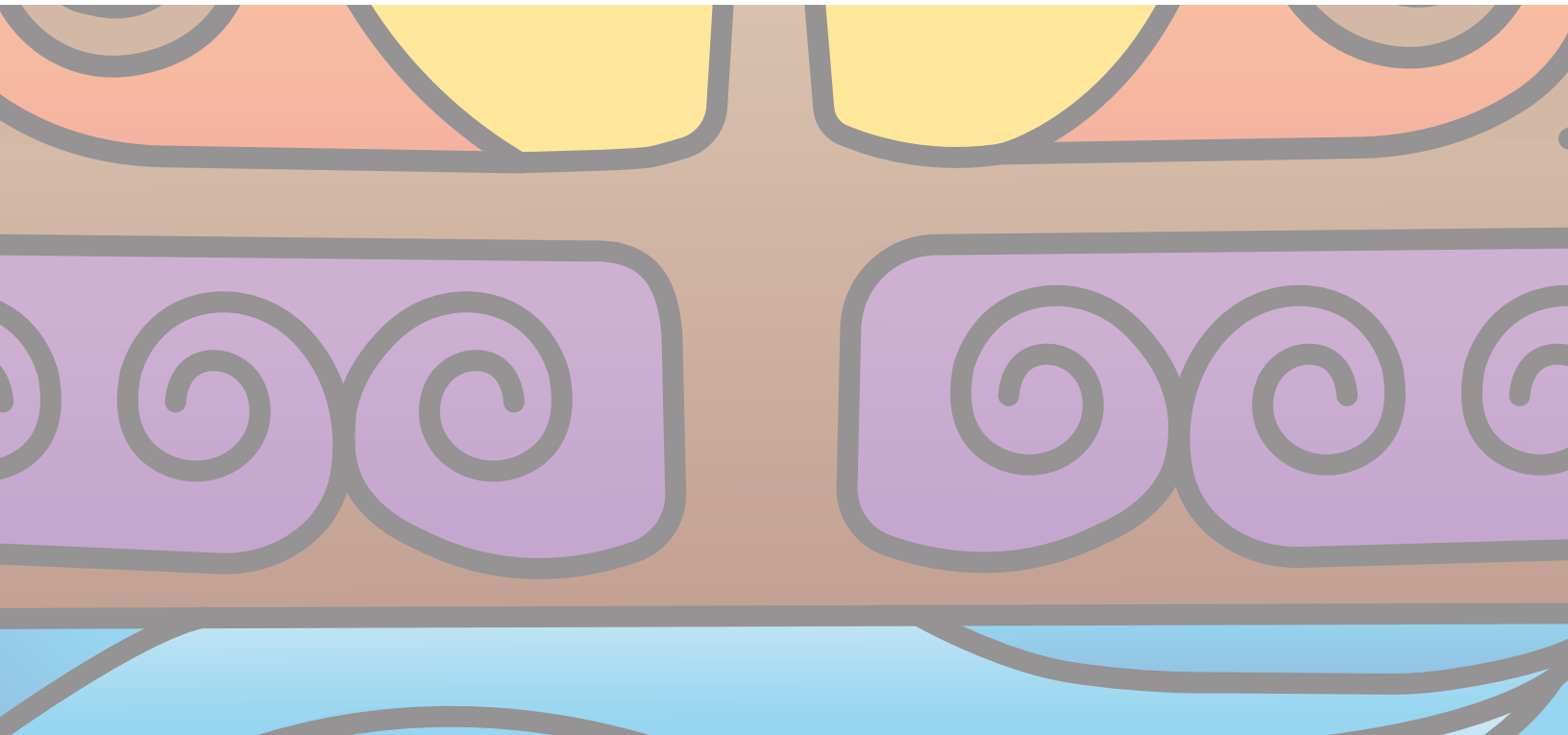
Wolastoqey
Tribal Council Inc.

New Brunswick
Law Foundation
Fondation pour le droit
au Nouveau-Brunswick

SUPPORTING CHILDREN AND YOUTH AFFECTED BY CRIME

Being a victim of a crime can be deeply upsetting.

A child may have felt powerless and unsafe during the crime and afterward, which might result in **changes to their behaviour,** such as mood swings, sleep disturbance, and anxiety.



What to Do When a Child or Youth in Your Care Is a Victim of a Crime?

Changes in behaviour may not be immediate and can vary by the child's age or stage in development. Some children may regress, become withdrawn, "act out" or appear to be handling the situation well at first. **All potential reactions are valid.**

Children are also often scared to tell people what happened to them, for many reasons, including:

- Fear of retaliation or judgment;
- Fear of not being believed;
- Fear of being removed from home;
- Fear of losing connections to loved ones;
- Fear of negative impact on the family unit;
- Guilt of being involved in something "bad"; and
- A desire to protect the offender, especially in the case where the offender is someone the child knows or loves (i.e., a family member or caregiver).

Be Supportive

It often takes a lot of courage for a child to report a crime. As a parent/guardian or support person, you may be upset or surprised to find out that a child in your care is a victim of a crime. It is important to stay calm, supportive, and non-judgmental. This will allow the child to feel safe to share the details with you. Here are a few ways to support the victim:

- Assure the victim that they did the right thing by telling someone.
- Let the victim know that talking helps, and you will be there to listen.
- Tell the victim it is not their fault, even if they were victimized while breaking a rule (i.e., being out at a time or place they were not supposed to be).
- Try to avoid expressing anger or shock when learning of the crime and focus on making the victim feel safe. How you react to the situation can impact how comfortable the child is with sharing information with you in the future.
- Avoid making victim-blaming statements that could cause further distress.
- Make sure you understand your feelings and take care of yourself as well.

Should I Contact the Police?

Reporting a crime to the police may help ensure the victim's safety, facilitate the prosecution of the offender, and also assist with obtaining protective orders. Older children and youth may have views about reporting the crime to the police. You can explore these options with them and make the decision together, if appropriate.



Once you or the child reports the crime, the police may send somebody to speak with the child or ask that you and the child go to the police station. Be aware that a child may feel more comfortable discussing the crime without you present. Sometimes, a child can feel embarrassed or guilty about the details of the event.

Victims of crimes can tell the police whether they want a criminal charge to go forward or not, and as a result, have a trial held in court. However, **a child may be legally required by the Crown** to appear in court, against their wishes.

If you are concerned about retaliation for reporting a crime, you should talk to the police about options to stay safe. Any threats should be reported immediately to the police.

In some cases, if the investigation finds sufficient evidence, the matter may proceed to trial. At trial, a court will determine the outcome based on the evidence presented.

What Victim-Support Resources Are Available?

The Department of Public Safety Victim Services has various services to help you and the child through the legal process. For contact information of your local Victim Services office, please visit the Government of New Brunswick's Victim Services website.

A Victim Services Coordinator can:

- Provide information about the court process, including providing a court tour;
- Help identify and meet special needs for being a witness (e.g., interpreters, having a support person, or a publication ban, which is a court order that prevents the public sharing of certain details to protect privacy or safety);
- Provide staff who can support the child during the trial;
- Assist in preparing an impact statement;
- Provide referrals to other services, such as counselling and compensation funds.

If a child has suffered personal injuries or losses due to the crime, they may be eligible for benefits under the Compensation for Victims of Crime Program. **If a child is under 19, they cannot apply independently; a parent, guardian, or support person must apply on their behalf.** You should contact Victim Services as soon as possible if you think a child may be eligible for compensation.

For more information on what Victim Services can do, visit Services for Victims of Crime.

If you identify as Indigenous, you may also wish to contact an Indigenous Court Worker (**ICW**).

ICWs are specifically trained to understand the perspectives, values, customs, and socio-economic conditions of Indigenous people. They can also provide information about the court process, explain services available to you, and provide referrals. You also have the option to contact an Indigenous Patient Advocate (**IPA**). The role of an IPA is to help Indigenous people navigate the healthcare system in New Brunswick and provide advocacy when accessing healthcare services.

Detailed information about the Indigenous Court Worker Program can be found at here.

WTCI Victim Services is a Wolastoqey Nation-led program in New Brunswick, developed by the Wolastoqey Tribal Council Inc. (**WTCI**), aimed at supporting victims and survivors of crime within Wolastoqey communities.

It aims to provide, among other things, culturally grounded, trauma-informed, and holistic support, including emotional assistance, safety planning, legal advocacy, and referrals to community and mental health services.

The program emphasizes Indigenous values, community engagement, and collaboration with existing justice systems, ensuring services are accessible, trusted, and relevant for Wolastoqey members. **It is a new initiative currently in development.**

General Inquiries can be made to justice@wolastoqey.ca.

What Rights Does a Child Have as a Victim of a Crime?

There is a federal law called the *Canadian Victims Bill of Rights*. This law gives victims of crime certain rights, as outlined below

Right to Information

This includes information about the status of the case, the length of the sentence, whether the offender is on bail or parole. This information often is not automatically given to victims of crime and must be requested.

Right to Participation

Victims of crime are allowed to provide a Victim Impact Statement that can also be considered in decisions that may impact the victim's rights.

Right to Protection

This includes the right to ask for things like a "no contact" order with the offender or testifying behind a screen to protect privacy.

Right to Seek Restitution

Victims can ask the court to compensate them for losses suffered due to the crimes committed, such as property damage or physical injury.

These rights will depend on the facts of each case and apply at different stages of the legal process. For more information, please see:

- Public Legal Education and Information Service of New Brunswick, "Victims of Crime: Know Your Rights".
- Government of Canada, Office of the Federal Ombudsperson for Victims of Crime, "The Canadian Victims Bill of Rights".



How Should a Child or Youth Prepare Before the Trial?

You can work with Victim Services and/or an ICW to **ensure a child or youth in your care has all the information and help they need.** Some things you may wish to discuss are:

- Courtroom **protocol** (i.e., what to wear, when to speak, how to address judges, rules around cell phones and food in court).
- The potential for **delays** in the trial.
- Their **emotions** about testifying and the trial.
  - Victim Services may be able to offer counselling to help with any stress associated with the trial.
- The potential for disappointment in the **outcome** of the trial.
  - There is a very high threshold for proving a criminal offence. Different sentences might be imposed, depending on the circumstances of the case.

You should **not** coach a child on how you think they should answer questions. Otherwise, there is a risk of accusations that a child's testimony has been influenced or changed (and thus, it is not reliable or credible). It is the police or the Crown prosecutor's job to help victims with their testimony.

What Should I Do When a Child or Youth in My Care Is Testifying?

Usually, you can be in the courtroom while a child or youth in your care is testifying. A child may want you in the room for support.

However, a child may be embarrassed to talk openly if you are in the courtroom, especially if the offence is sexual. **You can discuss with the child what their preference is.** Let them know you support them, regardless of whether you are in the room with them or not.

If you are also a witness to the crime, you may be required to leave the courtroom when other witnesses are speaking. This is so that someone else's testimony will not impact yours.

What Happens After the Trial?

The Decision

Victim Services will follow up with you to discuss what happened in court. They will also let you know what the court's decision is once it is released. They can arrange a meeting with the Crown prosecutor if you have questions about the case.

A finding of guilty or not guilty does not always end the process. Depending on the outcome of the case, either party may decide to challenge the decision in a higher court.

A child may feel frustrated or disappointed about how the case unfolds. In some situations, Victim Services can arrange for additional counselling to help a child deal with these emotions.

Sentencing and Impact Statements

If the offender is found guilty, there will be a hearing about what sentence should be imposed. A child or youth will be allowed to tell the court how the crime impacted them in a Victim Impact Statement, which could affect the sentence. You may also be able to submit a statement as a parent/guardian or support person of a victim.

Victims can read out their statements in court. Some people find it helpful to speak directly to the offender and the court in a public forum as part of their healing process. Others prefer to submit their statement in writing only.

Victim Services can assist with this process. They will explain the sentence once it is imposed.

Ongoing Victim Notification

If the offender is sentenced to prison, you can ask for updates and information about the offender's release.

- If the offender is sentenced to less than 2 years in prison, you must register with Victim Services to receive notifications.

- If the offender was sentenced to more than 2 years in prison, you must register with the National Parole Board or Correctional Services of Canada for these notifications.

Victim Services can assist with registration and explain what sorts of updates you will receive.

Should We Get a Lawyer at Any Point During the Process?

The Crown prosecutor works for the public, not for the victim. While the public interest often aligns with protecting a victim, a youth, or their caregiver may still want their own lawyer to make sure they get specific, dedicated legal advice about the child's rights.

Having your own lawyer as a youth victim (or a caregiver of a youth victim) is not necessary, but **can be helpful in certain situations,** such as:

- If there is a risk the child themselves may face some legal liability, if the incident happened while the child was breaking a rule or law;
- If the accused wants to access private records or ask questions about sexual history (e.g., in sexual assault case);
- If you need advice on bringing other legal claims related to the incident, such as a civil lawsuit, a complaint to a professional regulator (e.g., the licensing authority for doctors), or an administrative proceeding (e.g., a human rights complaint).

Resources

Visit the following links for additional information:

- Public Legal Education and Information Service of New Brunswick
  Victims of Crime: Know Your Rights
- Government of Canada
  The Canadian Victims Bill of Rights
- Government of New Brunswick
  Victim Services

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