

A Child's Story

In my past life as a prosecutor, I was often assigned to sexual assault cases involving children. The outcomes of cases such as these are quite frequently dependent on the testimony of one child victim, and getting an unbiased and complete statement is crucial. Years later, as a criminal defense and family law attorney, I have come to realize that the challenges and necessity of procuring impartial child testimony aren't unique to one side of the bar. The question is, how do we get that kind of testimony?

In Texas, child testimony is often the product of more than 40,000 interviews conducted at 69 local Children's Advocacy Centers across Texas. Criminal attorneys, family law attorneys, law enforcement, and Child Protective Services investigators are typically familiar with what the CAC

does. For them, working with the CAC can be a daily part of their job. Outside that group, however, I fear the mission and purpose of the CAC go unnoticed.

The goal of the CAC is to coordinate a multidisciplinary team approach to the investigation of child abuse and to provide recovery services for children and their non-offending caregivers. The CAC hires and trains forensic interviewers who conduct and preserve testimony from alleged child abuse victims in a non-leading, non-suggestive manner. To assist in that process, the CAC provides welcoming, safe environments where children can relax and feel free to talk about the things they have experienced. The interviews are always recorded and preserved for use by investigatory partners and often serve as evidence in

trial. Sometimes, the stories the children tell include horrific instances of abuse and neglect that involve themselves or family members. Other times, they help tell about criminal acts the children simply happened to witness. Finally, the children occasionally make no significant statement at all and thereby clear a fraudulent or fictitious report of abuse or neglect.

To assist the CAC with the important work it does, a Texas Young Lawyers Association committee has begun working on a two-prong initiative. First, the group will design and publish a pamphlet that instructs criminal attorneys and family law attorneys on when the work product of the CAC is available to them, how it becomes available, when a subpoena is appropriate, and when caselaw protects the release of certain information. Secondly, the committee will work to further educate the bar and the public on what the CAC does and how individuals and law firms can assist their local CAC in fulfilling its mission.

The CAC is largely dependent on private donations and charitable contributions. I urge you to find ways to support your local center. The forensic interview services the CAC provides can be the difference between a child remaining in a hostile and dangerous environment or being saved from it. On the other hand, the services can be the means by which an innocent parent is cleared of allegations made by a vindictive ex or third party. Either way, the work the CAC is doing is critical to the legal system and is worthy of your time and financial support. More information can be found at cactx.org and, in the near future, on the TYLA website at tyla.org.



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