

The Children's Advocacy Center of Worcester County

Your guide through the system
Provided by the Office of District Attorney Joseph D. Early, Jr.

Welcome

The Children's Advocacy Center (CAC) of Worcester County coordinates a multi-disciplinary response to child abuse cases within our county. The CAC works with social service agencies, law enforcement and medical professionals to ensure that children who have been victims of abuse receive a comprehensive and coordinated response. This lessens the trauma to the child and the non-offending caregiver, and ensures that each child and family receives the appropriate services.

We hope this handbook will help you understand the roles that each of the team members play, and the system that we use to respond to a report of abuse. It is designed to help you understand the court procedures and your role within the system.

Mission Statement

The CAC of Worcester County, under the leadership of the Middle District Attorney's Office, is committed to providing a culturally sensitive, multidisciplinary response to child victims of abuse and their families, while advocating for all children in our community.

The CAC creates a child-friendly environment where all disciplines actively coordinate efforts on the child's behalf.

The CAC will provide necessary services without regard to financial status, following the standards of the National Children's Alliance, the policy of our host institution, the Middle District Attorney's Office and the traditions of public service of our member agencies.

Your Multi-Disciplinary Team

Worcester County has a team of multi-disciplinary professionals including the Department of Children and Families (DCF), local and/or State Police, the District Attorney's Office and other child services agencies that are specifically trained to respond, intervene, investigate and offer treatment to victims of child abuse and to their families. The Team members' roles are described below:

The District Attorney's Office:

- **Prosecutor:** An Assistant District Attorney who works for the District Attorney's Office will be assigned to your case. S/he will help determine the course of the investigation. Consideration is given to many factors that will affect the likelihood of success in court. Some of the factors considered are: age and maturity of the child, the child's ability to testify, whether or not the suspect has confessed, presence of medical (or other) evidence and whether or not there are other witnesses.

- Victim Witness Advocate: The Victim Witness Advocate (VWA) is a professional in the DA's office who coordinates and helps victims and their families understand the legal process, and may provide other services or referrals on an as-needed basis.
- Law Enforcement: Town and/or State Police will have investigators on the team. They interview witnesses, suspects and anyone who may have information about the case. They also gather evidence.

The Criminal Process

The District Attorney's Office and law enforcement decide if there is sufficient evidence to proceed with criminal charges based upon the evidence discovered through the investigation. If there is insufficient evidence, or if the victim is not in a position to continue with the court process, a decision may be made not to go forward with the criminal charges. This does not mean that the case could not be revisited in the future if the circumstances change.

Should the District Attorney's Office decide to go forward with prosecution there are two separate options available: the District Court or the Superior Court. The following are some terms and information that will help you as your child's case moves through the legal system.

- **District Court**

The District Court deals with all misdemeanors and a few felonies. A misdemeanor is a criminal offense that may include the possibility of a fine or House of Correction sentence.

- **Superior Court**

The Superior Court may hear any case, but mostly deals with felonies, cases where the potential penalty includes the possibility of incarceration in State Prison. The *Grand Jury* is the way that most cases come to be heard in Superior Court.

- **Grand Jury**

The Grand Jury is a group of 23 citizens who hear evidence from the Commonwealth. An Assistant District Attorney will present evidence primarily through questioning witnesses. If 12 grand jury members believe a crime was committed by the defendant, the accused will be indicted and arraigned in Superior Court. Witnesses may be asked to testify before the Grand Jury.

- **Defendant**

The person formally charged with a crime.

- **Arraignment**

The court hearing in which the defendant is formally charged with a crime and enters a plea of guilty or not guilty

- Bail

An amount of money that is sometimes imposed by the Court to ensure the defendant's appearance at future court hearings. A Judge will consider several factors that may include the defendant's prior criminal history, nature and circumstances of the charges, ties to the community and prior failure to appear in a court proceeding in determining whether or not bail is appropriate. A defendant held on bail is required to pay the amount of bail money imposed in order to be released. Not all persons charged with a crime are held on bail. Certain "Conditions of Release" may be imposed upon the defendant at arraignment. One example is to stay away and have no contact with a victim/victim's family.

- Pre-trial conference

The hearing in which the prosecutor and the defense report the status of the case to the Court.

- Discovery

A series of court dates where both the prosecutor and defense attorney exchange information about the case with each other. Under *Commonwealth v. Dwyer*, a defendant may have access to a victim's privileged counseling and medical records.

- Motion

Requests to the judge to hear and decide legal questions

- Trial

There are two different types of trials. The first is a jury trial where randomly selected members of the community will hear the facts of the case and decide whether or not there is enough evidence to convict the defendant of a crime. The second is a bench trial where the Judge hears the facts of the case without a jury and decides whether or not there is enough evidence to convict the defendant of a crime.

- Sentencing

After a guilty verdict or a plea of guilty, the Judge will sentence the defendant. The judge considers the evidence and recommendations of the prosecutor and defense attorney. The Judge also must stay within the limits set by the Legislature for that particular crime.

Getting Ready for Court

If there is a trial, your Victim/Witness Advocate and Prosecutor will help your child prepare for Court. This may include a visit to the courtroom and talking about what to expect. Some important things to remember if the case goes to trial:

- During the trial, the offender will be in the courtroom at all stages, including your child's testimony. Your child will be reassured that the abuser cannot hurt them or talk to them, and that there are Court Officers in the courtroom to prevent such things from happening.
- If you are a witness, you will not be allowed in the courtroom while your child is testifying. In some cases, it might be easier for your child not to have you there. However, your child should never be in the courtroom without a trusting friendly face, so make sure your Victim/Witness Advocate, a good friend or a trusted relative stays with your child at all times.

Being a Witness

Some helpful reminders about the importance of being a witness:

- You are sworn to tell the truth.
Always be honest when testifying. Telling the truth requires that a witness testify accurately about what he or she knows. As a witness in a case, it is your responsibility to tell the truth.
- Do not guess.
If you honestly do not know the answer to a question, please state so.
- Understand the question.
If you do not understand a question that is posed to you, please ask the attorney to repeat it or to clarify it for you.
- Take your time.
Give the questions the thought they require.
- Only answer the question that is asked.
Do not volunteer information.
- Speak in a loud voice.
What you have to say is very important. The jury needs to hear you. Keep in mind, most microphones in the courtroom are for recording purposes only, they will not amplify your voice.
- Give audible answers.
The court reporter needs to accurately record your answers. Do not nod your head.
- If an objection is raised.
Remain silent; the judge must make a ruling of law. If the judge deems the question admissible, you will be instructed to answer.
- Dress appropriately.
The courtroom is a formal setting and it is important for all witnesses to dress neatly and appropriately.
- Stay calm and be courteous.
Do not lose your temper, fence or argue with either attorney. Answer all questions, whether

they are posed by the Commonwealth or the defense politely, and to the best of your recollection.

Victim Impact Statements

What is a Victim Impact Statement?

Victims of crime and their families have the right to participate, and to be heard in the criminal justice system through the use of Victim Impact Statements. A Victim Impact Statement, which can be written or oral, provides the victim with an opportunity to address the court prior to sentencing.

A Victim Impact Statement is a resource that provides the Court with essential data that leads to appropriate sentences and suitable restitution. This opportunity also allows victims to personalize the crime and express the physical, emotional and financial impact the crime has had on them and their families. It grants the victim not only an opportunity to provide information for the judge to consider at sentencing, but also allows the victim to articulate the pain, anguish and financial devastation the crime has caused.

You should know that even if you choose not to make a victim impact statement the Assistant District Attorney handling the case will make a sentencing recommendation. They will consider amongst other things, your feelings about the case. For that reason, the Assistant District Attorney or Victim/Witness Advocate will be contacting you about your feelings regarding the pending case. It is important to make your Victim/Witness Advocate aware of any changes in your address and telephone number so that you may be updated throughout the court process.

Important Contact Information:

Office of District Attorney Joseph D. Early, Jr.

Children's Advocacy Center of Worcester County

508-792-0214

225 Main Street Room G-301

Worcester, MA 01608

Resources

Department of Children and Families

North Central Area Office 978-353-3600

South Central Area Office 508-929-1000

Worcester East and West Area Office 508-929-2000

Child Protection Program at the UMass Memorial Medical Center

774-442-6629

Child Trauma Training Center Centralized Referral System

1-855-LINK-KID

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