in front of a judge in court?
   1 2 3 4 5
   not concerned concerned very very concerned

5. How concerned are you about your client answering questions in front of a lot of strange adults in court?
   1 2 3 4 5
   not concerned concerned very very concerned

6. When your client goes to court, how concerned are you about people not believing your client?
   1 2 3 4 5
   not concerned concerned very very concerned

7. How concerned are you about your client not knowing the answers to questions he/she is asked in court?
   1 2 3 4 5
   not concerned concerned very very concerned

8. How concerned are you about your client answering embarrassing questions in court?
   1 2 3 4 5
   not concerned concerned very very concerned

9. When your client goes to court, how concerned are you about your client answering questions in front of a
person who might have hurt him/her?

1  2  3  4  5
not concerned  concerned  very very concerned

10. How concerned are you about your client crying in court?

1  2  3  4  5
not concerned  concerned  very very concerned

*What part of the Kids’ Court School do you think was most helpful to your client?

*Do you think your client will be more credible now that he/she has attended the Kids’ Court School. Why or why not?
APPENDIX F: COURT-RELATED STRESS SCALE PRETEST-PARENT

COURT-RELATED STRESS SCALE PRETEST (Parent)

Developed by Rebecca Nathanson, Ph.D. and Karen J. Saywitz, Ph.D.

It has been shown that testifying in a courtroom is stressful for many children and youth. Given that your child will be going to court soon, I would like you to think about how concerned you are about your child engaging in the court-related experiences described below. If you are very very concerned, circle the 5. If you are not concerned, circle the 1. If your concern is somewhere in between, circle one of the numbers in the middle.

1. How concerned are you about your child going to court?
   1 2 3 4 5
   not concerned concerned very very concerned

2. How concerned are you about your child being a witness in court?
   1 2 3 4 5
   not concerned concerned very very concerned

3. When your child goes to court, how concerned are you about having an attorney ask your child questions?
   1 2 3 4 5
   not concerned concerned very very concerned

4. How concerned are you about your child answering questions in front of a judge in court?
   1 2 3 4 5
   not concerned concerned very very concerned

5. How concerned are you about your child answering questions in front of a lot of strange adults in court?
   1 2 3 4 5
   not concerned concerned very very concerned

6. When your child goes to court, how concerned are you about people not believing your child?
   1 2 3 4 5
   not concerned concerned very very concerned

7. How concerned are you about your child not knowing the answers to questions he/she is asked in court?
   1 2 3 4 5
   not concerned concerned very very concerned

8. How concerned are you about your child answering embarrassing questions in court?
   1 2 3 4 5
   not concerned concerned very very concerned
9. When your child goes to court, how concerned are you about your child answering questions in front of a person who might have hurt him/her?

   1 2 3 4 5
not concerned concerned very very concerned

10. How concerned are you about your child crying in court?

   1 2 3 4 5
not concerned concerned very very concerned
APPENDIX G: COURT-RELATED STRESS SCALE POSTTEST-PARENT

COURT-RELATED STRESS SCALE POSTTEST (Parent)

Developed by Rebecca Nathanson, Ph.D. and Karen J. Saywitz, Ph.D.

It has been shown that testifying in a courtroom is stressful for many children and youth. I would like you to think about how concerned you are about your child engaging in the court-related experiences described below, now that your child has participated in the Kids’ Court School. If you are very very concerned, circle the 5. If you are not concerned, circle the 1. If your concern is somewhere in between, circle one of the numbers in the middle.

<table>
<thead>
<tr>
<th>Question</th>
<th>Scale</th>
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<tbody>
<tr>
<td>1. How concerned are you about your child going to court?</td>
<td>1</td>
</tr>
<tr>
<td>not concerned</td>
<td>2</td>
</tr>
<tr>
<td>concerned</td>
<td>3</td>
</tr>
<tr>
<td>very very concerned</td>
<td>4</td>
</tr>
<tr>
<td>2. How concerned are you about your child being a witness in court?</td>
<td>1</td>
</tr>
<tr>
<td>not concerned</td>
<td>2</td>
</tr>
<tr>
<td>concerned</td>
<td>3</td>
</tr>
<tr>
<td>very very concerned</td>
<td>4</td>
</tr>
<tr>
<td>3. When your child goes to court, how concerned are you about having an attorney ask your child questions?</td>
<td>1</td>
</tr>
<tr>
<td>not concerned</td>
<td>2</td>
</tr>
<tr>
<td>concerned</td>
<td>3</td>
</tr>
<tr>
<td>very very concerned</td>
<td>4</td>
</tr>
<tr>
<td>4. How concerned are you about your child answering questions in front of a judge in court?</td>
<td>1</td>
</tr>
<tr>
<td>not concerned</td>
<td>2</td>
</tr>
<tr>
<td>concerned</td>
<td>3</td>
</tr>
<tr>
<td>very very concerned</td>
<td>4</td>
</tr>
<tr>
<td>5. How concerned are you about your child answering questions in front of a lot of strange adults in court?</td>
<td>1</td>
</tr>
<tr>
<td>not concerned</td>
<td>2</td>
</tr>
<tr>
<td>concerned</td>
<td>3</td>
</tr>
<tr>
<td>very very concerned</td>
<td>4</td>
</tr>
<tr>
<td>6. When your child goes to court, how concerned are you about people not believing your child?</td>
<td>1</td>
</tr>
<tr>
<td>not concerned</td>
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<td>very very concerned</td>
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<td>7. How concerned are you about your child not knowing the answers to questions he/she is asked in court?</td>
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<tr>
<td>very very concerned</td>
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<tr>
<td>8. How concerned are you about your child answering embarrassing questions in court?</td>
<td>1</td>
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<tr>
<td>not concerned</td>
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<tr>
<td>concerned</td>
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<td>very very concerned</td>
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</tbody>
</table>
9. When your child goes to court, how concerned are you about your child answering questions in front of a person who might have hurt him/her?

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<td>not concerned</td>
<td>concerned</td>
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10. How concerned are you about your child crying in court?

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<td>very very concerned</td>
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</table>

*What part of the *Kids’ Court School* do you think was most helpful to your child?

*Do you think the *Kids’ Court School* has affected your child’s knowledge about court? Why or why not?

*Do you think the *Kids’ Court School* has affected your child’s stress about going to court? Why or why not?
APPENDIX H: KIDS’ COURT SCHOOL CURRICULUM

Kids’ Court School

William S. Boyd School of Law
University of Nevada, Las Vegas

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I. SESSION 1: INVESTIGATIVE AND JUDICIAL PROCESS

Introduction

Pretrial Process

Review: Pretrial Process

Trial Process: Roles and Functions of a Judge, Bailiff, Defendant, and Witness

Review: Trial Process: Roles and Functions of a Judge, Bailiff, Defendant, and Witness

Trial Process: Roles and Functions of Prosecuting Attorney, Defense Attorney, and Jury

Review: Trial Process: Roles and Functions of Prosecuting Attorney, Defense Attorney, and Jury

II. SESSION 2: STRESS INNOCULATION TRAINING

Establishing Rapport

Review

Pretrial Process Review

Eliciting Children’s Fears/Situational Analysis

Imagery Based Recall Designed to Inform/Increase Arousal State

Generate Anxiety Hierarchy

Assess Current Coping Skills

Training Rationale: Coping Skills

Deep Breathing Instruction

Self-Talk Instruction-Reconceptualization: Self Statements

Imagery Rehearsal

Assessment of Factors of Treatment Non-Compliance

Review of Skills Taught
I. INTRODUCTION

Do you know what you’re here to learn about today? Good, you are going to court soon. Have you ever been to court or do you know about court? Today we are going to learn about court. This is a model of a courtroom. We are going to talk about it later. First, to help you learn more about court, I am going to tell you a story.

One day a boy rode his bicycle home during recess. He put his bike on the front porch and went inside his house. When the boy walked out of his house a few minutes later, he did not see his bicycle. It was gone. The boy then saw a man riding a bicycle that looked just like his. The man said the bicycle belonged to him and that it was not the boy’s. A woman who was standing near the man said the bicycle belonged to the man. She said she saw him riding it a few days ago. But a little girl came up to the boy and said she saw the man take the boy’s bicycle. The girl said the man stole the bicycle. The girl accused the man of stealing the boy’s bicycle.

II. PRETRIAL PROCESS

Do you know what accused means? Good. Accused means to blame someone for doing something wrong. The girl accused the man of stealing the boy’s bicycle. That means she blamed the man for stealing the boy’s bicycle. If you accused someone in your class of taking a pencil, than what does that mean? Good. It means you blamed them for taking your pencil.
Has anyone ever accused you of doing something? What was it? Ok. Did you really do it? If you're accused of doing something, does it mean you did it? Good. Just because somebody says someone else did something, it doesn't mean they did. Maybe they did it. Maybe they didn’t. The person who accuses someone of doing something wrong could be making a mistake.


The girl in our story accused the man of breaking the law. Do you know what the law is? Good. The law is a set of rules that everyone in the United States has to follow. It is kind of like rules you have in your classroom or at home. Can you tell me one rule you have in your classroom or at home? Good. Now can you tell me any laws we have in the United States? Good.

When someone breaks the law, it is called a crime. So what does a crime mean? Good. A crime is when someone breaks the law. After someone is accused of a crime, a policeman does an investigation. Do you know what investigation means? Good. An investigation means a policeman collects all the facts about what happened. Do you know another word for the facts about what happened? Good. Evidence. Evidence means the facts about what happened.

The first thing a policeman does during an investigation is find the person who is accused of a crime and asks them questions about what happened. Who was accused of a crime in our story? Good. The policeman will ask the man questions. Why will he talk to the man? Good. He will talk to the man because the man is accused of stealing the boy's bicycle.
During an investigation, the policeman will also ask other people questions - people who saw or heard something, or had something happen to them. These people are called **witnesses**. Who are the witnesses that the policeman in our story is going to talk to? Good. The woman is a witness. Why will the policeman talk to the woman? Good. He will talk to the woman, because she said that the man did not steal the boy’s bicycle – she said she saw the man riding the bicycle a few days earlier. Who else will the policeman talk to? Good. The policeman will also talk to the girl. Why will he talk to the girl? Good. He will talk to the girl because she said she saw the man steal the boy's bicycle. Who is the last person the policeman will talk to? Good. The policeman will talk to the boy. Why will he talk to the boy? Good. He will talk to the boy because the boy had his bicycle stolen. The policeman will ask the woman, girl, and the boy questions since they are all witnesses.

So what is a witness? Good. A witness is someone who saw or heard something happen, or had something happen to them.

After an investigation, after a policeman collects all the evidence, he gives the evidence to a special person called a **District Attorney**. Do you know what a District Attorney is? Good. A District Attorney decides if there is enough evidence, or proof, to go to court.

### III. REVIEW: PRETRIAL PROCESS

Now we are going to take a break from our story and play a game called red card/green card. *(Pass out red and green card to each student).* Everybody hold up the green card. What does it say? Good. It says "True". Now put the green card down and hold up the red card. What does it say? Good. It says "False". Now everybody put your cards down.

Now I am going to say some sentences. If a sentence is true, which card should you hold up? Good, you hold up the green card. If a sentence is false, which card do you hold up? Good, you hold up the red card. *(Note: Reinforce after each statement. If the sentence is “false” repeat the question and ask, “Why is that false?”)*

* * *

**We are learning about court.**

**TRUE:** *(Make sure “right” card is raised)*

**FALSE:** *(Make this statement wrong and make sure “wrong” card is raised)*

1- The girl accused the boy of stealing the man's bicycle.

**FALSE:** The girl accused the man of stealing the boy's bicycle.

2- Accused means to blame someone for doing something wrong.

**TRUE**

3- The law is a set of rules that everyone in the United States must follow.

**TRUE**

4- If someone follows the law it is a crime.

**FALSE:** If someone breaks the law it is a crime.

5- The policeman's job is to find someone who is accused of a crime.

**TRUE**

6- Evidence means the facts about what happened.

**TRUE**

7- An investigation means the policeman will go to court.

**FALSE:** An investigation means that a policeman will collect evidence about what happened. He will also ask witnesses questions.

8- The policeman asks witnesses questions during an investigation.

**TRUE**

9- A witness is someone who saw or heard something happen, or had something happen to them.

**TRUE**
After an investigation, the policeman will decide if there is enough evidence, or proof, to go to court.

**FALSE:** After an investigation, a district attorney will decide if there is enough evidence, or proof, to go to court.

**IV. TRIAL PROCESS: ROLES & FUNCTIONS OF A JUDGE, BAILIFF, DEFENDANT, AND WITNESS**

Now back to our story. After an investigation, sometimes people have to go to court so a decision can be made about something that happened. The boy and man in our story will go to court so a decision can be made about who the bicycle really belongs to by having a trial.

Do you know what a trial is? Good. A trial is kind of like a discussion or talk in court. We have trials to protect the rights of people, like the man in our story. He is accused of a crime, but he is not guilty until it is proven in a trial in court.

What does guilty mean? Good. Guilty means the person accused of a crime really did it or the evidence makes it seem like the person did it. What does not guilty mean? Good. Not guilty means the person accused of a crime did not do it or the evidence makes it seem like the person did not do it.

So what is a trial? Good. A trial is something like a discussion in court. And why do we have trials? Good. We have trials to protect the rights of people, and hear all of the evidence and make a decision about something that may have happened.
During a trial, the attorney or lawyer shows all the evidence in court. Evidence is shown by having people go to court and tell what happened. If someone is accused of breaking the law, they go to the trial. So the man in our story will go to the trial because he is accused of stealing the boy’s bike. Witnesses also go to the trial so they can tell the judge what they saw or heard. Who are the people in our story who will go to trial? Good. The boy, girl, and woman will all go to court because they are witnesses.

Why is the man going to trial? Good. The man in our story will go to trial because he is accused of breaking the law. The man is accused of stealing the boy’s bicycle. Somebody said he did it, but they have to prove it in court. Why are the boy, the girl, and woman going to trial? The boy, the girl, and the woman will also go to the trial because they are witnesses. They saw something happen or had something happen to them.

Let’s talk about some of the people in the court during a trial. (Point to judge.) Who is this? This is a judge. The judge is in charge of the courtroom. Kind of like your teacher is in charge of the classroom. The judge, who can be a man or woman, wears a dark robe and sits up high in this chair. The judge's job is to make sure that everything that happens in court is fair. The judge is not on anybody's side.

Do you know what a judge does in court? Good. The judge listens to people tell what they have seen or heard, or about something that has happened to them. The judge listens to witnesses answer questions. Sometimes he decides if the person who is accused of a crime is guilty or not guilty - if they really did the crime or not. The judge then decides the sentence, or punishment, like if the accused person should go to jail or not.

(Point to Bailiff.) Who is this? Good. This is the bailiff or marshal. The bailiff or marshal is like a policeman in court. What is the bailiff or marshal’s job? Good. The bailiff or marshal’s job is to protect the people in court, to make sure nobody gets hurt.

(Hold up the man accused of stealing the bicycle and put him in the defendant’s seat.) Who is this? Good. This is the man who is accused of stealing the boy’s bicycle. He is the defendant. The defendant is someone who is accused of breaking the law. It doesn’t mean that the defendant broke the law, it just means that he is accused of breaking or blamed for breaking the law.

(Point to the boy, girl, and woman in the story.) Who are these people? Good. They are witnesses. A witness is a person who goes to court to tell the judge about something that has happened to them, or something they saw or heard.

Who are the witnesses in our story? Good. The boy who got his bicycle stolen in our story is a witness. Why is he a witness? Good. He is a witness because something happened to him - his bicycle was stolen. Who else is a witness? Good. The little girl is a witness. Why is she a witness? The little girl is a witness because she saw the man steal the boy's bicycle. Is anyone else a witness? Good. The woman in our story is also a witness. Why is she a witness? The woman is a witness because she saw something happen - she saw the man riding the bicycle a few days earlier.

Being a witness is an important job. When a witness comes into the courtroom, they sit in a special chair next to the judge. (Point to the witness stand.) This chair is called a witness stand.

When a witness first comes to the witness stand the witness must take an oath. Do you know what an oath is? Good. An oath is a promise to tell the truth. Taking an oath means that the witness promises to tell the truth. Have you ever seen witnesses on t.v. being told to raise their right hand and promise to tell the truth? (demonstrate) This is taking an oath. So what is an oath? Good. An oath is a promise to tell the truth.

Why is it important to tell the truth? Good. It is important to tell the truth so that a decision can be made based upon all of the facts about what happened. What would happen, for example, if the little
girl was not telling the truth and she didn’t really see the man taking the boy’s bicycle? Good. The man might go to jail for a crime he didn’t commit. What if the lady was not telling the truth and she didn’t really see the man riding the bicycle a few days ago? Good. The man might have stolen the bicycle and would not be punished for it. If the witness didn't tell the truth, a person might go to jail and be punished for something they didn’t do or a guilty person may be set free and do the crime again.

A witness must always tell the truth and must always tell everything they remember about what happened. They do this by answering questions on the witness stand. When they answer questions on the witness stand, it is called testifying. When a witness testifies, what they say is called their testimony. The boy, the girl, and the woman in our story will each have a turn to sit at the witness stand and tell what they remember about the bicycle being stolen. The boy, the girl, and the woman will each testify in court. What they say in court is their testimony.

When YOU go to court, it is important to always tell everything you remember about what happened. When you answer questions you must talk loud. You cannot shake your head to answer “yes” or “no”. You must answer out loud. What if you are asked a question by an attorney and you do not know an answer, what do you think you can say? Good. You can say, “I don’t know.” What if you are asked a question about something and you just don’t remember or you forgot something that happened, what can you say? Good. You can say, “I don’t remember or I forgot”. What if an attorney asks you a question and you don’t understand the question, what do you think you can say? Good. You can say “I don’t understand the question.” It is important to always tell the truth and tell everything you remember, but if you do not know something, can’t remember something, or don’t understand something, it is O.K. to say “I don’t know,” “I don’t remember,” or “I don’t understand.”

V. REVIEW: TRIAL PROCESS: ROLES & FUNCTIONS OF JUDGE, BAILIFF, DEFENDANT, AND WITNESS

Now we are going to play red card/green card again. Ready? O.K. If I say something that is true, which card do you hold up? Good. The green card. If I say something that is false, which card do you hold up? Good. The red card.

(NOTE: Reinforce after each statement. If sentence is "false" repeat the question and ask, "Why is that false?")

1- A trial is an investigation.
   FALSE: A trial is like a discussion in court.

2- We have trials to make a decision about something that happened.
   TRUE

3- A bailiff's job is to protect people in court.
   TRUE

4- A judge's job is to do an investigation.
   FALSE: A judge's job is to make sure that everything that happens in court is fair.

5- The boy in our story is the defendant.
   FALSE: The man in our story is the defendant.

6- A defendant is someone who is accused of breaking the law.
   TRUE

7- A witness is a person who goes to court to tell the judge about something that happened to them, or about something they saw or heard.
   TRUE

8- An oath means to talk loud on the witness stand.
   FALSE: An oath is a promise to tell the truth.

9- Testify means to take a test.
   FALSE: Testify means to answer questions on the witness stand.

10- Your testimony is what you say on the witness stand.
   TRUE
VI. TRIAL PROCESS: ROLES & FUNCTIONS OF PROSECUTING ATTORNEY, DEFENSE ATTORNEY, AND JURY

There are different kinds of attorneys or lawyers. An attorney's job to stand up for, or represent, someone in court and prove his or her side of the case.

Attorneys may look the same, but they have different jobs. One kind of attorney is a Prosecuting Attorney. (Point to prosecuting attorney.) This is the prosecuting attorney. Do you know what a prosecuting attorneys job is? Good. The prosecuting attorney's job is to take the evidence from the police investigation and decide if there's enough evidence to go to court and have a trial. The prosecuting attorney also asks witnesses about what happened by asking them questions when they are on the witness stand. Another name for a prosecuting attorney is a District Attorney-DA. So what is a prosecuting attorney or DA’s job? Good. The prosecuting attorney or DA’s job is also to decide if there is enough evidence to go to trial and asks witnesses questions when they are on the witness stand.

In our story, the prosecuting attorney will question the boy who got his bicycle stolen by asking him questions while he is on the witness stand. The prosecuting attorney will also question the girl who saw the man steal the bicycle about what she saw that day.

Another kind of attorney is a defense attorney. (Point to defense attorney.) This is the defense attorney. The defense attorney's job is to show that the defendant is not guilty. In our story, the defense attorney tries to show that the man did not steal the bicycle, that the girl is wrong or that she made a mistake. So what is the defense attorney's job? Good. The defense attorney's job is to show that the defendant is not guilty.

If the proceeding will be held in juvenile court, do not include the “jury” paragraph below.

(Point to Jury.) Who are these people? Good. These people are the jury. The jury is not on anybody's side. The jury's job is to listen carefully to everything that is said during a trial and makes a decision about something that happened. The jury decides if the defendant is guilty or not guilty.

If the proceeding is held in juvenile court, use “judge” in the following paragraphs. If it is not, use “jury.”

When all of the witnesses have answered questions (testified), the judge (or jury) makes a decision. This decision is called the verdict. A verdict is a decision of guilty or not guilty. In our story, the judge (or jury) will listen carefully to what the boy, the girl, and the woman say during the trial. The judge (or jury) will make a decision as to whether he/she/they think the man stole the boy's bicycle. The judge (or jury) will decide the verdict.

After the judge (or jury) decides the verdict, the judge announces the verdict. If the defendant is found not guilty, it means the judge (and the jury) do not think the defendant committed the crime based on the evidence. Maybe someone else could have committed the crime. It doesn't mean the witness is guilty. The witness will not get in trouble. Someone else could have committed the crime.

If the defendant is found guilty, it means the judge (and jury) think that the person did commit the crime based on the evidence. If the defendant is found guilty, the judge will also sentence the defendant. That means the judge will give the defendant a punishment, like having to go to jail.

VII. REVIEW: TRIAL PROCESS: ROLES & FUNCTIONS OF PROSECUTING ATTORNEY, DEFENSE ATTORNEY, AND JURY

Now we are going to play red card/green card. Ready? O.K. If I say something that is true, which card do you hold up? Good. The green card. If I say something that is false, which card do you hold up? Good. The red card.
(NOTE: Reinforce after each statement. If sentence is "false" repeat the question and ask, "Why is that false?")

1- An attorney is a policeman.  
FALSE: An attorney is a lawyer.

2- The District Attorney and Prosecuting Attorney are not terms used for the same people.  
FALSE: The District Attorney and Prosecuting Attorney are terms used for the same person.

3- The DA or prosecuting attorney's job is to decide if there is enough evidence to go to court and have a trial. And to help witnesses tell what happened by asking them questions when they are on the witness stand.  
TRUE

4- The defense attorney's job is to prove that the defendant is guilty.  
FALSE: The defense attorney's job is to prove that the defendant is not guilty.

5- The jury doesn't listen to what the witnesses say in court.  
FALSE: The jury does listen to what witnesses say in court.

6- The jury decides the verdict.  
TRUE.

7- A verdict means the defendant is not guilty.  
FALSE: A verdict is a decision of guilty or not guilty.

8- If someone is found guilty, it means the jury thinks the witness committed the crime.  
FALSE: If someone is found guilty, it means the judge and jury think the defendant committed the crime.

Now we have two more really hard questions so listen carefully.  
* I had fun today.  
* I want to come back and learn more about court.

Great! You did a terrific job today learning about court!
KCS ELEMENTARY CURRICULUM
Session 2: Stress Inoculation Training

(.GOAL: To facilitate children's preparedness for court testimony via (1) mastery of fears related to testifying, and (2) maintaining and preserving the child's self esteem.)

I. ESTABLISHING RAPPORT: INTRODUCE YOURSELF AND HAVE CHILDREN DO THE SAME.

II. REVIEW

The other day you heard a story about a boy and his bicycle. Who can tell me what happened in the story?

-boy rode his bicycle home at recess
-came out of house and bicycle was gone
-saw a man riding a bicycle like his
-man said it wasn't the boy's
-woman said she saw man riding bicycle a few days ago
-little girl said she saw the man take the bicycle

Good job.

We also talked about court. Let’s talk about it again.

(Elicit responses after each question, reinforce appropriately. Repeat each correct answer, even if given by a child.)

III. PRETRIAL PROCESS REVIEW

Who can tell me what a law is?
A law is a set of rules that everyone in the United States must follow. Good.

What is it called when someone breaks the law?
When someone breaks the law, it is called a crime. Good.

And what does it mean if you accuse someone of breaking the law?
Accuse means to blame someone for doing something wrong. Good.

Who is a witness to a crime?
A witness is a person who saw or heard something happen, or had something happen to them. Good.

Who can tell me what happens after someone is accused of a crime.
After someone is accused of a crime, there is an investigation. Good.

What is an investigation?
A investigation is when a policeman collects all the evidence, or fact, about a crime. He does this by finding the person accused of the crime and asks them questions about what happened. He also asks witnesses questions about what happened. Good.

Who can tell me what happens after an investigation?
After a policeman does an investigation, he gives the evidence to a special attorney. The attorney than decides if there is enough evidence to have a trial. Good.

Now what is a trial?
A trial is a discussion in court. Good.

And why do we have trials?
We have trials to protect the rights of people, and hear all of the evidence and make a decision about something that may have happened. Good.

Now let's talk about some of the people in the court room again. (Point to judge). Who can tell me who this is?
This is the judge. Good.

And what is the judge's job?
The judge is in charge of the courtroom. The judge's job is to make sure that everything that happens in the court room is fair. The judge is not on anybody's side. The judge listens to the witnesses answer questions. Sometimes he decides the verdict. The judge also decides the sentence. Good.

(Point to defendant). Who can tell me who this is?
This is the defendant. Good.

And what is a defendant?
A defendant is someone who is accused of breaking the law. Good.

If someone is accused of breaking the law, does it mean they are guilty?
No, they are innocent until proven guilty in court. Good.

(Point to witness). Who can tell me who this is?
This is a witness. Good.

And what is the first thing a witness does when they come to the witness stand?
A witness takes an oath. Good.

And what is an oath?
An oath is a promise to tell the truth. Good.

After a witness takes an oath, what do they do next?
They testify. Good.

And what does it mean to testify?
Testify means to answer questions on the witness stand - to tell what someone saw or heard, or about something that happened to them. Good.

(Point to prosecuting attorney). Who can tell me who this is?
This is the prosecuting attorney. Good.

And what is the prosecuting attorney's job?
The prosecuting attorney's job is to take the evidence from the police investigation and decide if there is enough evidence to go to court and have a trial. The prosecuting attorney's job is also to ask witnesses questions and help them tell what happened. Good.

(Point to defense attorney). Who can tell me who this is?  
This is the defense attorney. Good.

And what is the defense attorney's job?  
The defense attorney's job is to prove that the defendant is not guilty. Good.

(Point to jury). Who can tell me who these people are?  
These people are the jury. Good.

And what is the jury's job?  
The jury's job is to listen carefully to everything that is said and to decide what the truth is. The jury decides if the defendant is not guilty or guilty. Good.

What is the decision that the jury makes?  
The decision that the jury makes is called the verdict. Good.

What does it mean if someone is found guilty?  
When someone is found guilty, it means the judge and the jury think the person committed the crime or the evidence makes it seems like they committed the crime. Good.

Now, we're going to talk about what it might feel like to go to court and be a witness - to answer questions. We will talk about different kinds of feelings and you will learn two things that will help you feel better when you go to court and answer questions.

IV. ELICITING CHILDREN'S FEARS/SITUATIONAL ANALYSIS

How do you feel about going to court to testify, to answer questions?

(NOTE: Listen to fears. Acknowledge and validate.)

Some kids like to go to court because they get to tell what happened to them and the judge listens to them. They feel special when they get to sit right next to the judge and everyone listens to what they have to say. Other kids might feel a little nervous or scared. When the boy in our story goes to court, how do you think he would feel?

I wonder what things he'd be most afraid/nervous/worried/scared (use child's words) of?

(NOTE: If child(ren) do not generate feelings, read the feelings below.)

(1) Some kids said they feel brave. Why do you think some kids would feel brave?

(If child does not generate answer say...)

They might feel brave because they answered hard questions in front of a lot of strangers. Why else do you think they would feel brave?

(2) Some kids said they were proud. Why do you think some kids would feel proud?

(If child does not generate answer say...)

They might feel proud because they did a good job answering embarrassing questions. Why else do you think they would feel proud?
Other kids said they were worried. Why do you think some kids would be worried?

(If child does not generate answer say...)

They might feel worried because they would have to answer questions in front of a lot of strangers. One kid was worried that he might say something wrong and have to go to jail, but of course we know that you don't go to jail for making a mistake. Why else do you think they would feel worried?

Some kids said that they might get too nervous. Why do you think some kids might feel nervous?

(If child does not generate answer say...)

They might feel nervous because they forgot the answer to the question. Why else do you think they would feel nervous?

Some kids said they might feel afraid. Why do you think some kids might feel afraid?

(If child does not generate answer say...)

They might feel afraid because they might be asked embarrassing questions. Why else do you think they would feel afraid?

Other kids said they might feel sad. Why do you think some kids might feel sad?

(If child does not generate answer say...)

They might feel sad because they might think that they won't be believed. Why else do you think they would feel sad?

Now, tell me what YOU would be afraid of.

V. IMAGERY BASED RECALL, DESIGNED TO INFORM/INCREASE AROUSAL STATE

(NOTE: Instruct children to close their eyes and put heads down on desk.)

Today, we are going to close our eyes and imagine that we are the boy in the story, who had to go to court to testify. It will be like watching a movie. Imagine that, today is the day you will go to court.

Imagine that you walk to the courtroom and stand at the door, but you can't go inside. You have to wait outside until the attorney calls you in to testify. As you wait outside, you peak in the little window in the door to see what it all looks like inside. You see the judge's chair up high right in front, and the table where the attorneys sit at, and all the wooden chairs. You see the bailiff with a uniform on, and lots of people inside sitting. You feel nervous and scared having to wait outside.

Pay attention in your mind - quietly to yourself - to how that feels. Sometimes feeling nervous, feels like you have butterflies in your stomach. Sometimes your body feels very tense and tight. Now you see the bailiff walking towards the door. He calls your name. You walk into the court room and you see all the people inside turning to look at you. Up front you see the judge sitting up high in the chair, and you also see the attorneys in dark suits. You stand up front and you're asked to say your name, and promise to tell the truth. Then you sit down on the witness stand.

An attorney starts to ask you questions, and when you look at the attorney, what you notice are all the people behind the attorney, who are sitting in the courtroom. They are all watching you and you get nervous, and now you can't remember what the attorney just asked you. So you ask him to say it again. You feel afraid you won't know the answer, or that you'll say the wrong thing. You also feel afraid that the attorney might ask a question you don't understand. When he does you tell him, "I don't get it." "What do you mean?" Then he asks you a question you do understand and you answer. And now the attorney tells you there are no more questions, and you can sit down.
You go to sit down and are told, "You did a good job, because you did something that was hard to do. I'm proud of you." Okay now open your eyes.

VI. GENERATE ANXIETY HIERARCHY
What seemed like fun about going to court? What seemed like the most scary part about being in court? What was only a little scary? *Ask each child.*

VII. ASSESS CURRENT COPING SKILLS
Are there things that you do when you're feeling scared, or nervous, or worried to help you feel better? *Ask each child. For example, when taking a test what do you do to help you feel better?*

VIII. TRAINING RATIONALE: COPING SKILLS
Well today we are going to learn two simple things that we can do whenever we are feeling scared or nervous, or upset, like when you're in court answering questions and people are staring at you. The things we are going to learn about are: #1 "Deep Breathing", that helps our bodies to feel calm, and #2 "Self Talk". That means talking to ourselves quietly in our heads, to help us feel better.

IX. DEEP BREATHING INSTRUCTION
Okay, #1: Let's learn how to do Deep breathing... When we're upset, nervous, or scared, our body isn't relaxed, it gets very tense [make fist, with arms pulled up to chest]. By breathing v-e-r-y d-e-e-p-l-y, and letting our breath out v-e-r-y s-l-o-w-l-y, we can help our bodies to relax (relax fists slowly).

Let me see everyone make your body very tense, good now take a deep breath, let it out slowly, and relax.

The FUN thing about Deep Breathing is that you can do it any time you want, or any place you want, and no one will even know you're doing it. YOU CAN EVEN DO DEEP BREATHING WHEN YOU’RE ON THE WITNESS STAND AT COURT, IF YOU START TO FEEL SCARED THERE.

How do we do it? IT'S SIMPLE...First, we breathe in through our nose like we are smelling roses (demonstrate). Now you try. Good. Smell the roses (breathe in with child). Good. Next, we blow out through our mouth like we are blowing out candles (demonstrate). Now you try. Good. Blow out the candles (breathe out with child). Good. Smell the roses, and blow out the candles (Do breathing along with the child). Alright!

Now, when you go to court, you can use deep breathing when you are on the witness stand, and nobody will even know that you are doing it.

*(NOTE: Monitor each child's breathing and provide assistance, until each child has mastered the skill).*

Alright! Now close your eyes, and imagine that you're testifying in court. Go ahead and smell the roses and blow out the candles right now. (Do breathing along with children, making your inhale and exhale audible.) Picture yourself in court on the witness stand, and as you look up, you see a room full of strangers. You start to get nervous.

*(NOTE: You will be applying potential anxiety producing scenarios with deep breathing exercises.)*

1. The attorney asks you questions, but you don't know the answer. You're feeling nervous. Do deep breathing. Good.

*(NOTE: Demonstrate - Do breathing with children, making your inhale and exhale audible.)*

2. Now you answer the question, but you think they don't believe you. This feels scary. Smell the roses and blow out the candles. Great job.

*(NOTE: Demonstrate - Do breathing with children, making your inhale and exhale audible.)*
3. You talk about your bike being stolen. The man who stole your bike is giving you a mean look. Take some more deep breaths. You guys are doing wonderfully.

(Note: Demonstrate - Do breathing with children, making you inhale and exhale audible.)

Now you can open your eyes. Great, how did it feel?

(Note: Validate children's positive responses. If children don't respond, then ask: "Did it help you feel a lot better, a little better, or not better at all?)

X. Self Talk Instruction-Reconceptualization: Self Statements

Now for #2, Self Talk. The OTHER way that we can help ourselves feel more calm and relaxed, is to say things to ourselves that will make us feel better. Doing Self Talk is like being your own cheerleader, or coach. You tell yourself, "You can do it."

For example: Let's say that you are on the witness stand, and the attorney asks you a question you don't know...like what color are the man's eyes. That's a really hard question and you don't know. Well, if you say to yourself, "Oh no! I don't know the answer. The judge will think I'm dumb. They won't believe anything I say." How do you think you will feel after thinking that? (Elicit responses)

But, if you say to yourself, "This is hard, but that's okay, I knew there would be hard questions. Nobody is expected to know all the answers. It's okay to say "I don't know." How do you think you will feel? (Elicit responses)

Remember we talked about things that would make you feel nervous or embarrassed or scared if you were the only one who had to testify? Well, let's add some Self Talk - things that we could say in our head - that would help us feel and do better: Okay, what did we say that we might be afraid of?

*(Note: After each fear say, "so, what would YOU say to yourself if you were...<repeat fear>.)

(If children do not generate self statements, prompt them by starting to say a self statement and encouraging them to finish it or, as a last resort, repeat after you.)

(Use the following if more examples of fears are needed.)

1. What could you say to yourself if:

   You had to answer questions in front of strangers

   (Children generate self talk) Good.

   If child does not generate response then say... We could say this is hard to do. I will take a deep breath and 'just do it'.

   Do you think this would help you feel better?

2. What could you say to yourself if:

   You got too nervous and forgot the answer.

   (Children generate self talk) Good.

   If child does not generate response then say... We could say “It’s okay if I don’t remember. I can just say ‘I don’t remember.’ Nobody knows all the answers.”

3. What could you say to yourself if:
You were asked embarrassing questions.

(Children generate self talk) Good.

If child does not generate response then say... I can be brave and answer the question. I've practiced this before. I'm ready.

4. What could you say to yourself if:

   You thought they didn't believe you. (Children generate self talk) Good.

   If child does not generate response then say... I know the truth. My job is to tell the truth. I did a good job.

5. What could you say to yourself if:

   You said something wrong, and were afraid you'd have to go to jail.

(Children generate self talk) Good.

Everybody makes mistakes. I know you don’t go to jail for just a mistake.

(Note: If children generate self-statements that are not very positive, tell them they could tell themselves "I'll just try my best.")

Answering a lot of questions is a hard thing to do. You might be asked embarrassing questions that you don't really want to answer. Or, you might not understand a question, and you'll have to ask the attorneys what they mean. That might be scary. But YOU are prepared, You are ready, You know how to do Deep Breathing and Self Talk. You can do it, You can testify. Trying something that's hard to do, but doing it anyway, means that you did a very GOOD job, an EXCELLENT job!

XI. IMAGERY REHEARSAL

(Note: Do deep breathing with audible inhale and exhale when called for in the Imagery Rehearsal script.)

Close your eyes. Now let's practice using Self Talk and Deep Breathing as we pretend we're testifying in court. Go ahead and practice deep breathing; smell the roses and blow out the candles. Allow yourself to relax. Begin to imagine that this is the day you will be testifying in court.

Picture in your mind that you wake up in the morning, get dressed and you sit down to eat a good breakfast. After breakfast, you brush your teeth, and check to see that you're all ready to go.

When you’re ready, you get in the car and leave for court. As you're going to court, you notice you start to feel a little nervous. Go ahead and take a deep breath right now, then tell yourself, out loud - so I can hear you - "I'm ready!". "I can do it!"

Good, now imagine you see yourself walking into the court building, and over to the court room. Remember you have to wait outside until they call you. You peek in the window and you see a lot of people sitting inside. There's a judge with a dark robe on, sitting up high in the chair. There are the attorneys too.

Okay, now the bailiff calls your name, and you feel very nervous. Take a deep breath and whisper "I'm brave, I'm ready". You walk up to the front and say your name, and promise to tell the truth. You sit down on the witness stand. You think to yourself "Oh, look at all the of people staring at me! There's the man who stole my bike. He is giving me a mean look!" You start to feel nervous and
scared. So you do some deep breathing to make yourself feel better. Smell the roses and blow out the candles. Good!

Now, whisper to yourself. Repeat after me, "This is hard but I knew there would be hard questions. I'm ready. I can do it." Now, imagine that the attorney starts to ask you questions. Say to yourself quietly in your head; "I'm brave. I'll just answer the question, it's okay. I'm doing a good job." When you've said the self talk nod your head so I can see - Good. Now the attorney asks you what color the man's eyes are, but you don't know! - and you notice that your starting to get nervous and tense again. So tell yourself quietly in your head "It's okay, I don't know the answer. I can say I don't know. Nobody knows all the answers."

Now the attorney says your all done. You can go home. You did a great job. You did something that is hard to do, you've done a good job! (Have children open their eyes.)

How did it feel? REMEMBER that when you start feeling nervous, and you notice your body is getting tense, you can do some deep breathing, smell the roses and blow out the candles and tell yourself "It's okay, I'm ready, I can do this, I'm brave", or other Self Talk. You will start to feel better. You will do a good job!

**XII. ASSESS FACTORS OF TREATMENT NON-COMPLIANCE**

I'm wondering if there would be any reason why you wouldn't use the things we learned about today - deep breathing, Self Talk - to help you feel more relaxed and able to do a better job. What might be some reasons that you wouldn't use what we learned today? What could we do to help ourselves so that we would use the things we learned today?

(Note: Problem solve the specific reasons the children give for noncompliance. e.g., If someone says they can't do Deep breathing, tell them just to do self-talk)

**XIII. REVIEW OF SKILLS TAUGHT**

REMEMBER: When can you use deep breathing and Self Talk?

(Note: Enlist responses - repeat child's response if appropriate and give praise)

Right... and anytime you like. Like if you go to court to answer questions. Who will know you are using deep breathing and Self Talk? (Elicit responses.) Right, no one but you. Good. Now, everyone tell me one Self Talk?

APPENDIX A

[Included below are fears and feelings commonly generated by children who are called to testify in court, for use with this script as needed to supplement children's responses and/or for aid in flipchart list]:
Common Feelings: scared, nervous, afraid, worried, anxious, sad, glad, mad.
Common Fears: might not be believed
have to face defendant; defendant will be mad
defendant will hurt you or your family
talking in front of people
might have to talk about embarrassing things
might not understand the question; will get confused
might not remember things; mind will go blank
will get too nervous; will cry on the stand
will give the wrong answer
will get a headache, stomachache, dizzy
all my friends will find out
I'll be put in jail
APPENDIX B

Mock Trial Roles

Judge’s Role

Action:

- Sitting on judge’s bench
- Wearing black robe
- Asking questions to help clarify witness’s testimony

Demeanor:

- Straightforward, Professional
- Maintaining eye contact with the witness as she/he testifies

Lines:

- *(Starting off Court Session):*
  - “Order in the Court!”
  - Hit Gavel
- Bailiff talks about the Oath, then Judge says:
  - “Prosecution, Your Witness.”
  - Hit Gavel
- *(After “No Further Questions Your Honor” by Prosecution):*
  - “Defense, Your Witness.”
  - Hit Gavel
- *(After “No Further Questions Your Honor” by Defense Attorney):*
  - “Prosecution, Redirect?”
- *(After “No Further Questions Your Honor” by Prosecution):*
  - “Defense, Re-cross?”
- *(After “No Further Questions Your Honor” by Defense Attorney):*
  - If Judge is uncertain on the verdict, the Judge may ask questions directly to the witness.
  - Example Question:
    - “How can you be sure the little girl saw that person on your bike?”
- *(After Judge completes questioning):*
  - “Defendant Please Rise.”
  - “Guilty” or “Innocent.”
  - Hit Gavel

Bailiff’s Role

Action:

- Leading witness to the witness stand at beginning of court session
- Standing between the witness stand and judge’s bench for the duration of the court session

Demeanor:

- Straightforward, Professional

Lines:
- (After leading the witness to the witness stand):
  o “Today we are not going to take an oath, because you are going to be telling a story that isn’t true. Your bike really wasn’t stolen. But today, you are going to pretend like you are that boy whose bike was stolen.”
  o “When you go to court, you will have to tell the truth about what happened to you. When you do that, you will take the following oath which says: *Please raise your right hand. Do you promise to tell the whole truth and nothing but the truth?”*

Prosecutor’s Role

Action:

- Helping the witness tell his/her story
- Asking the witness the Prosecution’s Questions
- Re-direct the witness after the Defense Attorney’s cross-examination using the Prosecution’s Questions

Demeanor:

- Straightforward, Professional
- Maintaining eye contact with the witness
- Supportive of witness

Lines:

- (After the Judge says, “Prosecution Your Witness”):
  o “Thank you, Your Honor.”
  - Read a selection of Prosecution Questions from sheet.
    o After questioning: “No further questions Your Honor.”

Objections:

- (State at least one objection per mock trial)
  o Examples of objections
    - Relevance (a question must relate to the issue at hand)
      - Defense Attorney asks, “How long does it take to ride your bike home from school?”
    - Calls for Speculation (a witness must have personal knowledge to answer the question)
      - Defense Attorney asks, “Do you think the lady got a good view of the man riding his bike?”
  o Note: do not object on hearsay grounds, as the whole story must be based off of hearsay

Prosecution’s Questions
Please ask all of the bolded questions and then read a selection of the remaining questions to the witness. If there is more than one witness testifying at mock trial, choose a selection of questions for each witness so that each witness gets a different selection of questions.

1. Can you please state and spell your name?
2. Do you know the difference between a truth and a lie?
   a. So, if I said this piece of paper/folder is blue, would that be a truth or a lie?
3. How old are you?
4. Where do you go to school?
5. What grade are you in?
6. What is your teacher’s name? What is your favorite class?
7. Do you know why we are here today?
8. How do you know that your bike was stolen?
9. Did someone see anyone steal your bike?
   a. Who saw that person?
10. Did you see someone on your bike?
    a. Is that person in the courtroom today?
    b. Can you please tell me what that person is wearing?
       i. To the Judge: “Your Honor, let the record reflect that the witness described the defendant.”
11. What does your bicycle look like?
    a. What color is your bike?
    b. What color are the handlebars?
    c. Do you have any stickers/tassles/bells on your bike?
12. How do you know the defendant stole your bicycle?
13. How often do you ride your bike?
    a. Do you always put your bike in the same spot?
    b. Are you sure you put your bike in front of your house on the day it was stolen?

“No further questions your honor.”
Re-Direct:

1. Are you sure the little girl saw the defendant riding your bike?
2. Ask anything else that confirms the witness’ testimony

“No further questions your honor.”

Defense Attorney’s Role

Action:

- Attempting to show defendant is not guilty
- Cross-examining the witness using the Defense Attorney’s Questions
- Re-cross-examining the witness after the Prosecutor’s re-direct using the Defense Attorney’s Questions

Demeanor:

- Straightforward, Professional
- Maintaining eye contact with the witness
- Challenging of witness’s account/story

Lines:
- *(After the Judge says, “Defense Your Witness”):*
  o “Thank you, Your Honor.”
- Read a selection of Defense Attorney’s Questions from sheet.
  o After questioning: “No further questions Your Honor.”
- *(After the Judge says, “Defendant Please Rise”):*
  o Rise with Defendant

**Objections:**

- *(State at least one objection per mock trial)*
  o Examples of objections
  ▪ Leading Question (prosecutor can’t ask leading questions)
    • Prosecutor asks, “Isn’t it true that the defendant stole your bike?”
  ▪ Relevance (a question must relate to the issue at hand)
    • Prosecutor asks, “What did you have for lunch the day your bike was stolen?”
  ▪ Calls for Speculation (a witness must have personal knowledge to answer the question)
    • Prosecutor asks, “Do you think the little girl got a good view of the man when he took your bike?”
  o Note: do not object on hearsay grounds, as the whole story must be based off of hearsay

**Defense Attorney’s Questions**

*Please ask a selection of the following questions to the witness. If there is more than one witness testifying at mock trial, choose a selection of questions for each witness so that each witness gets a different selection of questions.*

1. How did you know your bicycle was stolen?
2. Didn’t you just forget where you put your bicycle?
3. Is there anyone at school who might be playing a trick on you and might have taken your bike as a joke?
4. Is there anyone at school who might have borrowed your bike from you?
5. Isn’t it true that a woman saw the defendant riding a bike that looks like yours a few days before you lost your bike?
   a. Therefore, isn’t it possible that the defendant has a bike that looks like yours?
6. Do you always put your bike back in the same spot when you’re done?
   a. Are you sure you didn’t leave your bicycle somewhere and don’t want to get in trouble for losing it?
7. How far away were you when you saw the defendant on the bike?
   a. Isn’t it possible you couldn’t see the bike very well from that distance?
   b. Isn’t it possible you couldn’t see the defendant very well from that distance?
8. Would you be excited to get a new bicycle?
   a. Maybe you got rid of your bike so you could get a new one?
9. How do you know that the defendant stole your bike if you didn’t get a good look at him?
10. Do you know of anyone else who has a bike just like yours?
    a. So maybe that person took your bike and not the defendant?

“No further questions your honor.”

Re-Cross:
1. You can’t be 100% certain that this person stole your bike, can you?
2. Ask anything else that contradicts the witness’ testimony or the prosecutor’s questions.

“No further questions your honor.

**Defendant’s Role**

Action:

- Sitting next to the defense attorney at table farthest away from witness stand
- When Judge states “Defendant, please rise,” rise with defense attorney

Demeanor:

- Straightforward

Lines:

- No speaking lines
APPENDIX I: PARENT CONSENT FORM

UNLV
UNIVERSITY OF NEVADA LAS VEGAS

PARENT INFORMED CONSENT
Department of Educational Psychology & Higher Education / Boyd School of Law

TITLE OF STUDY: Children’s Court Related Stress as Perceived by the Child, their Attorney(s) and their Parent(s)
INVESTIGATOR(S): Dr. Rebecca Nathanson & Brittnie Watkins

For questions or concerns about the study, you may contact Dr. Nathanson at 702-895-2323.

For questions regarding the rights of research subjects, any complaints or comments regarding the manner in which the study is being conducted, contact the UNLV Office of Research Integrity – Human Subjects at 702-895-2794, toll free at 877-895-2794 or via email at IRB@unlv.edu.

Purpose of the Study
You are invited to participate in a research study. The purpose of this study is to try and understand how children feel about going to court and in particular, how they feel about different court-related experiences, such as "being a witness in court" or "answering questions in front of the judge in court.” We also want to understand how adults in the child’s life perceive the child’s feelings about going to court.

Participants
You are being asked to participate in this study because your child is enrolled in the Kids’ Court School and you are their parent.

Procedures
If you volunteer to participate in this study, you will be asked to do the following: 1) At the beginning of the first session of Kids’ Court School, you will be given the Court Related Stress Scale Pretest, a 10-item measure that asks you to rate how upset you think your child would be by each of 10 court experiences (i.e. being a witness in court, answering questions in front of a judge in court); 2) At the end of the second Kids’ Court School session, you will be given the Court Related Stress Scale Posttest. If your child and child’s attorney also agree to participate in this study, each of them will also be asked to complete the Court Related Stress Scale Pretest and the Court Related Stress Scale Posttest.

Benefits of Participation
You may benefit from participating in this study. If the current study reduces court-related stress, you may be able to see an improvement in your child’s feelings about testifying in court on his or her posttest responses.

Risks of Participation
There are risks involved in all research studies. This study may include only minimal risks. A possible risk is anxiety normally associated with filling out questionnaires, similar to taking a test. Cost/Compensation
There will not be financial cost to you to participate in this study. The study will take not more than 20 minutes of your time. You will not be compensated for your time.

Contact Information
If you have any questions or concerns about the study, you may contact Dr. Rebecca Nathanson at 702-895-2323. For questions regarding the rights of research subjects, any complaints or comments regarding the manner in which the study is being conducted you may contact the UNLV Office of Research Integrity – Human Subjects at 702-895-2794, toll free at 877-895-2794, or via email at IRB@unlv.edu.

**Voluntary Participation**
Your participation in this study is voluntary. You may refuse to participate in this study or in any part of this study. You may withdraw at any time without prejudice to your child’s participation in Kids’ Court or your relations to the University. You are encouraged to ask questions about this study at the beginning or any time during the research study.

**Confidentiality**
All information gathered in this study will be kept as confidential as possible within the research team. No reference will be made in written or oral materials that could link you to this study. All records will be stored in a locked facility at UNLV for 7 years after completion of the study. After the storage time the information gathered will be destroyed.

**Participant Consent**
I have read the above information and agree to participate in this study. A copy of this form has been given to me.

Parent Signature __________________________________________________________________________ Date ______________

Parent Name (Please Print) __________________________________________________________________________

Child’s Name (Please Print) __________________________________________________________________________

*Participant Note: Please do not sign this document if the Approval Stamp is missing or is expired.*

*Confidentiality*
APPENDIX J: YOUTH ASSENT FORM

YOUTH ASSENT FORM (AGES 13-17)
Department of Educational Psychology & Higher Education / Boyd School of Law

TITLE OF STUDY: Children’s Court Related Stress as Perceived by the Child, their Attorney(s) and their Parent(s)

INVESTIGATOR(S): Dr. Rebecca Nathanson & Brittnie Watkins

For questions or concerns about the study, you may contact Dr. Nathanson at 702-895-2323.

For questions regarding the rights of research subjects, any complaints or comments regarding the manner in which the study is being conducted, contact the UNLV Office of Research Integrity – Human Subjects at 702-895-2794, toll free at 877-895-2794 or via email at IRB@unlv.edu.

1. My name is __________.

2. We are asking you to take part in a research study because we are trying to learn more about how children feel about going to court.

3. If you agree to be in this study, you will be asked how you feel about going to court. I will describe ten things about going to court, like “being a witness in court” and “answering questions in front of a judge in court.” You will be asked to put an X on a face that shows how upsetting this would be for you.

4. If your parent and lawyer also agree to participate in this study, each of them will be asked questions about how they think you feel about going to court.

5. A possible risk from you being in the study might be that you may feel like you feel when you take a test at school.

6. You may feel good about being in the study because you can show how you feel about going to court. Also, you may be able to see if Kids’ Court School helped make you feel better about going to court.

7. We will ask your parent(s) to give their permission for you to be in this study. Even if your parents say “yes”, you do not have to be in this study.

8. If you don’t want to be in this study, you don’t have to participate. Remember, being in this study is up to you and no one will be upset if you don’t want to participate or even if you change your mind later and want to stop.

9. You can ask any questions that you have about the study. If you have a question later that you didn’t think of now, you can ask me next time.
10. Signing your name at the bottom means that you agree to be in this study. You and your parents will be given a copy of this form after you have signed it.

__________________________    ________________
Print your name                  Date

__________________________
Sign your name
APPENDIX K: CHILD ASSENT FORM

CHILD ASSENT FORM (AGES 4-12)

Department of Educational Psychology & Higher Education / Boyd School of Law

TITLE OF STUDY: Children’s Court Related Stress as Perceived by the Child, their Attorney(s) and their Parent(s)

INVESTIGATOR(S): Dr. Rebecca Nathanson & Brittnie Watkins

For questions or concerns about the study, you may contact Dr. Nathanson at 702-895-2323.

For questions regarding the rights of research subjects, any complaints or comments regarding the manner in which the study is being conducted, contact the UNLV Office of Research Integrity – Human Subjects at 702-895-2794, toll free at 877-895-2794 or via email at IRB@unlv.edu.

1. My name is __________.

2. We are asking you to be in a study because we want to learn how children feel about going to court.

3. If you are in this study, you will be asked how you feel about going to court. I will describe ten things about going to court, like “being a witness in court” and “answering questions in front of a judge in court.” You will be asked to put an X on a face that shows how upsetting this would be for you.

4. If your parent and lawyer also agree to participate in this study, each of them will be asked questions about how they think you feel about going to court.

5. If you are in this study, you may feel like you feel when you take a test at school.

6. If you are in this study, you can show how you feel about going to court. You may be able to see if Kids’ Court School helped make you feel better about going to court.

7. We will ask your parent(s) if it is okay for you to be in this study. Even if your parents say “yes”, you do not have to be in this study.

8. You don’t have to be in this study. No one will be upset if you don’t want to be in this study or even if you start the study and want to stop.

9. You can ask any questions that you have. If you have a question later that you didn’t think of now, you can ask me next time.

10. Writing your name at the bottom means that you agree to be in this study.
APPENDIX L: PARENT PERMISSION FORM

Department of Educational Psychology & Higher Education / Boyd School of Law

PARENT PERMISSION FORM

TITLE OF STUDY: Children’s Court Related Stress as Perceived by the Child, their Attorney(s) and their Parent(s)

INVESTIGATOR(S): Dr. Rebecca Nathanson & Brittnie Watkins

For questions or concerns about the study, you may contact Dr. Nathanson at 702-895-2323.

For questions regarding the rights of research subjects, any complaints or comments regarding the manner in which the study is being conducted, contact the UNLV Office of Research Integrity – Human Subjects at 702-895-2794, toll free at 877-895-2794 or via email at IRB@unlv.edu.

Purpose of the Study
Your child is invited to participate in a research study. The purpose of this study is to try and understand how children feel about going to court. Specifically, we are interested in how children feel about specific court-related experiences, such as “being a witness in court” or “answering questions in front of the judge in court.”

Participants
Your child is being asked to participate in the study because your child is enrolled in the Kids’ Court School program and will be testifying in court in the near future.

Procedures
If you consent to your child participating in this study, your child will be asked to do the following: At the beginning of the first session of Kids’ Court School, he or she will be given the Court Related Stress Scale Pretest, a 10-item measure that asks your child to rate how upset he or she would be by each of 10 court experiences (i.e. being a witness in court, answering questions in front of a judge in court); 2) At the end of the second Kids’ Court School session, your child will be given the Court Related Stress Scale Posttest. If your child and child’s attorney also agree to participate in this study, each of them will also be asked to complete the Court Related Stress Scale Pretest and the Court Related Stress Scale Posttest.

Benefits of Participation
Your child may benefit from participating in this study by having an opportunity to express his or her feelings about testifying in court. Also, if the current study reduces court-related stress, your child may be able to see an improvement on his or her feelings about testifying in court on his or her posttest responses.

Risks of Participation
There are risks involved in all research studies. This study may include only minimal risks. A possible risk is anxiety normally associated with filling out questionnaires and taking tests.
Cost / Compensation
There will not be a financial cost to having your child participate in this study. The study will not take more than 20 minutes of your child’s time. Your child will not be compensated for their time.

Contact Information
If you or your child have any questions or concerns about the study, you may contact Dr. Rebecca Nathanson at 702-895-2323. For questions regarding the rights of research subjects, any complaints or comments regarding the manner in which the study is being conducted you may contact the UNLV Office of Research Integrity – Human Subjects at 702-895-2794, toll free at 877-895-2794, or via email at IRB@unlv.edu.

Voluntary Participation
Your child’s participation in this study is voluntary. You may refuse to have your child participate in this study or in any part of this study. Your child may withdraw at any time without prejudice to their participation in Kids’ Court or your relations to the University. You or your child is encouraged to ask questions about this study at the beginning or any time during the research study.

Confidentiality
All information gathered in this study will be kept as confidential as possible within the research team. No reference will be made in written or oral materials that could link you to this study. All records will be stored in a locked facility at UNLV for 7 years after completion of the study. After the storage time the information gathered will be destroyed.

Participant Consent
I have read the above information and agree to allow my child to participate in this study. A copy of this form has been given to me.

________________________________________________________________________
Signature of Parent Date

________________________________________________________________________
Parent Name (Please Print)

________________________________________________________________________
Child’s Name (Please Print)

Participant Note: Please do not sign this document if the Approval Stamp is missing or is expired.
APPENDIX M: ATTORNEY CONSENT FORM

ATTORNEY INFORMED CONSENT

Department of Educational Psychology & Higher Education / Boyd School of Law

TITLE OF STUDY: Children’s Court Related Stress as Perceived by the Child, their Attorney(s) and their Parent(s)

INVESTIGATOR(S): Dr. Rebecca Nathanson & Brittnie Watkins

For questions or concerns about the study, you may contact Dr. Nathanson at 702-895-2323.

For questions regarding the rights of research subjects, any complaints or comments regarding the manner in which the study is being conducted, contact the UNLV Office of Research Integrity – Human Subjects at 702-895-2794, toll free at 877-895-2794 or via email at IRB@unlv.edu.

Purpose of the Study
You are invited to participate in a research study. The purpose of this study is to try and understand how children feel about going to court and in particular, how they feel about different court-related experiences, such as "being a witness in court" or "answering questions in front of the judge in court.” We also want to understand how the child’s attorney perceives the child’s feelings about going to court.

Participants
You are being asked to participate in this study because your client is enrolled in the Kids’ Court School.

Procedures
If you volunteer to participate in this study, you will be asked to do the following: 1) At the beginning of the first session of Kids’ Court School, you will be given the Court Related Stress Scale Pretest, a 10-item measure that asks you to rate how upset you think your client would be by each of 10 court experiences (i.e. being a witness in court, answering questions in front of a judge in court); 2) At the end of the second Kids’ Court School session, you will be given the Court Related Stress Scale Posttest. If your client and client’s parent also agree to participate in this study, each of them will also be asked to complete the Court Related Stress Scale Pretest and the Court Related Stress Scale Posttest.

Benefits of Participation
You may benefit from participating in this study. If the current study reduces court-related stress, you may be able to see an improvement in your client’s feelings about testifying in court on his or her posttest responses.

Risks of Participation
There are risks involved in all research studies. This study may include only minimal risks. A possible risk is anxiety normally associated with filling out questionnaires, similar to taking a test.

Cost/Compensation
There will not be a financial cost to having your child participate in this study. The study will not take more than 20 minutes of your child’s time. Your child will not be compensated for their time.
Contact Information
If you have any questions or concerns about the study, you may contact Dr. Rebecca Nathanson at 702-895-2323. For questions regarding the rights of research subjects, any complaints or comments regarding the manner in which the study is being conducted you may contact the UNLV Office of Research Integrity – Human Subjects at 702-895-2794, toll free at 877-895-2794, or via email at IRB@unlv.edu.

Voluntary Participation
Your participation in this study is voluntary. You may refuse to participate in this study or in any part of this study. You may withdraw at any time without prejudice to your client’s participation in Kids’ Court or your relations to the University. You are encouraged to ask questions about this study at the beginning or any time during the research study.

Confidentiality
All information gathered in this study will be kept as confidential as possible within the research team. No reference will be made in written or oral materials that could link you to this study. All records will be stored in a locked facility at UNLV for 7 years after completion of the study. After the storage time the information gathered will be destroyed.

Participant Consent
I have read the above information and agree to participate in this study. A copy of this form has been given to me.

________________________________________  __________________________
Signature                                           Date

________________________________________
Name (Please Print)

________________________________________
Client’s Name (Please Print)

Participant Note: Please do not sign this document if the Approval Stamp is missing or is expired.
APPENDIX N: INTAKE FORM

KIDS’ COURT SCHOOL INTAKE FORM

Client Information

Child’s Name: ________________________________

Gender: □ Male □ Female Date of Birth: ___________ Age: ___________

Ethnicity: ___________________________ Primary Language: ____________________

ESL? □ Yes □ No Disability? □ Yes □ No If yes, disability: ______________

Parent/Guardian’s Name: _____________________________________________

Relationship to Child: _______________________________________________

Address: ___________________________________________________________

Phone Number: (Home) ____________________ (Cell) ______________________

Mother/Guardian Occupation: _______________________________________

Father/Guardian Occupation: _______________________________________

Referral Source

Referral Source/Name: _______________________________________________

Court Information

Court Date(s): _______________________________________________________

Defendant(s): ______________________________________________________

Child’s Role in Court: □ Victim/Witness □ Non-Victim/Witness □ Subject Minor
Type of Case:  Family Court:  □ Child Welfare  □ Delinquency

            District Court:  □ Criminal  □ Civil

Court-Ordered?  □ Yes  □ No  If yes, Judge’s Name:__________________

**Kids’ Court School Information**

**Session 1:** Date/Time: __________  **Session 2:** Date/Time: __________

**Accompanied By:** Name:__________________  Phone:__________________

**Role:**  □ Parent/Guardian  □ Foster Parent  □ Other Relative (specify): ______

□ Attorney  Type: DA, CAP, Pro Bono or other (specify): __________

□ Case Worker  Type: CPS, DFS, CASA or other (specify): __________

Attended KCS previously? Yes  No  Approx. # times: ______

**Student Educator(s):** __________________________________________

**Total Number of Attendees in Session:** __________  Revised 5/6/14
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CURRICULUM VITAE

Brittnie T. Watkins
7317 Ribbon Ridge
Las Vegas, NV 89129
Phone: 269-274-1856
Email: watkin53@unlv.nevada.edu

Current Position
Graduate Assistant
University of Nevada, Las Vegas
Department of Educational Psychology and Higher Education
4505 Maryland Parkway
Las Vegas, NV 89154
702-895-3253

Education
Doctor of Philosophy in Educational Psychology (anticipated August 2014)
University of Nevada, Las Vegas
2011-present

Juris Doctor (anticipated August 2014)
William S. Boyd School of Law (Boyd)
2009-present

Master of Arts, Criminal Justice
Thesis Title: Targeting Youth—Hit or miss? Juvenile Certification in Clark County, Nevada Examined
University of Nevada, Las Vegas (UNLV)
2007-2009

Bachelor of Arts, Psychology with honor, Criminal Justice with high honor
Michigan State University (MSU)
2002-2006

Professional Experience
Kids’ Court School Educator, Thomas & Mack Legal Clinic, Boyd School of Law, 2010-present
Supervisor Dr. Rebecca Nathanson
Duties: Teach court process, role players and stress inoculation to child witnesses, coordinate mock trial, research child witness preparation programs, schedule clients, manage files
Graduate Research/Teaching Assistant, Department of Educational Psychology & Higher Education, UNLV, August 2011-present
Supervisor Dr. LeAnn Putney
Go to College (Rancho High School)
Duties: Develop curriculum, encourage college attendance, deliver lesson plans related to college preparation and study skills
Supervisor Dr. Joe Crank
Duties: Researched school psychologists’ thresholds of decision making to report child abuse, child abuse reporting laws and reading comprehension strategies
Supervisor Dr. Tara Raines
Duties: Researched policy and practice on passive vs. active consent for mental health in public schools
Supervisor Dr. Stephanie Relles
Duties: Researched policy history and development of English Language Learner (ELL) students in the U.S.
Supervisor Dr. Rebecca Nathanson
Duties: Researched opinions and practices related to children testifying in family court
Supervisor Dr. Eunsook Hong
Duties: qualitative data grouping and coding related to methods of resolving homework interruptions

Research Assistant, Boyd School of Law, July 2013-May 2014
Supervisor Professor Elizabeth MacDowell
Duties: Researched and developed memoranda related to battered women’s movement, development of domestic violence civil restraining order, open access to courts, Nevada and California temporary protection/restraining orders, federal and international domestic violence law and domestic violence model codes

Research Assistant, Boyd School of Law, May 2010-May 2012
Supervisor Professor Christopher Blakesley
Duties: Researched international and comparative criminal law, extradition, mixed jurisdictions, torture, human rights issues

Graduate Research/Teaching Assistant, Department of Criminal Justice, UNLV, August 2007-May 2009
Instructor Dr. Alexis Kennedy
Criminal Justice Process (CRJ 432)
Victims of Sex Crimes (CRJ 442)

Instructor Dr. Richard McCorkle

Administration of Justice

Instructor Dr. Tamara Madensen

Intro to Criminal Justice (CRJ104)
Research Methods (CRJ 301)

Laboratory Coordinator, Department of Criminal Justice, UNLV, August 2008-May 2009
Supervisor Dr. Alexis Kennedy

Attitudes Towards Prostitution
Attitudes Towards Megan’s Law
Models of Sexual Behavior
Validation of Attitude Measures

Duties: Maintained daily operations of lab by supervising undergraduate volunteers, scheduled participants, explained consent process, administered research, debriefed participants

Research Assistant, Department of Criminal Justice, UNLV, summer 2008
Supervisor Dr. William Sousa

Duties: Coded data, Analyzed SPSS data

Supervisor Dr. Alexis Kennedy
Duties: Composed literature review, collected data, coded data, organized files

Lab Assistant, Department of Criminal Justice, UNLV, August 2007-May 2007
Supervisor Dr. Alexis Kennedy

Victimization on Social Networking Sites

Duties: Attended lab meetings, coded data

Undergraduate Research Assistant, Psychology Department, MSU, August 2006-May 2006
Supervisor Jennifer Pratt-Hyatt, M.A.

Interpersonal Behavior and Instant Messaging

Duties: Attended lab meetings, operated daily experiments

Supervisor Dr. Joan Poulsen

Social Ostracism
Duties: Operated daily experiments, participated as confederate, coded data
Youth Advocate, Department of Psychology, MSU, spring 2006

Supervisor Sean Hankins

Adolescent Diversion Project

 Duties: Met with at-risk youth 6-8 hours per week as part of program merger between psychology department and local court, developed problem and needs assessment, identified and introduced youth to resources in community

Paralegal Intern, East Lansing, MI, fall 2005

Supervisor Robin Nottingham

Robin E Nottingham Professional Corporation

 Duties: Billed clients, organized files, maintained records, typed and edited motions, observed client meetings and negotiations

Awards/Honors

 Roosevelt Fitzgerald Award for Leadership and Scholarship
 Barbara Buckley Community Service Award, 2014
 Public Interest Fellowship, 2012-2013, 2013-2014
 Service to Law School and Community Scholarship, 2012-2013, 2013-2014
 Las Vegas Chapter of the National Bar Association Scholarship, 2011, 2012, 2013
 Dean’s List, Boyd School of Law, spring 2012
 Ms. JD Finalist, 2011
 Greenspun College of Urban Affairs Scholarship, UNLV, 2008
 Marie Barbara Woodrich Scholarship, UNLV, 2008
 Michigan Merit Award Scholarship, MSU, 2007
 Comerica Bank-Winship Memorial Scholarship, 2002-2006 (renewable)
 Deans List, MSU, 2002-2006
 Spartan Scholarship, MSU, 2002
 Delta Sigma Theta Scholarship, MSU, 2002

Organizational Membership

Black Law Student Association, President, 2011-2012
Child Advocacy Law Association, Marketing Coordinator, 2011-2012
Public Interest Law Student Association, VP of Communications, 2010-2011
Alpha Phi Sigma-Theta Tau, President, 2008-2009
Professional African American Network, President, 2005-2006

Presentations


**Service**

Legal Aid Center of Southern Nevada, Educational Surrogate Parent Program  
Special Education Advocate 2011-2013

Boyd School of Law, Street Law  
Guest Speaker at Valley High School 2010-2013

Thomas & Mack Legal Clinic, Kids’ Court School  
Mock Trial Participant 2010  
Educator 2010-2014

The Honorable William Voy, Clark County Family Court  
Data Analysis 2008

**Personal Information**

Certification: Lexis Nexis Professional Research