

Children and youth

Whitehorse Sexualized Assault Response
Team (SART)

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SART Sexualized Assault
Response Team

SART: Children and youth

The Whitehorse SART Protocol applies to children and youth victims of sexualized violence, and there are also special considerations that apply to them that service providers must consider at every stage in the process.

In the Yukon, the relevant acts that help guide this work include the *Child and Family Services Act*, the *Care Consent Act* and the *Child and Youth Advocate Act*. At the federal level, relevant acts include the *Criminal Code* and the *Youth Criminal Justice Act*. The work of the Whitehorse SART also aims to align with the principles outlined in the United Nations (UN) Convention on the Rights of the Child.

Upholding and practising the principles outlined in the relevant legislation requires Whitehorse SART agencies to continuously balance a range of concerns and interests regarding children and youth while always keeping their best interests at the forefront.

Principles specific to children and youth

All the SART values and principles also apply to children and youth. In addition, Whitehorse SART agencies commit to the following principles specific to children and youth.

The problem: Children and youth are not having their specific needs addressed, not being informed ahead of time about what is happening to them, and are left out of decisions that directly affect them. Agencies want to help children and youth, but are not talking to each other and so do not have the complete picture about what is best for the child or youth.

Whitehorse SART agencies commit to taking the necessary time to explore the concerns and ideas of children and youth and to then provide options based on what they heard. Whitehorse SART agencies will provide options and choices to children and youth and their families while remaining open with them about any limitations on these choices due to the duty to report and other legal requirements.

An approach centred on children and youth recognizes each individual's unique perspectives and experiences and focuses specifically on the needs and rights of children and youth. Service providers must collaborate to provide services and supports that are tailored to the needs of the individual child or youth. This approach also recognizes that older youth are likely to have different needs and concerns than younger children.

Part of being centred on children and youth means treating victims with dignity and by understanding that each child and youth has specific insights, skills and interests. Often, children and youth are seen as having trauma and problems, rather than as individuals with strengths and resilience. Service providers must recognize these individual qualities and draw on these strengths when developing supports and plans for young victims.

Whitehorse SART agencies commit to engaging with and building strong working relationships with service providers and partner agencies whose mandate includes serving child and youth victims of crime. This includes Family and Children's Services, Kwanlin Dün First Nation Child and Family Liaison office, Skookum Jim Friendship Centre, Council of Yukon First Nations Family Preservation Services, and the Yukon Child and Youth Advocate Office.

Response-based practice: children and youth

The problem: Adults often lack adequate training in how to support and respond to children and youth who have experienced sexualized abuse or violence. When children and youth receive inadequate responses from the adults they disclose to, it can retraumatize them, silence them and therefore, potentially escalate risk.

As with adult victims, responses to disclosures from children and youth can have significant impacts on their healing path and on whether they will seek further help. Positive and supportive reactions – including empathy, support, active listening and asking non-judgmental questions – are especially important when working with children and youth. Because children and youth are still developing, the response of adults has a profound impact on how they process what has happened. If young victims experience negative or judgmental reactions, they are less likely to ever disclose again, or may alter what parts of their experiences they share in the future. It is therefore even more important when engaging with children and youth to provide a caring, supportive environment to allow these disclosures to occur.

Responding to disclosures

Whitehorse SART agencies commit to increasing effectiveness when responding to disclosures from children and youth by following these general suggestions:

- Be supportive – reassure them that they have not done anything wrong and that you believe them.
- Go slowly – let them control the pace of the disclosure and have some control over how it occurs.
- Be a good listener and control your emotions – express your concerns to the child or youth in a neutral and objective manner while still showing empathy and support.
- Find a private area to have these discussions that is appropriate to children and youth – consult with other Whitehorse SART agencies to find a more suitable space if necessary.
- Ask them whether they want you to contact anyone before they start sharing information. Let them know that at any time they can let you know if they want to contact someone. Ask again after they have finished sharing with you. Depending on their age and ability, also ask what they want you to disclose to their parents or guardians or if they would like another agency to disclose instead.
- Ask questions that let them tell what happened in their own words. Avoid “why” questions that suggest blame.
- Get only the essential facts – once you have enough information about what happened, stop gathering facts and be supportive. The child or youth may need to be interviewed in depth in a joint investigation with the Yukon RCMP and Family and Children Services. Save in-depth questioning for a forensic interview conducted by trained professionals.
- Tell the child or youth what will happen next. Do not make promises you cannot keep; for example, do not agree to keep secret what the child or youth said. Explain to the child or youth that some secrets need to be shared to get help, or to keep people from getting hurt.
- Continue to keep them informed and involve them in the process as much as possible. Be aware of the child or youth’s age and ability and make adjustments depending on these factors.

Privacy: children and youth

Article 16 of the UN Convention on the Rights of the Child states that no child shall be subjected to arbitrary or unlawful interference with his or her privacy, family home or correspondence, nor to unlawful attacks on his or her honour and reputation.

Children and youth who are victims of sexualized violence have similar rights to those held by adults, and have additional rights. Children and youth have the right to be protected from experiencing further abuse and from having to face the perpetrator. The *Criminal Code* has provisions that ensure that when children and youth testify in court, they cannot see the perpetrator.

Service providers have certain duties and obligations to report situations where children and youth under the age of 19 may be at risk.

The Duty to Report is a legal requirement found in section 22 of the Yukon's *Child and Family Services Act*, which sets out mandated responsibilities to protect children and youth from abuse by a parent, guardian or someone else.

Confidentiality

Whitehorse SART agencies recognize that children and youth are entitled to their privacy and confidentiality whenever possible. Information about the child or youth will be shared only with written consent or as required by law. Whitehorse SART agencies will explain the limits of confidentiality and the mandated legal requirement of the duty to report to children and youth and their parents or guardians.

Duty to report

Per s. 22(1) of the *Child and Family Services Act*, a person who has reason to believe that a child (under 19 years of age) is in need of protective intervention must immediately report the information on which they base their belief to a director or peace officer. When navigating situations where a duty to report is required, Whitehorse SART agencies will keep the SART core principles top of mind.

Whitehorse SART agencies will continue to work collaboratively and with other stakeholder agencies to support children, youth and families when the duty to report is triggered.

- If the Yukon RCMP are already involved in the matter and are aware of a possible sexualized assault (for example, they have taken the child to the hospital) then the duty to report has already been addressed and the Yukon RCMP will contact Family and Children's Services, per the existing Memorandum of Understanding (MOU).
- The SART frontline service provider will, as much as possible, inform the child or youth of what is occurring and why. Supports should continue to be offered, such as Victim Services, First Nations Health Programs, etc.
- The SART frontline service provider will involve the child or youth as much as possible in the process and listen to any questions and concerns. The provider may also pass those concerns along to the Family and Children's Services worker and/or the Yukon RCMP.

For more information: <https://yukon.ca/en/sartyukon/home>