Paper for the Criminal Procedure Rules Committee:

Intermediaries for Defendants:

If you don't understand the first part of a 'story' how can you answer questions about it, even if the story is about you?

PREPARED BY

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Intermediaries for Justice is a Charity which aims to

- raise awareness of the communication needs of vulnerable people involved in the justice system.
- share knowledge and understanding of vulnerable people's communication needs with other professionals in the justice system
- raise awareness of how intermediaries as communication specialists work within the justice system
- provide a professional platform for intermediaries to discuss, develop and collaborate on all aspects of their work.

www.intermediaries

SUMMARY

Your request to us

via Jodie Blackstock at Justice, to hear from intermediaries in respect of three specific questions:

(1) when is an intermediary necessary for (i) a defendant giving evidence only, and (ii) throughout the trial? Why is the current guidance flawed on this?;

(2) when might it be ok to vary a decision already made for whole evidence assistance, or vice versa?;

(3) What assistance can and should an intermediary be offering at a ground rules hearing and how often is this not happening and in what way?

Our request to you

Intermediaries would like to understand the basis of the distinction made in the revisions to the Practice Direction.

Intermediaries would like to have the opportunity to convey to you why the distinction does not match the needs which we see in many cases, how it does not serve effective participation and places intermediaries in professional difficulties where our role is to assist in effective participation and an 'evidence only' ruling makes it impossible for us to do the job for which you engage us.

We would like you to hear from us as to why many intermediaries will not act in a way that puts us in conflict with the professional duties owed to the court.

We would like to explain to you the benefits of 'whole trial' vs evidence only (including costs savings), why evidence only often cannot work and to have your thoughts on whether you would consider other measures that could be taken to meet pressures on the court budgets, essentially by reducing intermediary costs for defendant work in ways which will not impact negatively on the vulnerable person.

We would like to work with you to formulate something (Guidance? Revision to current PD?) which will meet the Committee's needs to ensure that intermediaries are not appointed to sit through whole trials helping 'the worried' and to ensure access to Justice for defendants.

We would also like to ensure that Judges have a better understanding of what we do. Intermediaries are not involved in the barristers training for vulnerable people. So the misunderstandings about our role are never addressed.

1. Overview

The amendments to the 2015 Criminal Practice Directions included a revision to the practice direction concerning intermediaries. The revised practice direction contained a considerable shift in emphasis in relation to the recommended use of intermediaries for defendants:

‘In light of the scarcity of intermediaries, the appropriateness of assessment must be decided with care to ensure their availability for those witnesses and defendants who are most in need.’ [para 3F.5]

‘The court should adapt the trial process to address a defendant’s communication needs (R v Cox [2012] EWCA Crim 549) and will rarely exercise its inherent powers to direct appointment of an intermediary.’ [para 3F.12]

‘Directions to appoint an intermediary for a defendant’s evidence will thus be rare, but for the entire trial extremely rare.’ [para 3F.13]

Jodie Blackstock’s note of 29th April 2019 eloquently puts several of the concerns we have about what we see in terms of varying practice and a very basic misunderstanding of our role.

In addition, we believe that there is a lack of information about trauma-informed practice which leads Judges to misunderstand our role in certain situations.

As an aside, it may possibly help us to better understand the reason that you require a defendant to be present in court throughout the hearing. We think we understand but we are not lawyers.

2. Skills of an Intermediary and skills of an advocate:

Does the recent round of training for advocates mean they can ‘plug the gap? Or can someone else?

Skills of an intermediary: the intermediary role:

- Intermediaries are (should be) **communication experts, experts in their field which should be specific to the vulnerable person’s disabilities.**

Communication is more than words. Communication is visual, sensory etc and it is influenced by mental health and psychological conditions.

- Intermediaries are impartial and neutral, working for the court to assist communication. We are not there to support. We are a resource available to assist the whole court, and we have an understanding of professional boundaries.
- We have an understanding of court processes and language. We are trained to work in the court environment.
- Intermediaries have the ability to communicate directly with the court and to support the court to enable effective participation.

How about ***Supporters?***

- Presumably they support the defendant. They are not impartial, they are not skilled in communication and they may not understand the court process and complexities of a criminal trial. They are there for 'the worried' but not for the people with whom we work.

Skills of an advocate: Advocates are highly skilled in the use of high-level language. Certain barristers say that 'word craft' is an integral part of the profession and there is a pride in the oratorical skills which barristers display which clients can also find reassuring. [1]

Barristers tell us that they are not trained in communication, how to work with people with mental health issues and they are not familiar with trauma-informed practice.

The training course upskills barristers to work in with intermediaries in our view. It also helps them to work with 'the worried' where anxiety may inhibit their ability to communicate in court. However, it does not enable a barrister to replace the role of the intermediary where people have (often complex, sometimes hidden) communication deficits.

<u>Intermediary comments</u>

"Many advocates have told me they have read the Toolkits and my report and then produce 200 questions in the wrong format, with tags, multi-parts, passive tenses, etc."

This is an <u>everyday experience in the life of an intermediary</u>. Those who get it right without intermediary assistance are the exception, not the rule. This is not a critcism. It is not as easy as it looks.

After knowing a vulnerable defendant for 3 years and reading my report, the advocate used terms such as 'convicted' and 'evidence' which were not

[1] Family law barrister Lucy Reed of the Transparency Project speaking to Radio 4: 'Word of Mouth: Demystifying the language of the courtroom' speaks about the craft and skill in employing formal court language as a 'common agreed code designed to carry logical thought and abstract concepts.' She also says that it reassures those sitting behind you that you 'know your onions. It reassures people that you know a particular piece of terminology and they are able to tell that you are familiar with this specialist field.'

understood.

Also a regular occurrence.

"A barrister told me last week – 'I did the training 15 months ago, haven't had a the vulnerable defendant since, and can't remember what I need to do'."

'The one day Vulnerable Witness training does NOT:

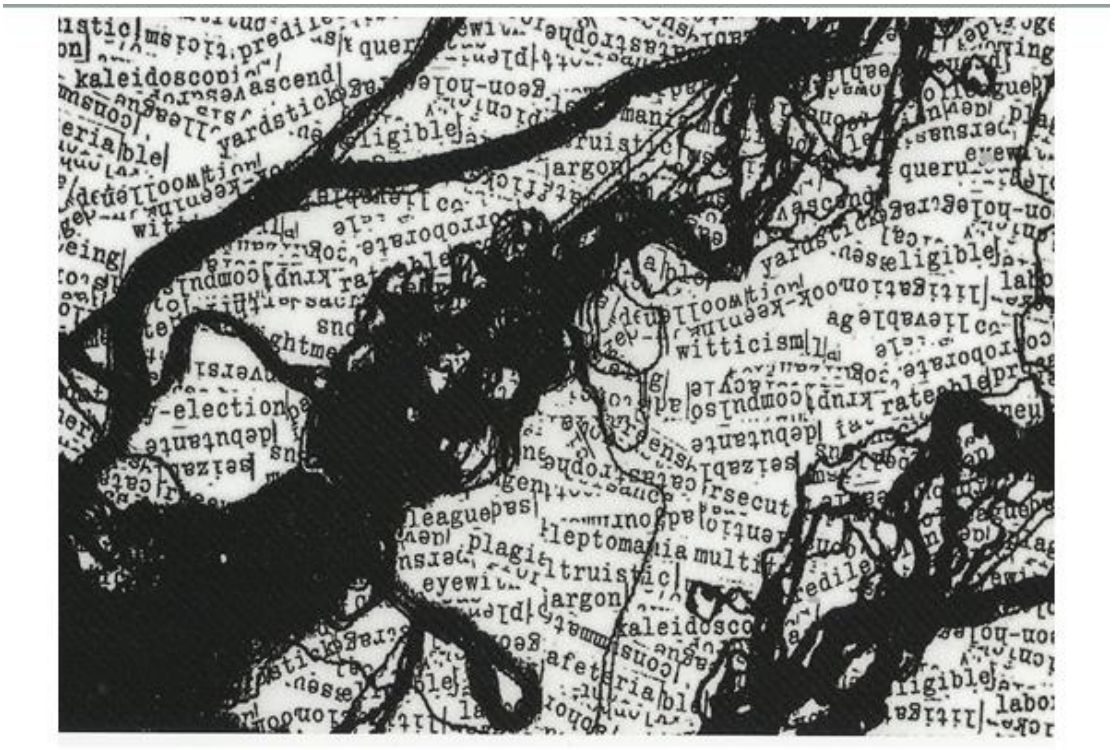
- ***Advise advocates to manage without an intermediary***
- ***Assist advocates in how to communicate with the vulnerable defendant in all parts of the trial, only evidence***
- ***Turn a legal expert into a communication expert, any more than my eight years' experience in courts has turned me into a legal expert.'***

Another intermediary provided us with a list of words a barrister used with a vulnerable person in conference last week, where the barrister understood himself to be adapting his language. The intermediary assessed comprehension. None of these words were understood by the vulnerable adult.

credibility	comply	primary inference
fracas	you have to take into account	indictment
ensued	**I'm trying to take instructions in language you can comprehend**	burden
dispute	the past is the past for a reason	consent
don't meet the criteria	classification	verdict
persistently	assistance	evidence
taking instructions	period	speculation
subtle	operation	dispute
we'll go through this systematically	would you accept/do you agree	Accurate
coincided	superficial	sophisticated
unsubstantiated	academic	preconceived
to be perfectly frank	relevant	perpetrators
despondent	intervening	stereotyping
intentionally	deteriorated	norm
you need to be proactive	extinguish	multiple

myth	inventive commended adduce	Reference reflection

Below is a depiction by a vulnerable defendant reflecting how they experienced their time in court, without communication support.



"String of words"

3. Trauma-Informed Practice

The neuroscientific basis is now established. It is scientific fact that trauma responses inhibit parts of the brain which deal with the processing of information and communication. Coherent narratives about the past require both left and right hemispheres of the brain to be fully online. Trauma creates chaos in the brain and freezes thinking.

The signs, symptoms, and responses manifest in different ways.

Experience is required in reintegrating the individual should a trauma response be triggered. Registered Intermediaries Ministry of Justice training has now evolved to

include training about trauma. IfJ has developed a CPD unit for intermediaries to develop the skill sets of those working with defendants and in other courts.

Advocates neither have the training or the detailed understanding of these aspects of communication and will miss the signs of, for example, a dissociating defendant. (More so of course because the defendant sits behind them in any event. A defendant exhibiting a 'flight' response will be viewed as non-cooperative and difficult. The points made in the cases which Jodie refers you to do not reference this aspect of our role at all. Instead, there is a suggestion that we are seeking to work with

'a worried individual on trial. In play are understandable emotions: uncertainty, perhaps a sense of territorial disadvantage, nervousness, and agitation.'

To be clear: **we do not work with this category of people**. These people do not need communication specialists. They fall within the 34% where we report that they do not require an intermediary. These are the people who 'supporters' could then possibly assist.

4. Cast of Mind and Life-experience

Jodie referred to the case of mind point in the OP case:

"We are not persuaded that it is essential a RI be available to all defendants for the duration of their trials. In many instances the provision of help centred upon the cast of mind and life experience we have described are likely to prove sufficient. The pinch point is at the giving of evidence when in our view it is unarguable that an individual in jeopardy should be put in the best position to do himself justice."

Intermediaries feedback:

- *A mother of a vulnerable defendant said to him, 'just watch Judge Judy and you will know what to do'.*
- *Parents of a vulnerable defendant, who at the end of a legal conference told me they did not understand and needed my visual flow chart for them to understand the decisions;*
- *Simplifying is a skill, which takes a background in linguistic concepts, a specific understanding of the individual issues, and requires understanding of the court processes and vocabulary which is not part of general public knowledge.*
- *Inferential thinking, reasoning based on logic, delayed gratification are concepts which not all the vulnerable defendant families are familiar with: 'if a train crashes it*

is usually the last carriage that is damaged. Do you think it would help to remove the last carriage before starting a journey?' The answer is obvious to you. It is often not something the people we work with can respond well to.

- *Length of utterance. A real issue for many categories of vulnerable people – speaking simply but for longer does not work if working memory and processing skills are impaired; many judges and advocates work hard to simplify but talk for 10 minutes, so have not been understood.*
- Life experience of those with hidden disabilities: these disabilities remain hidden for a reason. Because the vulnerable person will go to lengths to hide them. They will act as if they have understood, give favourable responses to cued questions etc. A judge who decided against special measures recommended by an intermediary then said to the vulnerable person: 'there, that wasn't so bad now, was it?' She said 'no' even though her whole body was visibly shaking and she could not then tell me a single thing that had taken place in the courtroom. Her mind was a total blank.

5. Not giving evidence

In many cases we see that a vulnerable defendant is not advised to give evidence as the advocate is uncertain of the consistency of their evidence and ability to cope with cross-examination – with an intermediary involved during the trial the vulnerable defendant can be prepared for the process as would any vulnerable witness (VW).

the vulnerable defendants with experience of many trials tell us they have never given evidence as they are too scared, were not asked or did not know they could do so. (This is not suggesting they have not been told by their legal representative).

Without intermediary assistance the vulnerable defendant rarely understands the inference of not giving evidence. Many do not appreciate the concept of deferred gratification – hence pleading to avoid a trial in some cases, and avoiding giving evidence despite its possible positive consequences.

We believe this is not in the interests of justice and deprives the Jury of valuable relevant information which could assist in their decision.

6. Costs savings or just moving costs around??

Additional advantages to the Justice system of the whole trial with intermediary:

- the vulnerable defendant may plead if he fully understands the evidence against him

E.g. DNA evidence; See the case where the defendant asserted consistently: 'I'm not guilty'. He had not understood what DNA evidence was until the intermediary explained: 'They found bits of your body in her knickers' leading to the defendant pleading guilty: ' I know, I did it.' Costs of a lengthy trial saved.

- Shorter and fewer breaks – Intermediary explains and keeps the vulnerable defendant focussed, assists with emotional regulation, less need for counsel to break to explain. Less likelihood of fragmentation, and recovery time required, leading to lost court time.
- Ensuring the defendant is not rendered unfit to stand trial following months of preparation and irrecoverable costs E.g the elderly defendant. A Judge decided against the defendant having breaks in the way the intermediary had recommended them to be taken. The defendant had a stroke that night and was rendered unable to stand trial, leading the alleged victims not to have what they considered to be 'justice'.
- The Intermediary understands the court processes and is impartial – not a supporter or family member who may seek to influence the defendant with their own opinions. A supporter rarely understands the court process.
- Conferences are more productive – often the intermediary can note down and remind the vulnerable defendant of matters he commented on during proceedings and can remind the vulnerable defendant of what counsel explained during conferences
- The vulnerable defendant is fully assisted in their decision whether to give evidence, and has time for a familiarisation session
- Time is available for both counsel to discuss questions with the intermediary at any stage of the trial to ensure they can put their case in an accessible way.
- When counsel has their back to the vulnerable defendant they are unable to attend to the vulnerable defendant's state of mind, need for breaks etc.

Practical problems with 'evidence only':

- It is difficult for the court to know which days to ask the intermediary to be available and the intermediary cannot keep whole week free – more difficult than prosecution witness evidence as these witness warnings are easier to predict. So you end up paying us in any event for days we hold free.
- The Intermediary does not fully understand the context of the case and so will miss the nuances of the vulnerable defendant's understanding of questions
- There needs to be time often to familiarise the vulnerable defendant with witness box (as is always permitted for prosecution witnesses) and it is best not to do this just before evidence
- The Ground Rules Hearing is often on the first day of trial and needs Intermediary involvement
- Time needs to be set aside for counsel and intermediary to discuss questions

- In reality the Intermediary needs to be booked for several days to ensure availability as the start of the defence case timing can be so unpredictable. Better to have the intermediary in court working with the person rather than being paid to do nothing.

7. Alternative ways to save costs?

As Jodie explained intermediaries are rare in any event and this part of the revision to the Practice Direction should not cause any difficulties. We do not, however, understand the rare/extremely rare distinction or why we are hearing from the Judiciary (anecdotally) that this means they consider they can almost never appoint for the whole trial.

It would help us to understand what evidence was considered and what basis the distinction was made. In most intermediaries' experience there is only a limited category of defendants whose communication profile means that they will need help only when giving evidence. See points below for further information.

If there are concerns about the costs of intermediaries have any steps been considered to approach the MoJ and to look at extending the current RI scheme where rates of pay are set, the quality of work done is monitored, intermediaries can only offer to vulnerable people where their skill set meets the need for example?

Has the committee considered what element of costs are generated by intermediaries traveling and being accommodated overnight in circumstances where a locally based intermediary could work without adding those costs?

The intermediary community has many thoughts about how we could better serve the defendants we work with and one aspect is regulating the market so that not simply anyone can put themselves forward. We have no idea how often you are assisted by someone with the right experience to do the job, or not. This may be affecting your perception of our role.

8. And how about expertise?

In order to have a level playing field and equality in provision for intermediaries working with defendants and witnesses some thought should be given to the following:

a) What are communication specialists?

a. We have years of study, training and experience in communication with specific client groups. Legal professionals often tell us they know about special

needs because they have ‘an autistic child’. Being a parent of one child does not make you a paediatrican and attending a hundred trials does not make an intermediary a legal expert.

b) Registered Intermediaries are required to work only within their competencies.

Currently there is no registration for defendant intermediaries and we are aware of practitioners working outside their competencies. There are agencies (not Communicourt or Triangle) offering intermediaries without any understanding of the role and specific training. Courts do not know how to assess these skills.

Who will police this? The individual court when appointing or again, **is it time the MoJ set up a scheme for defendant intermediaries?**

9.The Rules Committee’s three points:

(1) when is an intermediary necessary for (i) a defendant giving evidence only, and (ii) throughout the trial? Why is the current guidance flawed on this?

We do not know what guidance there is aside from the Practice Direction. In our experience, it is less common that someone will require assistance because they have difficulty expressing themselves and that is the limit of their communication issues. More often if the right conditions are created the people we work with can say in simple everyday language what they want the court to know. However they cannot access the information being given to the court in evidence because it is too complex. too fast, too dense or too legal jargon riddled. For them it is often impenetrable. This is why from our perspective the guidance does not reflect what we have witnessed in terms of vulnerability and need. More regularly whole trial will be rare and evidence only, rarer. That is a fact borne out by the figures.

There is lots of useful information in the Equal Treatment Bench Book which appears to provide some decent guidance but the impact of the Guidance was reduced when the PD was amended and the propositions in the Guidance do not mirror what happens in practice and it does not sit comfortable with the Practice Direction change and current practice.

Guidance for kinds of circumstances for whole trial vs evidence only

Evidence only – the vulnerable defendant has speech intelligibility or speech production issues, emotional regulation issues when being asked to speak.

A. Whole trial

a. auditory working memory below 4 key words
b. auditory comprehension of a simple 100-word passage assessed as being very poor
c. poor verbal reasoning
d. Inability to understand less frequently used words or to follow grammatically complex sentence structures: the type that are frequently used in court
e. functionally illiterate (can read no more than simple single words)
f. emotional regulation issues or poor focus/concentration issues that preclude the ability to sit for an hour in a novel environment with many people (this is very general and covers many conditions
g. unstable, inconsistent mental health condition where it cannot be predicted how they will be able to participate effectively
h. consideration of the effect of trauma on communication
i. inability to follow verbally presented information where understanding can be effectively supported using information provided in a visual format (pictures, timelines etc)
j. very poor processing speed: inability to process the information in real court time without intermediary assistance.
k. Indicators? To include: have they had special schooling throughout their life (if they have been provided with 1:1 specialist assistance in education, then they are likely to have the same needs in court

In these circumstances where an intermediary finds that a combination of these factors impact on the defendant's ability to process information, the appointment of an intermediary should be considered for the whole trial to enable the defendant to have equality of access to justice:

(2) When might it be ok to vary a decision already made for whole evidence assistance, or vice versa?;

a. where the defendant's vulnerability has changed over time eg mental health conditions improved and evidence is produced to this end;

b. where intermediary indicates to court after first day/s that her involvement is not required eg defendant is responding differently in court than anticipated at assessment

(3) What assistance can and should an intermediary be offering at a ground rules hearing and how often is this not happening and in what way?

a) We don't have data on the number of occasions. However, the Ground Rules Hearing is being used in ways that had not previously been envisioned.

b) Instead of it being a forum to discuss recommendations, the Ground Rules Hearing is often used to decide whether an intermediary is appointed, and this takes place on first day of the trial. Obvious logistical difficulties for the intermediary and uncertainty for the vulnerable defendant.

c) The Ground Rules Hearing takes place without the intermediary being invited to participate in the discussion, even though the ETBB explains that this should be a dialogue involving the intermediary.

d) The default of legal discussion being between counsel and the judge continues, often with the intermediary in the dock, asked to sit in the public gallery, or on occasion not permitted into the court.

e) The Ground Rules Hearing does not take place as the judge says that the report has been read and accepted. There are often points for discussion in the intermediary report, but these are not addressed.

f) Judges say that as it is not a vulnerable child so there is no need for questions to be reviewed with the intermediary, despite the ETBB making it clear that this is 'the norm' and best practice in the criminal courts;

g) This happens in magistrates, crown and youth courts, and is often supported by barristers as well as judges/magistrates

h) Recommendations: that Judges be reminded this is a mandatory part of the process and it should be a discussion about the features of communication and how special measures can be directed to assist. The Judge should also seek to clarify any issues around whole trial/evidence only.

i) The Ground Rules Hearing can be used to discuss what documentation should be shared with the intermediary in advance of the hearing to ensure they are aware of any complexities and the key issues

j) The Ground Rules Hearing is an opportunity to discuss the recommendations as to timings, breaks, adaptations to the court process, how the intermediary will alert the Judge if there is an issue, where the defendant and the intermediary will sit how the defendant will take his oath etc. This is covered in more detail in the Advocates Gateway toolkits.

k) Guidance could additionally set out that the intermediary should always be asked to specifically address whether the defendant can be assisted for evidence only or whether assistance is required for the whole trial and that a Judge should not exercise his discretion in this respect without considering the points raised by the intermediary and without setting out in full the reasons for his decision if it is evidence only in any event. The Judiciary may ask for a detailed reasoning as to why 'evidence only' will not work: a paragraph specifically addressing that point in the report should be mandatory as well as an explanation in the Ground Rules Hearing.

E.g.: An intermediary was called into court on day 1.The Judge would not let her speak. He insisted she answer one question and would not listen to reasons: 'If I rule

evidence only will you continue with the case?' The intermediary had addressed this point in her report and had explained why not.

l) Guidance could clarify that is it rarely going to be appropriate for a judge to make the decision without the benefit of an intermediary report or before he has had an opportunity to have that discussion with the intermediary. And it should be a discussion.

m) As one Triangle intermediary *reports:" I am concerned about the increasing numbers of referrals we are receiving where the judge has already ruled that an intermediary will only be allowed for evidence before the client has even been assessed.*

n) I am also having issues with not being involved in Ground Rules Hearing. We used to regularly have a separate Ground Rules Hearing on a day before the start of trial but now, more often than not, ground rules are discussed briefly during the trial without even consulting the intermediary about their recommendations. There have even been occasions when I have not realised that this discussion has taken place as it has been so brief and only mentioned in passing.

o) I have found that even in these instances my recommendations are usually accepted (except the recommendation for an intermediary to be there for the whole trial).

p) The Judiciary is getting angry with intermediaries who will not work where they cannot enable effective participation. Court money could be saved if this discussion took place in advance of the trial. For some private companies offering intermediaries, a cancelation at the Ground Rules Hearing stage results in the company being paid a cancellation fee in any event (possibly for the booking period, which is the whole trial in any event possibly?)

10. Additional Point

Intermediary evidence showing how instances of unexplained and ostensibly inexplicable reversals of decisions to retain intermediaries for defendants.

We believe these examples show that such reversals by one judge of another judge's decision are not uncommon and we do not believe they are based on the communication needs of that specific person or with any weight being given to a clinical specialists recommendations re communication.

a) I have had experiences of being appointed by a judge but then the trial being changed to another court and that trial judge refusing an intermediary.

b) Also, a judge refusing to appoint an intermediary until the first day of the trial as he wanted to see how the defendant got on. He didn't really hold with the diagnosis of ADHD-.

c) The case was adjourned and he chose not to appoint an intermediary.

d) *I was appointed to a case with a man with severe Mental health/Moderate Learning Disability /couldn't read or write- psychiatrist recommended only fit to plead with intermediary for whole trial…I recommended whole trial but …case moved from Lewes to Hove where judge recommended evidence only saying that the preceding judge at Lewes Hove and Brighton had made a direction that evidence only for all trials.*

e) *Attended a case last year where, having been appointed for a full trial by one judge, GRH with another judge accepted all my recommendations but then realised he did not have time to hear the whole 5 days, so we moved to a nearby court with another judge the next day who refused my recommendations, asked me to sit in the public gallery when defendant gave evidence and complained several times in the trial that I had been appointed at all.*

f) *Attended a court on the first day of a 5 day trial, where I was told the court had not yet decided whether to have me just for evidence. Barrister went into speak to judge in chambers as he needed to withdraw from case (conflict issue) and told the judge I was very good. I was told outside the courtroom that the judge had made a decision to appoint me for the full trial without any open discussion in court.*

g) *Attended a court for a 4 day trial, having been emailed by the court clerk with a message from the judge saying I could come on the first day and he would see what he thought at the end of the day. When I arrived, the judge asked why there was an intermediary in court, as he had not authorised it. I asked to enter the witness box and showed him the email. He said ' oh well I suppose you can stay for the day'. At the end of the day, I asked to address him, gave examples of how the defendant was understanding or not, and the judge then agreed to me continuing until after evidence.*

Appendix 10: Definition of Selective Mutism

Selective mutism was first described in the 1870s, at which time it was called "aphasia voluntaria." This name shows that the absence of speech was considered to be under the control of the child's will. In 1934 the disorder began to be called selective mutism, a name that still implied purposefulness on the part of the silent child. In the 1994 edition of the ***Diagnostic and Statistical Manual of Mental Disorders*** (*DSM-IV*) the disorder was renamed selective mutism. This name is considered preferable because it suggests that the child is mute only in certain situations, without the implication that the child remains silent on purpose.

Selective mutism is characterized by a child's inability to speak in one or more types of social situation, although the child is developmentally advanced to the point that speech is possible. The child speaks proficiently in at least one setting, most often at

home with one or both parents, and sometimes with siblings or extended family members. Some children also speak to certain friends or to adults that are not related to them, but this variant of selective mutism is somewhat less common.

The most common place for children to exhibit mute behaviour is in the classroom, so that the disorder is often first noticed by teachers. Because of this characteristic, selective mutism is most frequently diagnosed in children of preschool age through second grade. As the expectation of speech becomes more evident, selective mutism can have more pronounced negative effects on academic performance. Children who do not talk in classroom settings or other social situations because the language of instruction is not their first tongue are not considered to have the disorder of selective mutism.

Causes and symptoms

The symptoms of selective mutism are fairly obvious. The child does not talk in one or more social situations in which speech is commonly expected and would facilitate understanding. Some children with selective mutism do not communicate in any way in certain settings, and act generally shy and withdrawn. The disorder is also often associated with crying, clinging to the parent, and other signs of social anxiety. Other children with the disorder, however, may smile, gesture, nod, and even giggle, although they do not talk.

Consensus regarding the most common causes of selective mutism has changed significantly over time. When the disorder was first studied, and for many years thereafter, it was thought to be caused by severe trauma in early childhood. Some of these causative traumas were thought to include rape, molestation, incest, severe physical or emotional **abuse,** and similar experiences. In addition, many researchers attributed selective mutism to family dynamics that included an overprotective mother and an abnormally strict or very distant father. As of 2002, these factors have not been completely eliminated as causes of selective mutism in most cases, but it is generally agreed that they are not the most common causes.

Instead, selective mutism is frequently attributed at present to high levels of social anxiety in children and not to traumatic events in their early years. Children with selective mutism have been found to be more timid and shy than most children in social situations, and to exhibit signs of depression, obsessive-compulsive disorder, and anxiety disorders. Some children have been reported to dislike speaking because they are uncomfortable with the sound of their own voice or because they think their voice sounds abnormal.

Many links have also been found between selective mutism and speech development problems. Language reception problems have also been documented in selectively mute children. Although there is no evidence indicating that selective mutism is the direct result of any of these difficulties in language development, possible connections are being explored.

http://www.minddisorders.com/Py-Z/Selective-mutism.html