

SB 19-071

Their Own Words, Their Own Way

Protecting the Child Witness:

a bill to expand the admission of a child's out-of-court statements

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One in four girls and one in six boys will be sexually abused before they turn 18 years old.¹

33% of child sexual abuse victims are abused by a family member.²

Many children lack the context or don't feel safe enough to describe their experience.



Most children will not tell right away, and many will not tell at all because of threats, fear of not being believed, misplaced shame, or worry about the effect of disclosure on family relationships.

Only 12% of child sexual abuse is ever reported to authorities³ - leaving offenders undetected, unpunished, and other children at risk.



When children do tell, they tell someone they trust in a situation where they feel safe, and they often tell gradually, providing more information as their comfort increases.

These "outcry" witnesses - the child's friend, teacher, or other trusted adult - and their accounts of a child's disclosures and demeanor are critical to the truth-seeking process.

Sometimes they are trained professionals, called forensic interviewers, who interview children using methods researched and designed to secure accurate, unbiased accounts.



Their own words, Their own way: it begins with **courage**

1



A child witnesses or experiences child abuse, domestic violence, homicide, or an act of sexual contact, intrusion, or penetration.

2



A child works up the courage to text, chat, call, or pass a note to a trusted friend or adult about what they've seen or experienced.

3



If reported to law enforcement, police investigate the case and determine if there is other evidence corroborating the child's statement and probable cause to believe a crime occurred.

4



A prosecutor reviews the evidence and brings charges if he believes a crime can be proven beyond a reasonable doubt.

5



The outcry witnesses testify under oath about the circumstances and nature of the child's outcry and are cross-examined by the attorney representing the defendant and protecting his rights.

6



A judge allows the jury to hear the testimony of the outcry witnesses, describing what the child told them; only if the judge finds that the time, manner, and circumstances of the statements render them reliable and after judging the witnesses' credibility.

7



The jury determines the facts only after hearing the child testify at trial, and be questioned by the defense attorney, and considering all of the child's statements along with other evidence, to determine if they are consistent or not.

↖ this is current law

this is the bill ↘

Current law unnecessarily limits this process to certain crimes against children or that children witness - This bill expands those crimes to allow a jury to hear a child's statements about any sexual abuse and any crime where a child under 13 is a victim if the same thorough process above is followed.

Join the effort.



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1 Statistics About Sexual Violence (2015). National Sexual Violence Resource Center: Info & Stats for Journalists.

2 Richards, K. (2011). Misperceptions About Child Sex Offenders. *Trends & Issues in Crime and Criminal Justice*, 429.

3 Hanson, R. F., Resnick, H. S., Saunders, B. E., Kilpatrick, D. G., & Best, C. (1999). Factors related to the reporting of childhood rape. *Child Abuse and Neglect*, 23(6), 559-569.