Your Guide to Kentucky's

Children's Advocacy Centers

- Providing regional services for the investigation, treatment, and prosecution of child abuse cases

Children's Advocacy Centers of Kentucky

Parents and Community Members:

Help Prevent Child Abuse

1. Become comfortable talking to your children about sexuality including how all parts of their body work and their proper names.
2. Set limits with media - know what your children are watching on TV and online.
3. Discuss the difference between privacy and secrecy. Remind kids that temporary secrets, like a surprise party or a present, may be okay, but permanent secrets are not okay.
4. Know who your children are socializing with - know your children's friend's parents and who your children are around at your house and other people's houses.
5. Minimize opportunity - reduce or eliminate one on one time between a child and an adult or teenager.
6. Educate children about abuse and touching that is not okay. Reassure children that it is okay to tell if something happens and they will not be in trouble no matter what.
7. Don't expect obvious signs of child abuse. However, if you see something concerning, report it! It is everyone's responsibility to report child abuse.

Please contact your local Children's Advocacy Center to learn more about prevention programs in your area.

Resources: Darkness to Light and National Child Traumatic Stress Network

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Introduction

Responding to child sexual abuse requires the input and effort of a wide variety of professionals. Children's Advocacy Centers (CACs) are places where community professionals gather together to work toward the best outcome possible to ensure the child's safety and well-being. CACs in our commonwealth provide a safe, child-friendly environment where the child and non-offending caregivers can find a full array of services including forensic interviewing, advocacy, mental health, and medical services provided in a multidisciplinary team approach. The Children's Advocacy Centers of Kentucky (CAC Kentucky) is the unifying force behind 15 regional Children's Advocacy Centers across the Commonwealth, ensuring they have the resources, training, and support needed to effectively serve child victims of abuse. The information provided through this booklet will help you navigate the complicated issues involved in assisting child victims of abuse in their healing process.

What is a Children's Advocacy Center?

A Children's Advocacy Center (CAC) is a child-focused facility where representatives from many disciplines—law enforcement, child protection, prosecution, mental health, medical, and victim advocacy—work together, conducting joint forensic interviews and making team decisions about the investigation, treatment, management, and prosecution of child abuse cases. CACs are designed to promote the well-being of children while facilitating the most effective investigation and prosecution of child sexual abuse cases. CACs are community-based programs designed to meet the unique needs of a community, so no two CACs look exactly alike. Victims of child abuse require a multifaceted community response and no single agency, individual, or discipline has the necessary knowledge, skills, or resources to serve the needs of all children and their families. The combined wisdom and knowledge of professionals from different disciplines results in a more complete understanding of case issues and the most effective child and family-focused system response. In addition to focusing on the best interest of children, CACs also provide an opportunity to give support to professionals who dedicate themselves to the protection of children including social workers, advocates, law enforcement officers, and prosecutors. CACs are defined in the child protection act of Kentucky law (KRS 620.020).

Definition of a Children's Advocacy Center

KRS 620.020 (4)

Children's Advocacy Center means an agency that advocates on behalf of children alleged to have been abused; that assists in the coordination of the investigation of child abuse by providing a location for forensic interviews and medical examinations, and by promoting the coordination of services for children alleged to have been abused; and that provides, directly or by formalized agreements, services that include, but are not limited to, forensic interviews, medical examinations, mental health and related support services, court advocacy, consultation, training, and staffing of multidisciplinary teams.

Children's Advocacy Centers of Kentucky

The Children's Advocacy Centers of Kentucky (CAC Kentucky) is the unifying force behind 15 regional CACs across the Commonwealth, ensuring they have the resources, training, and support needed to effectively serve child victims of abuse.

CAC Kentucky stands at the forefront of the fight against child abuse by advocating for policies and funding that strengthen Kentucky's response, while also providing expert training, technical assistance, and oversight to uphold the highest standards of care. We collaborate with medical professionals, mental health specialists, prosecutors, law enforcement, and child protection agencies—bringing systems together to ensure children and families receive seamless, trauma-informed support.

Through unity, compassion, and action, CAC Kentucky empowers its centers to offer a safe place for children to tell their stories, access critical services, and begin the healing process. By amplifying the impact of these centers, we are protecting childhood and building safer, stronger futures for Kentucky's kids.

Children's Advocacy Centers Services

Child-friendly Environment

A Children's Advocacy Center provides a comfortable, private, child-friendly setting that is both physically and psychologically safe for the child.

Multidisciplinary Team (MDT) Investigation

Multidisciplinary Teams are defined in KRS 431.600(1): Each investigation of reported or suspected sexual abuse of a child shall be conducted by a specialized multidisciplinary team composed, at a minimum, of law enforcement officers and social workers from the Cabinet for Health and Family Services. Cabinet for Health and Family Services social workers shall be available to assist in all investigations under this section but shall be lead investigators only in those cases of reported or suspected sexual abuse of a child in which a person exercising custodial control or supervision, as defined in KRS 600.020 is the alleged or suspected perpetrator of the abuse. Some MDTs may also work together to address other types of abuse or violence.

Forensic Interviews

The purpose of forensic interviews is to obtain the most accurate and complete information as possible from an alleged victim to assess if abuse has occurred. A forensic interviewer employed by the CAC may conduct the interview or a trained law enforcement or social service worker may use the CAC to conduct their own interview. CACs provide the technology for the investigative team to participate in the interview through closed-circuit television and wireless audio equipment. The interview is recorded, and viewing and copies are protected by statute, thus reducing the number of times the children must be interviewed. Forensic Interviewers employed at CACs are specially trained to talk and interact with children while assessing their capabilities and gathering legally sound facts regarding abuse allegations. The information gathered during the forensic interview aids with criminal and child welfare investigations.

Mental Health Services

Professional counseling may be necessary to the child's recovery process. CACs may have a trained therapist on-site or may refer to mental health providers throughout the region to ensure children and families receive the services they need at the earliest opportunity to further the healing process.

Specialized Child Abuse Medical Examinations

Medical examinations are conducted for children who have made allegations of sexual abuse when recommended by and coordinated with the investigating agencies. The medical exam is important to ensure a child is healthy and without injury. In addition, the information gathered in the exam process can be used in the criminal investigation.

Advocacy

Advocates at the CACs are available to aid the family during a child sexual abuse investigation and beyond. Advocates provide support, information, education, crisis counseling, and assistance with completing Crime Victim Compensation applications.

Court Preparation and Advocacy

Advocates assist the child and his/her non-offending caregivers to ensure they are adequately prepared for the legal and court processes following a disclosure of abuse. Some centers provide this service directly to children and families and/or work closely with prosecution based victim advocates to ensure the needs of child victims and families are considered throughout the prosecution process.

Public and Professional Education

CACs are dedicated to providing support and training to meet the needs of staff, professionals, and the general public on topics related to child abuse. CACs recognize that education of individuals, professionals, and communities is critical in creating cultural changes to reduce the incidence and impact of child abuse. Each center varies in the training services and resources offered, so contact your local CAC to find out what is available.

Multidisciplinary Team

The purpose of the Multidisciplinary Team shall be to ensure the immediate and future safety of the child victim, minimize further trauma or revictimization, assist in the healing of the child victim, increase the quality of sexual abuse investigations, and facilitate efficient and appropriate disposition of cases through the criminal justice system (See: KRS 620.040 (7)(c)).

Multidisciplinary Team (MDT) Membership

Multidisciplinary Team Members (prosecutors, law enforcement, social workers, CAC staff, mental health professionals, medical professionals, victim advocates, and educational professionals) meet to collaborate and discuss the child sexual abuse cases for their county. Local teams develop their own protocols and may also serve additional children. The meetings are designed to ensure child victims of sexual abuse are receiving comprehensive services and appropriate referrals, as well as to track the progress of the criminal case.

Commonwealth Attorneys*

The Office of the Commonwealth's Attorney prosecutes all felony crimes (those carrying a penalty of one year or more) committed by persons eighteen years or older, which occur in the judicial circuit of that prosecutor. In some specific instances, the Commonwealth's Attorney may also prosecute juveniles charged with felony offenses. The Commonwealth's Attorney is also responsible for presenting evidence of such crimes to the Grand Jury (KRS 15.725).

County Attorneys*

The Office of the County Attorney prosecutes all violations of criminal laws, except KRS Chapter 131, within the jurisdiction of the district court and all proceedings held pursuant to petitions filed under KRS Chapter 610, which occur in the county of that prosecutor. These cases include felony crimes through preliminary hearing, misdemeanor crimes, crimes committed by juveniles, and dependency, neglect, and abuse cases (KRS 15.725; KRS 610). The County Attorney has a critical role in the handling of abuse, neglect or dependency cases in juvenile court that are a primary source of protection for sexually abused children.

**The prosecutor has the final decision as to whether charges will be filed. Consideration is given to many factors which 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, and whether or not there are other witnesses. The victim shall be consulted by the attorney for the Commonwealth on the outcome and the progression of the case.*

Law Enforcement

Law enforcement officers are part of the investigative team. Law enforcement investigates alleged criminal conduct committed within the Commonwealth. They can interview non-offending caregivers, suspects and other witnesses, and gather evidence from the scene of the alleged event. Investigations, including interviews, shall be coordinated with the Department of Community Based Services in compliance with KRS 431.600.

Child Protective Workers

Cabinet for Health and Family Services workers have the primary responsibility for receiving and investigating reports of alleged child abuse and neglect and for providing services to children and their families where abuse and neglect is found. The Cabinet for Health and Family Services is responsible to investigate when the person who is the perpetrator of abuse or neglect is the parent or guardian or has some type of supervisory responsibility for the child. The Cabinet or its designated representative shall participate in an investigation of non-custodial physical abuse or neglect at the request of the local law enforcement agency or the Kentucky State Police. The Cabinet shall participate in all investigations of reported or suspected sexual abuse of a child (KRS 620.040 (3)).

Medical Professionals

Medical professionals may include physicians licensed pursuant to KRS 311.550 or nurses licensed pursuant to KRS 314.011 and other health care providers licensed within Kentucky statute. The statute provides authority to physicians and hospital administrators to place a child under a 72-hour hold if necessary for protection (KRS 620.040) and provides immunity from criminal or civil liability for performing diagnostic procedures or taking x-rays pursuant to child abuse reports (KRS 620.050).

Mental Health

Mental health professionals encompass many different disciplines including social work, psychiatry, art therapy, professional counseling, and psychology. These professionals must be licensed in their specific discipline to take part in the team (KRS 319,335,311,314). Mental health professionals on the team may provide support to the prosecutor by preparing victims to testify, provide psychosocial assessments of victims and non-offending caregivers, assist in crisis intervention, and provide therapeutic interventions to the victims and families. They may also consult and serve as an educational resource on subjects of mental health, and assist Child Protective Services in

determining the risk for a child. The mental health professional may also facilitate and refer to treatment, provide expert testimony in court, and assist in the creation of Victim Impact Statements.

Victim Advocate

Victim Advocates can be a valuable resource to victims of sexual abuse/sexual assault who are currently involved with the legal system. Victim Advocates provide support to victims and their non-offending family members in all stages of the legal process, from the investigation and court proceedings to the probation/parole board. It is important for victims to know that they have a support person who will be there at their court dates and who will explain what to expect at each stage. Kentucky State Statute (KRS 421.500-421.575) provides rights to victims known as the Crime Victim Bill of Rights. Those rights include, but are not limited to, the right to be informed of emergency assistance, to be notified when the accused is arrested and/or released from jail, the right to be informed about their case and any changes that may have occurred, the right to be consulted in the event of a plea offer, and the right to be heard before the sentencing of a defendant by way of a Victim Impact Statement. These are all rights that Victim Advocates work to ensure are being protected. Victim Advocates will also inform their clients about their rights, which empowers them to advocate for themselves. Victim Advocates are also very involved in Multidisciplinary Team meetings. More information on victims rights can be found on page 22.

Children's Advocacy Centers

Children's Advocacy Center staff promote the well-being of children while coordinating the most effective investigation of child abuse cases. Center services include forensic interviews, medical exams, mental health services, and court advocacy. In addition to focusing on the best interest of children, CAC staff also support the professionals who dedicate themselves to the protection of children, particularly social workers, advocates, law enforcement officers, and prosecutors.
CACs are defined in KRS 620.020.

Frequently Asked Questions

What is child abuse?

Child abuse is an action, or lack of action in the case of neglect, that creates a risk of physical and/or emotional harm for the child. Sexual abuse is a form of child abuse. Sexual abuse can include manipulation and threatening of the victim by the abuser to engage in sexual acts and/or contact. Anyone in the child's life may inflict this risk, including family members, friends, peers, and/or authority figures. KRS 600.020 provides the legal definition of child abuse, neglect and dependency in Kentucky. Kentucky recognizes multiple criminal acts in addition to the statute listed above.

Does child abuse involve more than touching?

Yes. Child sexual abuse can include both touching and non-touching behaviors. Sexual abuse can take on many forms such as fondling, penetration, exposure of private parts, exposure to pornography, and communicating with a child in a sexualized manner. All forms are serious and must be addressed with a multidisciplinary response.

How do children tell about sexual abuse?

Children disclose sexual abuse in different ways, depending on their age, developmental capacity, and many other factors. Young children may not always realize that what they are experiencing is abuse or have the words to describe it, and may disclose accidentally, through their behaviors or in conversation. As children grow older, children may tell a person outside of the family, such as a best friend, teacher, or sports coach. No matter how or when the child discloses, it is essential that professionals are able to investigate and assess the situation.

I told my child to tell if they were ever abused, why wouldn't he/she tell?

The majority of children who are sexually abused do not disclose their abuse immediately. It is very common for children not to tell about abuse for days, months, and even years. Some may never tell. Abusers often use threats and manipulation to keep their victims silent about the abuse. Children may also have fears associated with disclosure:

- Fear that their families will be broken apart
- Fear that there will be negative consequences for the abuser (who is most often someone the child knows)
- Fear that he/she did something wrong and will be in trouble for the abuse

Very young children may not know that what they are experiencing is abuse so they may not tell until they get older. Older children are often given privileges, attention, or gifts by the abuser and may not want to lose these special things. Also, they may love or like the person abusing them, even if they don't like the abuse. There are many reasons that a child may not disclose abuse, but that does not mean that the disclosure is not truthful when the child does tell.

Why do children "recant" or take back an earlier report of sexual abuse?

The child may believe that their disclosure caused the family disruption that often occurs, not the abuse. He or she may even feel that their family does not believe them. There may be pressure from those around the victim to "get back to normal," and so they may recant - which is taking back their disclosure. Children who experience sexual abuse often feel ashamed, embarrassed, or guilty. Sometimes, they may think that saying it didn't happen will help those feelings go away. But when a child takes back what they said, it doesn't always mean they were lying or that the abuse didn't happen.

What is normal sexual behavior in children?

"Normal" sexual behavior in children greatly depends on their developmental capacity. Here are some common childhood sexual behaviors by age from the National Child Traumatic Stress Network:

0–3 years

- Exploring and touching private parts, in public and in private
- Showing private parts to others
- Rubbing private parts (with hand or against objects)
- Trying to touch mother's or other women's breasts
- Attempting to see other people when they are naked or undressing (such as in the bathroom)
- Asking questions about their own—and others'—bodies and bodily functions
- Removing clothes and wanting to be naked
- Talking to children their own age about bodily functions such as "poop" and "pee"

4–6 years

- Attempting to see other people when they are naked or undressing
- Purposefully touching private parts (masturbation), occasionally in the presence of others
- Mimicking dating behavior (such as kissing or holding hands)
- Talking about private parts and using "naughty" words, even when they don't understand the meaning
- Exploring private parts with children their own age (such as "playing doctor" or "I'll show you mine if you show me yours," etc.)

7-12 years

- Purposefully touching private parts (masturbation), usually in private
- Looking at pictures of naked or partially naked people
- Playing games with children their own age that involve sexual behavior (such as "truth or dare", "playing family" or "boyfriend/girlfriend")
- Attempting to see other people naked or undressing
- Viewing/listening to sexual content in media (television, movies, games, the Internet, music, etc.)
- Wanting more privacy (for example, not wanting to undress in front of other people) and being reluctant to talk to adults about sexual issues
- Beginnings of sexual attraction to/interest in peers

For additional information or if there are concerns, contact a counselor or your local Children's Advocacy Center.

How do I report suspected child abuse?

All adults in the state of Kentucky have a duty to report suspicions of child abuse (KRS 620.030). Individuals who fail to report a child's disclosure or a reasonable suspicion of abuse may be subject to criminal charges. As a reporter, your identity will not be shared with the subject(s) of the report and will only be known to individuals investigating the allegations. To report suspected child abuse or neglect in Kentucky, please call: 877-597-2331 or 877-KYSAFE1.

Is there ever a situation when the child has some responsibility for an adult's abusive behavior?

ABSOLUTELY NOT. Children are never responsible for sexual abuse—no matter what. Child abuse is a crime that the abuser makes the choice to commit despite the wishes of the child. Children are never responsible for the actions of an adult or someone larger and more powerful than they are.

Can a child consent to having sex with an adult or much older child/teenager?

No. Because of age, size and/or the nature of the relationship, adults have power and authority over children. Children, therefore, do not have the maturity to equally consent to a sexual act with an adult or much older child. Each state has laws that define the legal age at which a child can consent to a sexual activity.

Wouldn't a child who has been sexually abused be fearful of the offender?

Sexual abusers often "groom" their victims by giving gifts, attention, and/or special privileges. This grooming process ensures continued access and secrecy with the victim. The abuser may also be a close friend, member of the family, or someone else that the victim loves or looks up to.

Isn't it better for the child not to talk about the abuse so he/she can forget what happened?

Although many adults would be more comfortable not talking about sexual abuse with the children in their lives, it is essential that they do. By not talking, the adult is sending the message that the abuse should be secret and that the emotions surrounding it should be kept inside. By talking about the abuse calmly and openly, the adult can let the child know that they are not alone, that the adult can care for the child, and that the abuse was not the child's fault.

Will my child need counseling?

Each child will react to abuse in a different way. A child's development, relationship to the offender, nature and duration of the abuse, level of support felt, and level of responsibility the child feels for the abuse are all factors that affect how the child will process the abuse and the events after disclosure. Because of all of these and other factors, it is suggested that each victim is individually assessed by a professional who will consider each of her/his needs carefully. The scope and length of treatment will depend on the needs of the child, assessment by the professional and the opinion of the counselor. It is extremely important that the victim understands that the actions of the abuser were wrong and not the fault of the victim.

How should a caregiver choose a therapist?

Child protective services or your local children's advocacy center will often be able to recommend a counselor who is specially trained and has experience in child sexual abuse treatment, for your child. The recommended treatment for a child who has experienced abuse is evidence-based trauma-focused mental health treatment. Evidence based treatment means that there is research that has been done that shows that this model of treatment is effective when working with children who are victims of trauma. Trauma focused mental health treatment is recommended when a child experiences abuse, neglect, witnesses domestic violence, traumatic loss, and other events that are traumatic in their lives. In order to provide trauma-focused treatment, a therapist must complete specific training. Caregivers should ask any counselor questions to ensure quality care for the child.

Some of these questions could be:

- Does the counselor have training in trauma focused therapy treatment models?
- Does the counselor have experience with children who have been sexually abused?
- How long has this counselor specialized in trauma focused treatment?

- Does the counselor have access to supervision and/or consultation regarding their clients?
- Is there a plan for the counselor to update caregivers on progress without telling them what the child is saying in counseling?
- What is the caregiver's role in supporting therapy?
- Where does the counselor place all of the blame for the abuse—on your child? On the caregiver? Or on the offender?

A qualified counselor will be happy and able to answer these questions and more. If the child does not connect with the counselor after numerous sessions, it is ok to find another counselor who your child may be more comfortable with.

What if my child has to go to court?

The legal process is complex, and can be confusing at times. To help guide you through it, advocates are available through the prosecutor's office, children's advocacy centers, rape crisis centers, and some law enforcement agencies, depending on individual community resources. These advocates can help to guide victims and families through the legal process. Advocates may help victims and their caregivers prepare to testify, meet with the prosecutor, and become more comfortable with the entire legal process.

Advocates establish a relationship with the child as part of preparing for court. Advocates can arrange appointments to see the courtroom before the victim has to testify. If the family of the victim is not allowed in the court room during the victim's testimony, the advocate can be a friendly and supportive face in the crowd for the child. It is also important to let the child know that they are supported, believed, and that telling the truth was the right thing to do. Regardless of the outcome of the court case, it is important that the victim has the opportunity to celebrate his or her success in telling the truth.

What is a guardian ad litem (GAL)?

A guardian ad litem (GAL) is an attorney appointed by the courts to represent the best interests of the child and to provide legal representation for the child. The GAL does not work for the local authority or the court involved in the case, but helps the courts make informed decisions about the welfare of the child. The GAL should interview all parties concerned, study the relevant case files, and get to know the child or children involved. Once the necessary inquiries are made, the GAL represents the child at hearings. The court shall appoint a GAL for the child in dependency court proceedings (KRS 620.100) and in termination of parental rights proceedings (KRS 625.041 and KRS 625.080).

How can I find out about sex offenders in my area?

Sex offenders are required to register with law enforcement when they move or after their release from prison/jail. A list of sex offenders registered in Kentucky can be accessed via the internet at kspsor.state.ky.us. At this website, an individual can provide their email address to subscribe to be notified when a registered sex offender moves into and/or out of a zip code. Although the registration, website, and notification system is helpful, it is not 100% accurate. Even though there is a punishment if a convicted sex offender does not register, some offenders do not register. Also, some offenders "plead out" of their cases and therefore may not have to register, if their plea agreement does not include a registrable offense. Persons convicted of sex crimes before July 15, 1994 are not required to register for those crimes. Offenders who are not reported, charged, and convicted are not required to register.

What is child sex trafficking?

Child sex trafficking is criminal activity whereby a person younger than age 18 is subjected to commercial sexual activity.
The term commercial sexual activity means any of the following:

- Any sex act, for which anything of value is given to, promised to, or received by any person
- Participation in the production of obscene material
- Engaging in a sexually explicit performance

As the protective caregiver—what about my feelings?

Caregivers of victims also have a variety of emotions following a disclosure of abuse. Common emotions experienced by caregivers are guilt, sadness, shock, anger, and even depression. If the abuser is a member of the household, there may be worries about housing and economic issues that must be considered.

Although the caregiver's emotions may be strong, it is important that the child believes that the caregiver can handle the situation. If the child experiences the caregiver's emotions as too intense the child may withdraw. It is vital that the caregiver speak to another competent adult, NOT the child, about their complex and strong feelings. It may be helpful for the parent to seek treatment with a counselor who is experienced in working with the families of victims.

Caregivers also must separate their own emotions from those of the victim. Caregivers can help the victim express his/her own feelings about the abuse. This can be especially difficult for caregivers who experienced abuse themselves as a child. Watching a loved one go through abuse may bring up old emotions. It is important that the caregiver resolves these feelings with a competent adult or counselor and NOT the child. Support groups with other caregivers of victims can also be very helpful during this time. Information on groups may be available at your local children's advocacy center.

Legal Process

The following steps provide an overview of the legal process once criminal charges are pressed:

Step 1

District Court Arraignment

The defendant is officially notified of the charges against him/her. The defendant will enter a guilty or not guilty plea to the charges, but this is only the beginning of the process. The judge will set a date for a preliminary hearing, generally within two or three weeks. If the defendant is released on bond, ensuring his/her return to court, the terms of release may be discussed. It is not essential that the victim or witnesses be present for the arraignment.

Step 2

Preliminary Hearing

In district court, a preliminary hearing is held to determine whether there is probable cause to believe that a crime has been committed and that the defendant committed the crime. The prosecutor is required to present the evidence to the judge. He/she may do that by either requesting the arresting officer or the victim of the crime to appear to testify. If the judge believes that there is sufficient evidence (probable cause), the case will be referred to the Grand Jury. If it is necessary for the victim or witness to testify, they will receive an official subpoena. A defendent may also waive, or give up, their preliminary hearing and the case proceed directly to grand jury.

Step 3

Grand Jury

The Grand Jury is a group of 12 individuals from the community. The Grand Jury typically hears evidence from the investigating officer, and if necessary, the victim or other witnesses. Hearings conducted by the Grand Jury are closed to the public. All evidence is presented by the prosecutor, and the Grand Jury determines whether or not there is enough evidence to return an indictment against the defendant. If it becomes necessary for the victims and/or witnesses to testify in front of the Grand Jury, they will be notified and receive a subpoena.

Step 4

Circuit Court Arraignment

During the Circuit Court arraignment, the defendant appears in open court and is notified by the Circuit Judge of the charges contained in the indictment returned by the Grand Jury. He/she is asked again whether he/ she pleads guilty or not guilty. The Circuit judge sets a pre-trial conference and trial by jury date if the defendant enters a not guilty plea. It is not necessary for the victim or witness to be present for this court hearing.

Step 5

Pre-trial Conference

A pre-trial conference is a meeting between the prosecutor, the defense attorney, and the defendant. At this meeting, the prosecutor generally advises the defendant and his/her attorney of the evidence he/she intends to present at trial. Plea negotiations may take place at this conference. The prosecutor will generally discuss the possibility of a plea negotiation with the victim prior to finalizing any agreement with the defendant and the attorney.

Step 6

Plea Negotiation

This aspect of the criminal justice process allows speedy disposition of the cases without the necessity of a trial. Under a negotiated plea a defendant will plead guilty to one or more of the charges, or an amended charge, and the prosecutor will recommend a penalty to the judge. According to Kentucky State law, victims are to be consulted before a plea offer is made to the defendant. Another possibility is mediation as a method of negotiation where victims and families are consulted and an impartial mediator is asked to help settle the case.

Step 7

Guilty Plea

After hearing the evidence presented by the prosecutor at the pretrial conference, the defendant may choose to plead guilty, thereby avoiding the necessity of a jury trial. The prosecutor or advocate will notify the victim of the intention of the defendant to plead guilty, and the date that is set for the defendant to appear in open court to enter the plea. When the guilty plea is entered, the Circuit Judge will set a sentencing date. The defendant may be placed in custody pending the sentencing hearing or the judge may allow the defendant to remain out on bond. The presence of the victim or witness at the guilty plea is not necessary. The victim or witness will be notified of the final sentencing date.

Step 8

Jury Trial

If it is determined that the case will be tried by a jury, the prosecutor and defense attorney will present evidence to 12 county residents who make up a petit jury. It is the duty of that jury to determine the guilt or innocence of a defendant. The jury is also responsible for recommending a penalty. The investigating officers, victims, and witnesses will be subpoenaed to appear in open court to testify before the jury. Prior to the trial, the victim should be contacted by the prosecutor to help prepare them for trial.

Step 9

Sentencing

After the defendant has entered a plea or been found guilty by a jury, the Circuit Judge sets a final sentencing hearing. This hearing is usually held within 30-60 days. Prior to imposing a sentence, the judge will consider a Pre-Sentence Investigation and Victim Impact Statement. At the final sentencing hearing, the judge will impose a penalty and decide whether the defendant should be incarcerated or placed on probation.

Step 10

Pre-Sentence Investigation

This is a document submitted by the Department of Probation and Parole. Its primary objective is to focus on the character and personality of the defendant. It includes information such as any prior criminal record and the personal history of the defendant. The Probation Officer conducting the investigation may make a statement about eligibility for probation. Kentucky law governs whether a crime is eligible for probation.

Step 11

Victim Impact Statement

This is a document submitted to the Circuit Judge by the Commonwealth's Attorney's Office, or the victim's advocate, on behalf of the victim. It is usually prepared by the victims or with young children by their caregiver, and contains, but is not limited to, a description of the nature and extent of any physical, psychological, or financial harm suffered by the victim as a result of the crime committed by the defendant. It is also possible for affected family members to submit Victim Impact Statements. The Victim Impact Statement will also be submitted to the Parole Board if the defendant is committed to the penitentiary. A copy of the Victim Impact Statement is usually provided for the defendant.

Family Court

Family Court gives cases involving families and children the highest priority, which means they do not compete with criminal and civil cases for judicial time. Family Court is a division of Circuit Court, Kentucky's highest trial court level, and employs full-time judges with the same qualifications as those who serve the other divisions of Circuit Court. Family Court jurisdiction is defined by KRS 23A.100 and 23A.110 and includes the following: dissolution of marriage; spousal support and equitable distribution; child custody; support and visitation; paternity; adoption; domestic violence; dependency; neglect and abuse; termination of parental rights; runaways; truancy and beyond control.

Crime Victim Services

Crime Victim Bill of Rights

Each year, the Office of the Attorney General publishes a Kentucky Crime Victims Bill of Rights Handbook. The complete version can be found online through the Kentucky Attorney General's website. The handbook outlines Kentucky laws that protect the rights of victims of crime, including children who have been sexually abused. Victims have a right to be free from harassment, intimidation, bribery, retaliation, and/or tampering by any parties involved in the case or crimes committed. If any of these actions occur, the victim or a representative should contact law enforcement immediately.

Crime Victims Compensation

An innocent person who is the victim of a crime may apply for compensation from the Crime Victims Compensation (CVC) program. The CVC is overseen by the Kentucky Claims Commission. Compensation can include lost earnings, medical treatment for physical and/or psychological injury, or funeral expenses, resulting from the crime. Application forms can be obtained from law enforcement, victim advocates, hospitals, online at kycc.ky.gov, or by contacting the Kentucky Claims Commission—Crime Victims Compensation office at (502) 782-8255.

Kentucky law (KRS 421.500 to KRS 421.575) establishes that victims of sexual crimes have the right to:

1. Be treated fairly and with respect;
2. Be provided with information about available services including medical, protective, emergency, social, community resources, Crime Victim Compensation, and the criminal justice process;
3. Have access to a legal advocate;
4. Know that he/she is protected from harassment and intimidation;
5. Be told about the arrest, court appearances, and any other important events surrounding the abuser;
6. Know about registering with the VINE system;
7. Be told about the status of the case;
8. Be notified about parole board hearings or release; have the opportunity to speak to the parole board via victim impact statements; speak to jury prior to sentencing via victim impact statements;
9. Be accompanied and represented by a special court appointed advocate (if victim is a minor); and
10. A speedy trial.

V.I.N.E. (Victim Information Notification Everyday)

Victim Information Notification Everyday (V.I.N.E.) is a national automated system designed to keep victims of crime informed about a criminal who is in custody. This telephone and internet-driven system notifies enrolled victims about changes in the offender's status including releases, transfers, escapes, and/or location of incarceration. This information can help the victim and his/her family to make plans for safety in the event of an offender's release. This system is free and confidential and can be accessed via phone or at www.vinelink.com. Notifications can be received by a phone call, email, or text message. The information you will need to register on an offender is a full name, date of birth or inmate number if available. You will be asked to provide a four-digit pin number during the registration process (please write down your pin as you will be asked to enter the pin on a live call to verify notification was received). If you utilize the toll-free number, 1-800-511-1670 be sure to listen to the prompts. If you have any issues, there are always live operators available to assist with getting registered. VINE information is available 7 days a week, 24 hours a day.

VINE also provides a Service Provider tab and allows you to search for various services accessible in your area. These services include, housing, mental health, victim advocates, domestic violence shelters, etc. To locate these service providers, visit www.vinelink.com

Department of Justice Victim Notification

The U.S. Department of Justice (DOJ) maintains the Victim Notification System (VNS) to ensure victims of federal crimes receive important information as their cases move through the criminal justice system. Victims of federal crimes may visit https://www.notify.usdoj.gov/index.jsp to register for free notifications.

Map of Kentucky's Children's Advocacy Centers

With a center in each area development district of Kentucky, CACs are able to extend care, protection, and resources to children in need.

Scan the QR code or visit **CACKentucky.org** for an interactive map with contact information for the CAC serving your community.

CHILDREN'S ADVOCACY CENTERS OF KENTUCKY

128 Kentucky Avenue, Suite 115
Lexington, KY 40502

CACKENTUCKY.ORG

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