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**When a loved one  
makes a childhood  
sexual abuse claim:**  
A guide on how to  
support them



# Table of contents

**ONE**  
**Introduction ..... 4**

**TWO**  
**The emotional impact of  
disclosure on your loved one ..... 5**

**THREE**  
**The legal process ..... 6**

**FOUR**  
**What you can do  
(and where to find support) ..... 7**



ONE

# When a loved one makes a childhood sexual abuse claim:

## A guide on how to support them

Your son, daughter, or another loved one may have told you about their childhood sexual abuse and that Shine Lawyers is representing them in a legal claim. This guide can help you understand what's going on emotionally for them as they go through the legal process. We'll share three things with you in this guide: the emotional impact of making a claim, a little about the legal process, and where you can both find support.



### What is a 'civil damages claim?'

A legal compensation claim made by an adult survivor of childhood sexual abuse is known as a '**civil damages claim**.' This claim may include compensation for the impact abuse has had on their life and be an opportunity to hold the responsible institution to account (this may be a school, church, or government department).

[Learn more about the legal process in section 3 >](#)



## TWO

# The emotional impact of disclosure on your loved one

Abuse may have greatly changed your loved one's entire life. They may have self-medicated, found it difficult to maintain employment, or spent time in detention or prison.

It may have taken your loved one years, or even decades, to disclose their abuse. Through all that time, they may have managed their feelings alone. They have come to you now because they trust you and need your support.

Going through the legal process can be retraumatizing and have a significant negative impact on your loved one's mental health. Their outward behaviour may change. Here's what you may notice:



**Withdrawing from social contact and losing interest in activities**



**Feeling on edge and being easily startled**



**A change in sleeping patterns, including nightmares**



**Becoming emotional for no apparent reason**



**Feeling sad, hopeless, guilt, shame, or blame**



**Self-destructive behaviour, such as self-harm, risky behaviours or self-medication**



**Behavioural changes, such as being aggressive, impulsive, or distrustful**



**Existing mental health conditions may get worse, with symptoms intensifying**



## THREE

# The legal process can be long and complex

There are five main phases in the legal process. Each can be months long, and there may be months in between each phase. Within each phase, the name of legal steps (and what's involved in those steps) will be different, depending on the Australian state or territory of your loved one's claim. Here's what you can expect.

### 1 Initial instructions or storytelling

Your loved one must tell the story of their abuse – starting with us as their legal representatives. They will repeat their story, or parts of their story, several times, reliving their abuse as they revisit the facts of their story in detail.

Our Abuse Law team is a compassionate, trauma-informed practice in our role as legal advocates.

Shine Lawyers also has a dedicated mental health support team that your loved one can talk to free of charge (during their time as our client). Our team can provide direct support or find a local mental health practitioner to support your loved one through the claim.

### 2 Information collecting

Written records must be collected to verify your loved one's story. This phase of the legal process can take many months. Our Abuse Law team will seek and gather the necessary information and records, which might include:

- Records of the dates your loved one attended the location of their abuse (such as school, church, or a detention centre)
- Medical records of psychological or psychiatric injuries from the time of their abuse
- Tax records and Medicare records
- Employment history and employment records
- Education records

We know this is another emotionally complex phase in the legal process. There may be discrepancies in records that must be resolved. Our Abuse Law team will guide and support your loved one during this phase.



The wait for various records can be frustrating, particularly because much of it happens behind the scenes. Any differences between your loved one's memory and recorded information can be upsetting, as this can feel that they are not being believed.



3

### Medical appointments

Your loved one will be required to see one or more medical specialists to assess their physical and psychological injuries. Our support team is available to assist your loved one through medical appointments, including:

- Preparing them for the appointment
- De-briefing following the appointment
- Creating a safety plan to assist in managing the impacts of the appointment



These appointments are often very distressing as they include detailed questions about the trauma and its effects. The impact of the appointment can be felt for a period of time and it is good to keep an eye out for any emotional or psychological changes or difficulties that may arise following the appointment.

4

### Settlement phase

Our experienced Abuse Law team is responsible for all steps of your loved one's legal claim. This includes negotiating a settlement prior to trial or proceeding to represent your loved one in a court hearing.

5

### What happens next

Sometimes Abuse Law cases don't settle at a conference, and we may need to proceed to a court hearing.

If you have to go to court, your Abuse Law team will continue to guide your loved one through the process and prepare them for what to expect.

At every phase, our experienced Abuse Law team and support team will explain what's happening and help your loved one to anticipate what comes next.



## FOUR

# What you can do (and where to find support)

In this last section of the guide, we share what's important for you to communicate to your loved one, and what it's important to avoid doing.

### What's important for you to communicate

- Always take an adult survivor's disclosure of childhood sexual abuse seriously.
- Listen without judgement.
- Make it clear you believe your loved one and that what happened wasn't their fault.
- Starting a legal claim may trigger feelings of shame, stress, and fear. Your response to their disclosure can be key to their recovery and next steps. Let them know you'll do whatever you can to support them.

### What's important for you to avoid doing

You may be feeling overwhelmed with your loved one's disclosure. But it's important to avoid:

- Talking about your own guilt
- Denying the abuse happened
- Shutting them down and refusing to listen

### Where to find help

Shine Lawyers' Abuse Law team provides legal assistance. Our support team provides mental health support during your loved one's legal claim.

For ongoing professional support for you or your loved one, we suggest contacting any of the following organisations:



To arrange a confidential, obligation-free discussion, please contact us at:

**shine.com.au** or call **13 11 99**

