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## Dean's Column: Empowering Kids in the Courtroom at UNLV's Kids' Court School

Anne R. Traum

*University of Nevada, Las Vegas -- William S. Boyd School of Law*

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**“Kids’ Court School participants work with a model courtroom to learn about the judicial process during court proceedings.”**

# Dean’s Column

BY GUEST COLUMNIST PROF. ANNE R. TRAUM

## EMPOWERING KIDS IN THE COURTROOM AT UNLV’S KIDS’ COURT SCHOOL

In 2006, Amanda<sup>1</sup> was expected to be called as a key witness in an abuse and neglect case against her foster parent. Amanda was “scared to death,” she recalled. “I’d never set foot in a courtroom.” And, as is typical with children in her situation, she “worried that nobody would believe me.”

When a child, like Amanda, testifies as a witness at trial, questions arise: Will testifying traumatize the child? And will the child’s testimony be reliable? These concerns are not new. In a dissenting opinion in *Coy v. Iowa*,<sup>2</sup> Justice Blackmun recognized the importance of these same concerns, asserting, “The fear and trauma associated with a child’s testimony ... have two serious identifiable consequences: They may cause psychological injury to the child, and they may so overwhelm the child as to prevent the possibility of effective testimony, thereby undermining the truth-finding function of the trial itself.”

These concerns about child witnesses are at the heart of the Kids’ Court School at the UNLV Boyd School of Law, whose mission is to educate children and youth who participate in court proceedings. The idea for Kids’ Court School grew out of Professor Rebecca Nathanson’s work examining the effects of the courtroom environment on children’s system-related stress and memory.

Professor Nathanson and Karen Saywitz conducted an experiment with school children, who were interviewed about a lesson they had learned in school.<sup>3</sup> Half the children were interviewed in a private room, the other half in a mock courtroom. Nathanson and Saywitz found that children who were interviewed in the mock courtroom displayed significantly higher heart rate variability, indicative of a stress



**Kids’ Court School participants work with a model courtroom to learn about the judicial process during court proceedings.**

response, than children interviewed in a small, private room. In fact, the heart rates of children interviewed in the private room ranged from 60 to 120 beats per minute, whereas children interviewed in the courtroom produced heart rates between 60 and 240 beats per minute. Memory was also impacted: the children interviewed in the small room recalled more than twice as much information as the children interviewed in the courtroom.

In actual legal proceedings, the stakes are high and children’s related anxiety is a serious issue. The trauma children may experience when participating in the judicial process may be due, in part, to their lack of knowledge about the process. In fact, in a study of children’s knowledge and attitudes about court, Stephanie Block and her co-authors concluded, “Children may profit from a greater understanding of court.”<sup>4</sup>



Enter Kids' Court School, which educates children and youth between the ages of four and 17 about the judicial process, and teaches children strategies to decrease anxiety typically associated with participation in the judicial process. Established by Professor Nathanson in 2002, the program received a Bright Idea Award from Harvard University in 2012, as an innovation in American Government. Referrals for Kids' Court School come from community partners such as the Legal Aid Center of Southern Nevada, which refers children in foster care involved in juvenile dependency hearings or criminal proceedings.

The evidence-based curriculum consists of two, hour-long sessions. Session one addresses the pre-trial and trial processes. Kids' Court School students are introduced to the roles and functions of the courtroom participants. Session two focuses on stress inoculation training. Participants learn breathing techniques and positive self-talk as coping skills to reduce anxiety while testifying. The ideas and concepts presented throughout the curriculum are then reviewed and session two concludes with a mock trial in the Thomas & Mack Moot Courtroom at the Boyd School of Law. Participants' individual cases are never discussed.

The Kids' Court School has served more than 865 children and youth involved in legal proceedings. Data from 189 of the children who have participated indicate that the program significantly reduces court-related stress. Children were much less anxious about going to court after they participated in Kids' Court School.

For Amanda, the Kids' Court School made a real difference. She entered the courtroom, telling herself, "I can do it!" – representative of the self-talk strategy she learned in the program. Recalling a six-year-old girl she met prior to starting the Kids' Court School, Professor Nathanson remembers the child saying, "I want to talk to the judge. This is about my life and my life is important." At that moment, she was determined to give children a voice in court. "Having an impact on kids' lives continues to make this work so rewarding," says Professor Nathanson.

To find out more information about Kids' Court or to refer a child or youth to the program, please call (702) 895-2323. Additional information may also be found at [law.unlv.edu/kidscourt](http://www.law.unlv.edu/kidscourt). ■

- 1 Amanda's real name has been changed to protect her identity
- 2 *Coy v. Iowa*, 487 U.S. 1012, 1032 (1988) (Blackmun, J., dissenting).
- 3 Rebecca Nathanson & Karen J. Saywitz, *The Effects of the Courtroom Context on Children's Memory and Anxiety*, 31 J. Psychiatry & L. 67 (2003).
- 4 Stephanie D. Block et al., *Abused and Neglected Children in Court: Knowledge and Attitudes*, 34 Child Abuse & Neglect 659, 659 (2010).

**ANNE R. TRAUM** is Associate Dean for Experiential Legal Education and Associate Professor Law at the William S. Boyd School of Law, where she teaches Criminal Procedure, Federal Courts and the Appellate Clinic.



## PROFESSOR REBECCA NATHANSON

Professor Rebecca Nathanson, James E. Rogers Professor of Education and Law, earned her Ph.D.

in special education at the University of California, Santa Barbara in 1993. She joined the UNLV special education department faculty in 2000 and the law school faculty in 2003.

Nathanson's research focuses on examining the capabilities and limitations of child witnesses with disabilities. At Boyd, Nathanson directs the Kids' Court School and the education advocacy clinic in the Thomas & Mack Legal Clinic.

**For more information on Nathanson, visit UNLV's website at <http://www.law.unlv.edu/>**