



# SUPPORT Hope, Healing, & Justice FOR NEW MEXICO'S CHILDREN

## HB173 - Child Forensic Interviews (Jaramillo, Dixon, Harper, Reeb)

### Why we need HB173

In New Mexico, child victims and witnesses are subjected to pre-trial interviews that can be retraumatizing, lead to regression in their healing, and create barriers to accessing justice. HB173 aligns with 35 other states and the federal law in allowing a child victim and witness to refuse a pre-trial interview when they have previously given a statement in a forensic interview or in-court testimony.



WITHOUT A CAC

### What is a forensic interview

- When law enforcement or CYFD suspect a child is experiencing abuse or has witnessed a violent crime, the child is brought to a children's advocacy center.
- Forensic interviewers are trained to ask developmentally appropriate, culturally sensitive, trauma-informed, and legally sound questions to avoid retraumatizing the child.



WITH A CAC

## Child Abuse is at Crisis Levels & Needs Intervention

New Mexico Ranks **50TH** in Overall Child Well-Being<sup>(1)</sup>

### WHY WE NEED HB173

#### MULTIPLE INTERVIEWS DELAY HEALING

- “Children who testified more than once did not improve as much as children who testified only once or not at all.” (National Criminal Justice Reference Service)
- Testifying can also have long-term effects. Children who testified more than once show higher levels of emotional distress 2 years after the initial assessment (Elmi, Daignault, Hebert, 2018)
- Research shows attorneys rarely vary the length or complexity of their sentences directed to children (Lamb, et.al, 2013)

#### THE SOLUTION

- Allow for child victims and witnesses to refuse a pre-trial interview (PTIs) to reduce retraumatization.
- Create a clear, constitutional framework for the admission of trauma-informed forensic interviews of minor children.
- Bring New Mexico law in line with the majority of states and federal criminal practice.
- The proposed changes do NOT impact the basic constitutional rights of the accused. The accused have a constitutional right to confront and cross-examine witnesses **at trial**. Victims of crime have the right to not be subjected to retraumatization through unnecessary interviews.



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i. Annie E. Casey Foundation's National KIDS COUNT Data Book (2022)

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