

Prosecution of Child Sexual Abuse Cases

A Bibliography



September 2020

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Scope

This bibliography lists citations and abstracts of publications addressing a wide range of topics that are relevant to attorneys prosecuting child sexual abuse cases. International publications are included. This bibliography is not comprehensive.

Organization

Publications are divided by topics listed below. They are listed in date descending order within each section. Links to full text are provided when possible.

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Prosecution of Child Sexual Abuse Cases

A Bibliography

Preparing for court

Cordisco Steele, L., & Sawicki, M. (2018). [Forensic interviewing: What every prosecutor needs to know](#). Washington, DC: Association of Prosecuting Attorneys.

This document provides information about child development, as well as the underlying concepts and methods of forensic interviewing. In addition, the materials presented, and prosecution strategies outlined here will enable prosecutors to assess the quality of the forensic interview, prepare and use the forensic interviewer at trial, question child witnesses more effectively, and increase their ability to cross-examine defense expert forensic interviewer witnesses and defend the forensic interview in court. Increased understanding and utilization of these valuable methods will assist prosecutors as they work to protect children from abuse and neglect.

Nathanson, R., & Saywitz, K. J. (2015). Preparing children for court: Effects of a model court education program on children's anticipatory anxiety. *Behavioral Sciences & the Law*, 33(4), 459-475.

The current study examined whether a pretrial preparation program, consisting of legal knowledge education, stress inoculation training, and a mock trial, is associated with decreased anticipatory anxiety of child witnesses. One hundred and ninety-three 4- to 17-year-olds who were awaiting impending legal proceedings attended Kids' Court School in Las Vegas, NV, one to two weeks before their court appearances. Participants completed a measure of anticipatory court-related anxiety before and after the intervention. As predicted, children's anticipatory anxiety decreased significantly from pretest to posttest. Results demonstrate the promise of a brief, unbiased, standardized program for reducing system-induced stress on child witnesses, while maintaining the integrity of the legal process. This study serves as a springboard to guide future research, practice, policy, and implementation on a larger scale. Copyright © 2015 John Wiley & Sons, Ltd.

Phillips, A., & Walters, S. (2013). A courtroom for all: Creating child and adolescent-fair courtrooms. *Centerpiece*, 3(7), 1-9.

This study challenges the belief by many attorneys and child protection professionals that children, especially younger children, should be shielded from court.

Evans, A. D., & Lyon, T. D. (2012). [Assessing children's competency to take the oath in court: The influence of question type on children's accuracy](#). *Law and Human Behavior*, 36(3), 195-205.

This study examined children's accuracy in response to truth–lie competency questions asked in court. The participants included 164 child witnesses in criminal child sexual abuse cases tried in Los Angeles County over a 5-year period (1997–2001) and 154 child witnesses quoted in the U.S. state and federal appellate cases over a 35-year period (1974 –2008). The results revealed that judges virtually never found children incompetent to testify, but children exhibited substantial variability in their performance based on question-type. Definition questions, about the meaning of the truth and lies, were the most difficult largely due to errors in response to “Do you know” questions. Questions about the consequences of lying were more difficult than questions evaluating the morality of lying. Children exhibited high rates of error in response to questions about whether they had ever told a lie. Attorneys rarely asked children hypothetical questions in a form that has been found to facilitate performance. Defense attorneys asked a higher proportion of the more difficult question types than prosecutors. The findings suggest that children's truth–lie competency is underestimated by courtroom questioning and support growing doubts about the utility of the competency requirements.

Klemfuss, J. Z., & Ceci, S. J. (2012). Legal and psychological perspectives on children's competence to testify in court. *Developmental Review*, 32(3), 268-286.

Young children are often called as witnesses to crimes they were victims of or observed. Because of their immaturity, child witnesses are sometimes more heavily scrutinized than adult witnesses before being allowed to testify in court, for example, through competency screening. This review discusses the psychology and US law relevant to decisions about children's testimonial competency. Legally, a child is competent to provide in-court testimony if the presiding judge finds that the child can understand and answer basic interview questions, observe and recall

pertinent events, understand the difference between truths and lies, and be affected by the moral obligation to tell the truth on the stand. We review the legal foundation and current practice of testimonial competence standards and discuss issues in the current system. We then review developmental psychology literature on children's capabilities and individual differences in each domain of testimonial competency as well as the limited body of literature on competency exams. Finally, we make empirically-based recommendations and conclusions and highlight the need for further research and policy reforms related to children's testimonial abilities. © 2012 Elsevier Inc. All rights reserved.

Rainville, C. (2012). Preparing children with post-traumatic stress disorder for court: A multidisciplinary approach. *ABA Child Law Practice*, 31(10), 131, 134-137.

This article explores how to help children heal from PTSD and successfully prosecute these cases. The work begins the day the case comes in and continues behind the scenes until the trial (and beyond).

Walker, J. (2012). [If I'm 'the party,' Where's the cake?: The need for comprehensive child-witness court preparation programs.](#) *Centerpiece*, 3(1), 1-6.

Lyon, T. D. (2011). [Assessing the competency of child witnesses: Best practice informed by psychology and law.](#) In M. E. Lamb, D. La Rooy, L. C. Malloy, & C. Katz (Eds.), *Children's Testimony: A Handbook of Psychological Research and Forensic Practice* (pp. 69-85). Sussex, UK: Wiley-Blackwell.

Lyon, T., Carrick, N., & Quas, J. A. (2010). [Young children's competency to take the oath: Effects of task, maltreatment, and age.](#) *Law and Human Behavior*, 34(2), 141-149.

This study examined maltreated and non-maltreated children's (N = 183) emerging understanding of "truth" and "lie," terms about which they are quizzed to qualify as competent to testify. Four- to six-year-old children were asked to accept or reject true and false (T/F) statements, label T/F statements as the "truth" or "a lie," label T/F statements as "good" or "bad," and label "truth"

and “lie” as “good” or “bad.” The youngest children were at ceiling in accepting/rejecting T/F statements. The labeling tasks revealed improvement with age and children performed similarly across the tasks. Most children were better able to evaluate “truth” than “lie.” Maltreated children exhibited somewhat different response patterns, suggesting greater sensitivity to the immorality of lying.

Lyon, T. D., & Dorado, J. S. (2008). [Truth induction in young maltreated children: The effects of oath-taking and reassurance on true and false disclosures](#). *Child Abuse & Neglect*, 32(7), 738-748.

Two studies examined the effects of the oath or reassurance (“truth induction”) on 5- to 7-year-old maltreated children’s true and false reports of a minor transgression. In both studies an interviewer elicited a promise to tell the truth, reassured children that they would not get in trouble for disclosing the transgression, or gave no instructions before questioning the child. In Study 1, children were encouraged to play with an attractive toy by a confederate, who then informed them that they might get in trouble for playing. In Study 2, a confederate engaged children in play, but did not play with the attractive toy. In Study 1, the oath and reassurance increased disclosure among children who would qualify as competent to take the oath. In Study 2 neither the oath nor reassurance increased false reports among children who would qualify as competent, whether yes/no questions or tag questions were asked. Among non-competent children, reassurance (but not the oath) increased false reports. Children were more likely to accuse the confederate of the transgression than to implicate themselves. The results suggest that a promise to tell the truth may increase true disclosures without increasing false allegations. Reassurance that specifically mentions the target activity also increases true disclosures, but may increase acquiescence among some children. A child-friendly version of the oath may be a useful addition to child interviews.

Vieth, V. I. (2008). [A children’s courtroom bill of rights: Seven pre-trial motions prosecutors should routinely file in cases of child maltreatment](#). *Centerpiece*, 1(2), 1-4.

Testifying in court is often stressful for children. Numerous studies document that children have very little, if any, understanding of legal processes. In order to protect children from confusing, even abusive practices while testifying, and in order to facilitate testimony that is fair and accurate,

there are seven pre-trial motions prosecutors should file in most, if not every case of child maltreatment.

Lyon, T. D., Saywitz, K. J., Kaplan, D. L., & Dorado, J. S. (2001). [Reducing maltreated children's reluctance to answer hypothetical oath-taking competency questions](#). *Law & Human Behavior*, 25(1), 81-92.

Before allowing child witnesses to testify, courts routinely require children to describe what would happen to them if they lied. However, young children often refuse to reason hypothetically if they view the premises as implausible or undesirable, and might be more willing to discuss the consequences of lying if they are asked about another child rather than themselves. On the other hand, children might view themselves as invulnerable to punishment, and therefore believe that whereas other children will be punished for lying, they will not be. In this study, 64 maltreated 5- and 6-year-old children were asked to describe the consequences of lying to three professionals (a judge, a social worker, and a doctor). Participants in the “self” condition were asked what would happen to them if they lied, whereas participants in the “other” condition were asked to describe what would happen to a story child if he or she lied. Asking children about “other” children increased responsiveness, and did not reveal perceptions of invulnerability. The results suggest that young children’s understanding that they will be punished for lying may make them reluctant to discuss the consequences of lying, leading to underestimation of their oath-taking competency.

Lipovsky, J., & Stern, P. (1997). Preparing children for court: An interdisciplinary view. *Child Maltreatment*, 2(2), 150-163.

Increased awareness of child abuse and neglect has been associated with an increase in focus on children as witnesses in court proceedings. Research suggests that although the experience of participating in the legal system is not inherently traumatic, it is often stressful for the child witness. This article discusses stressful influences on child witnesses and practices designed to decrease the likelihood of emotional distress and increase the child's ability to provide credible testimony. In light of the importance of interdisciplinary collaboration in the response to childhood victimization, this article addresses the roles of and links between mental health and legal professionals working with child witnesses. The concepts discussed in this article apply generally to civil, criminal, family law, and dependency cases and to cases tried before a jury and to a judge

alone. It is the authors' belief that the concepts discussed here are generally equally applicable in any case in which a child is a witness.

Saywitz, K. J., & Snyder, L. (1993). Improving children's testimony with preparation. In G. S. Goodman & B. L. Bottoms (Eds.), *Child victims, child witnesses: Understanding and improving testimony* (pp. 117-146). New York: Guilford Press.

Questioning children

Olaguez, A. P., & Klemfuss, J. Z. (2020). Differential effects of direct and cross examination on mock jurors' perceptions and memory in cases of child sexual abuse. *Psychiatry, Psychology and Law*, 1-19. <https://doi.org/10.1080/10538712.2018.1508108>

The present review is intended as an overview of our current understanding of how children's individual characteristics, in terms of demographic, cognitive, and psycho-social variables, may influence their susceptibility to suggestion. The goals are to revisit conceptual models of the mechanisms of suggestibility, to provide an updated practical guide for practitioners, and to make recommendations for future research. Results suggest that children with intellectual impairment and those with nascent language skills may be particularly vulnerable to suggestion. Further, memory for separate events, theory of mind, executive function, temperament, and social competence may not be related to suggestibility, whereas additional work is needed to clarify the potential contributions of knowledge, stress, mental health, parental elaborative style, and adverse experiences/maltreatment to children's suggestibility.

Stolzenberg, S. N., Morse, S. J., Haverkate, D. L., & Garcia-Johnson, A. M. (2020). [The prevalence of declarative and indirect yes/no Questions when children testify in criminal cases of child sexual abuse in the United States](https://doi.org/10.1002/acp.3607). *Applied Cognitive Psychology*, 34(1), 194-204. <https://doi.org/10.1002/acp.3607>

The present study assessed how attorneys questioned children in cases of child sexual abuse in the United States tried between 2005 and 2015. Trial testimonies (N = 134) of 5- to 17-year-olds (M = 12 years old) were coded for the linguistic form of attorneys' questions and children's subsequent responses. Three fourths of all questions were closed ended. Both declarative (statement question; e.g., "And he hit you?"; 21% of questions) and indirect yes/no questions (beginning with an indirect speech act; e.g., "Do you remember X?"; 11% of questions) were common, and produced potentially problematic responses, in comparison with forced-choice and yes/no questions. Declarative questions elicited the highest rates of unelaborative responses whereas indirect yes/no questions elicited the highest rate of nonsubstantive responses. The findings highlight the importance for researchers to better assess children's responses to declarative questions and for

prosecuting attorneys to cautiously use declarative and indirect yes/no questions when questioning children.

Evans, A. D., Stolzenberg, S. N., & Lyon, T. D. (2017). [Pragmatic failure and referential ambiguity when attorneys ask child witnesses “do you know/remember” questions.](#) *Psychology, Public Policy, and Law*, 23(2), 191-199.

“Do you know” and “Do you remember” (DYK/R) questions explicitly ask whether one knows or remembers some information while implicitly asking for that information. This study examined how 104 4- to 9-year-old children testifying in child sexual abuse cases responded to DYK/R wh- and yes/no questions. When asked DYK/R questions containing an implicit wh- question requesting information, children often provided unelaborated “Yes” responses. Attorneys’ follow-up questions suggested that children usually misunderstood the pragmatics of the questions. When DYK/R questions contained an implicit yes/no question, unelaborated “Yes” or “No” responses could be responding to the explicit or the implicit questions resulting in referentially ambiguous responses. Children often provided referentially ambiguous responses and attorneys usually failed to disambiguate children’s answers. Although pragmatic failure following DYK/R wh- questions decreased with age, the likelihood of referential ambiguity following DYK/R yes/no questions did not. The results highlight the risks of serious miscommunications caused by pragmatic misunderstanding and referential ambiguity when children testify.

Powell, M. B., Burrows, K. S., Brubacher, S. P., & Roberts, K. P. (2017). Prosecutors’ perceptions on questioning children about repeated abuse. *Psychiatry, Psychology and Law*, 24(1), 74-89.

The purpose of this study is to elicit guidance from prosecutors across Australia on questioning children about repeated events. Two focus groups were conducted. The first sought broad feedback concerning questioning children about repeated events. The second focused more specifically on eliciting feedback about techniques for aiding children in describing specific instances of repeated events. The techniques used are derived from a combination of empirical research and best practice interview guidelines. Data from both focus groups were compiled because themes were highly similar. Thematic analysis of the focus group discussions revealed three broad themes in prosecutors’ perceptions about questioning children about repeated abuse: a) permitting children

to provide a full generic account before describing individual episodes of abuse, b) using the information obtained during the generic account to create episode labels, and c) probing incidences of abuse chronologically. These themes are discussed within the context of the child development and mnemonic literature, and implications for interviewing protocols are drawn.

Stolzenberg, S. N., McWilliams, K., & Lyon, T.D. (2017). [Spatial language, question type, and young children's ability to describe clothing: Legal and developmental implications](#). *Law & Human Behavior*, 41(4), 398-409.

Children's descriptions of clothing placement and touching with respect to clothing are central to assessing child sexual abuse allegations. This study examined children's ability to answer the types of questions attorneys and interviewers typically ask about clothing, using the most common spatial terms (on/off, outside/inside, over/under). Ninety-seven 3- to 6-year-olds were asked yes/no (e.g. "Is the shirt on?"), forced-choice (e.g., "Is the shirt on or off?"), open-choice (e.g., "Is the shirt on or off or something else?"), or where questions (e.g., "Where is the shirt?") about clothing using a human figurine, clothing, and stickers. Across question types, children generally did well with simple clothing or sticker placement (e.g. pants completely on), except for yes/no questions about "over," suggesting children had an underinclusive understanding of the word. When clothing or sticker placement was intermediate (e.g., pants around ankles, and therefore neither completely on nor off), children performed poorly except when asked where questions. A similar task using only stickers and boxes, analogous to forensic interviewers' assessments of children's understanding, was only weakly predictive of children's ability to describe clothing. The results suggest that common methods of questioning young children about clothing may lead to substantial misinterpretation.

Stolzenberg, S. N., McWilliams, K., & Lyon, T. D. (2017). [Ask versus tell: Potential confusion when child witnesses are questioned about conversations](#). *Journal of Experimental Psychology: Applied*, 23(4), 447-459. doi: 10.1037/xap0000136

Children's potential confusion between "ask" and "tell" can lead to misunderstandings when child witnesses are asked to report prior conversations. The verbs distinguish both between interrogating and informing and between requesting and commanding. Children's understanding was examined using both field (i.e., Study 1) and laboratory (i.e., Studies 2-4) methods. Study 1 examined 100

5- to 12-year-olds' trial testimony in child sexual abuse cases, and found that potentially ambiguous use of ask and tell was common, typically found in yes/no questions that elicited unelaborated answers, and virtually never clarified by attorneys or child witnesses. Studies 2-4 examined 345 maltreated 6- to 11-year-olds' understanding of ask and tell. The results suggest that children initially comprehend telling as saying, and thus believe that asking is a form of telling. As such, they often endorsed asking as telling when asked/yes no questions, but distinguished between asking and telling when explicitly asked to choose. Their performance was impaired by movement between different use of the words. Child witnesses' characterization of their conversations can easily be misconstrued by the way in which they are questioned, leading questioners to misinterpret whether they were coached by disclosure recipients or coerced by abuse suspects.

Andrews, S. J., Ahern, E. C., Stolzenberg, S. N., & Lyon, T. D. (2016). [The productivity of wh-prompts when children testify](#). *Applied Cognitive Psychology*, 30(3), 341-349.

Wh- prompts (what, how, why, who, when, where) vary widely in their specificity and accuracy, but differences among them have largely been ignored in research examining the productivity of different question-types in child testimony. We examined 120 6- to 12-year-olds' criminal court testimony in child sexual abuse cases to compare the productivity of various wh- prompts. We distinguished among what/how prompts, most notably: what/how-happen prompts focusing generally on events, what/how-dynamic prompts focusing on actions or unfolding processes/events, what/how-causality prompts focusing on causes and reasons, and what/how-static prompts focusing on non-action contextual information regarding location, objects, and time. Consistent with predictions, what/how-happen prompts were the most productive, and both what/how-dynamic prompts and wh- prompts about causality were more productive than other wh- prompts. Prosecutors asked proportionally more what/how-dynamic prompts and fewer what/how-static prompts than defense attorneys. Future research and interviewer training may benefit from finer discrimination among wh- prompts.

Klemfuss, J. Z., Cleveland, K. C., Quas, J. A., & Lyon, T. D. (2016). [Relations between attorney temporal structure and children's response productivity in cases of alleged child sexual abuse](#). *Legal and Criminological Psychology*, 22(2), 228-241.

Previous research has demonstrated that attorney question format relates to child witness' response productivity. However, little work has examined the extent to which attorneys provide temporal structure in their questions, and the effects of this structure on children's responding. The purpose of this study was to address this gap in the literature to identify methods by which attorneys increase children's response productivity on the stand without risking objections from opposing counsel for 'calling for narrative answers'. In this study, we coded criminal court transcripts involving child witnesses (5–18 years) for narrative structure in attorney questions and productivity in children's responses. Half of the transcripts resulted in convictions, half in acquittals, balanced across key variables: child age, allegation severity, the child's relationship to the perpetrator, and the number of allegations. Prosecutors and defense attorneys varied substantially in their questioning tactics. Prosecutors used more temporal structure in their questions and varied their questioning by the age of the child. These variations had implications for children's response productivity. Results indicate that temporal structure is a novel and viable method for enhancing children's production of case-relevant details on the witness stand.

Mugno, A. P., Klemfuss, J. Z., & Lyon, T. D. (2016). [Attorney questions predict jury-eligible adult assessments of attorneys, child witnesses, and defendant guilt](#). *Behavioral Sciences & the Law*, 34(1), 178-199. doi: 10.1002/bsl.2214

Children are often the primary source of evidence in maltreatment cases, particularly cases of child sexual abuse, and may be asked to testify in court. Although best-practice protocols for interviewing children suggest that interviewers ask open-ended questions to elicit detailed responses from children, during in-court testimony, attorneys tend to rely on closed-ended questions that elicit simple (often "yes" or "no") responses (e.g., Andrews, Lamb, & Lyon, 2015; Klemfuss, Quas, & Lyon, 2014). How then are jurors making decisions about children's credibility and ultimately the case outcome? The present study examined the effect of two attorney-specific factors (e.g., temporal structure and questioning phase) on mock jurors' perceptions of attorney performance, child witness credibility, storyline clarity, and defendant guilt. Participants were randomly assigned to read a trial excerpt from one of eight conditions and were then asked to

evaluate the attorney, child witness, and the case. Selected excerpts were from criminal court case transcripts and contained either high attorney temporal structure (e.g., use of temporal markers) or low temporal structure (e.g., frequent topic switching), involved direct or cross examination, and represented cases resulting in a conviction or acquittal. Child responses were kept consistent across all excerpts. Results showed that participants perceived the attorney's performance and child's credibility more favorably and thought the storyline was clearer when attorneys provided high rather than low temporal structure and when the excerpt contained direct rather than cross examination. Participants who read a direct rather than cross examination excerpt were also more likely to think the defendant was guilty. The study highlights the impact of attorney questioning style on mock jurors' perceptions.

Ahern, E. C., Stolzenberg, S. N., & Lyon, T. D. (2015). [Do prosecutors use interview instructions or build rapport with child witnesses?](#) *Behavioral Sciences and the Law*, 33(4), 476-492.

This study examined the quality of interview instructions and rapport-building provided by prosecutors to 168 children aged 5–12 years testifying in child sexual abuse cases, preceding explicit questions about abuse allegations. Prosecutors failed to effectively administer key interview instructions, build rapport, or rely on open-ended narrative producing prompts during this early stage of questioning. Moreover, prosecutors often directed children's attention to the defendant early in the testimony. The productivity of different types of wh- questions varied, with what/how questions focusing on actions being particularly productive. The lack of instructions, poor quality rapport-building, and closed-ended questioning suggest that children may not be adequately prepared during trial to provide lengthy and reliable reports to their full ability. Copyright © 2015 John Wiley & Sons, Ltd.

Andrews, S. J., Lamb, M. E., & Lyon, T. D. (2015). [The effects of question repetition on responses when prosecutors and defense attorneys question children alleging sexual abuse in court.](#) *Law and Human Behavior*, 39(6), 559-570.

This study examined the effects of repeated questions (n =12,169) on 6- to 12-year-olds' testimony in child sexual abuse cases. We examined transcripts of direct- and cross-examinations of 120 children, categorizing how attorneys asked repeated questions in-court and how children responded. Defense attorneys repeated more questions (33.6% of total questions asked) than

prosecutors (17.8%) and repeated questions using more suggestive prompts (38% of their repeated questions) than prosecutors (15%). In response, children typically repeated or elaborated on their answers and seldom contradicted themselves. Self-contradictions were most often elicited by suggestive and option-posing prompts posed by either type of attorney. Child age did not affect the numbers of questions repeated, the types of prompts used by attorneys to repeat questions, or how children responded to repetition. Most (61.5%) repeated questions were repeated more than once and, as repetition frequency increased, so did the number of self-contradictions. “Asked-and-answered” objections were rarely raised (n = 45) and were more likely to be overruled than sustained by judges. Findings suggest that attorneys frequently ask children “risky” repeated questions. Both attorneys and the judiciary need more training in identifying and restricting the unnecessary repetition of questions.

Andrews, S. J., Lamb, M. E., & Lyon, T. D. (2015). [Question types, responsiveness, and self-contradictions when prosecutors and defense attorneys question alleged victims of sexual abuse](#). *Applied Cognitive Psychology*, 29, 253-261.

We examined 120 trial transcripts of 6- to 12-year-old children testifying to sexual abuse. Age and attorney role were analyzed in relation to question types, children’s responsiveness and self-contradiction frequency. A total of 48,716 question– response pairs were identified. Attorneys used more closed-ended than open-ended prompts. Prosecutors used more invitations (3% vs. 0%), directives, and option-posing prompts than defense attorneys, who used more suggestive prompts than prosecutors. Children were more unresponsive to defense attorneys than to prosecutors. Self-contradictions were identified in 95% of the cases. Defense attorneys elicited more self-contradictions than prosecutors, but nearly all prosecutors (86%) elicited at least one self-contradiction. Suggestive questions elicited more self-contradictions than any other prompt type. There were no associations with age. These findings suggest that neither prosecutors nor defense attorneys question children in developmentally appropriate ways. Copyright © 2014 John Wiley & Sons, Ltd.

Lyon, T. D., & Stolzenberg, S. N. (2015). [“Where were your clothes?” Eliciting descriptions of clothing placement from children alleging sexual abuse in criminal trials and forensic interviews.](#) *Legal and Criminological Psychology*, 22(2), 197-212.

This study examined how children alleging sexual abuse are asked about clothing placement during abusive episodes, both in criminal trials and forensic interviews. The placement of clothing is of great importance, because it facilitates distinguishing abusive touch from non-abusive touch, as well as the severity of abuse when the touching is in fact sexual. If clothing has not been removed, then sexual abuse appears less likely and certain types of sexual contact are physically impossible (or at least highly improbable). We examined how trial attorneys ($n = 142$) and forensic interviewers in investigative interviews ($n = 155$) questioned 5- to 12-year-olds about the location of clothing during alleged sexual abuse. To do so, we identified all question–answer pairs that included references to clothing placement, and coded for the clothing item mentioned, whether the interviewer elicited information about clothing placement or the child spontaneously provided such information, question type, and response type. Discussions about clothing placement were commonplace in both settings, particularly in court. Fewer than one in five question–answer pairs about clothing placement were spontaneous mentions by children; the questioner elicited most discussions. When interviewers asked wh- questions rather than yes/no and forced-choice questions, children provided more elaboration, more detailed clothing information, and were over six times more likely to describe clothing placement in a fashion that could not be captured by a single preposition (e.g., neither on nor off). The findings suggest that descriptions of clothing placement are subject to serious misinterpretation when closed-ended questions are asked.

Righarts, S., Jack, F., Zajac, R., & Hayne, H. (2015). Young children's responses to cross-examination style questioning: The effects of delay and subsequent questioning. *Psychology, Crime & Law*, 21(3), 274-296.

In a single experiment with 5- and 6-year-old children, we examined whether the changes that children make in response to cross-examination style questioning vary as a function of delay and/or persist in subsequent interviews. Children visited the local police station; 1–3 days later they were interviewed in a direct examination format. Either 1–3 days or 8 months later, children were interviewed in a cross-examination format designed to persuade them to change their original responses. One week following the cross-examination interview, the direct examination questions

were repeated. Relative to direct examination scores, the accuracy of children's reports decreased significantly during cross-examination, irrespective of delay. When children were interviewed again 1 week after cross-examination, however, their responses (and their accuracy levels) were very similar to those observed during the direct examination interview. That is, during cross-examination, children made changes to their earlier testimony even when their memory for the event remained intact.

Evans, A. D., Stolzenberg, S., Lee, K., & Lyon, T. D. (2014). [Young children's difficulty with indirect speech acts: Implications for questioning child witnesses](#). *Behavioral Sciences & the Law*, 32, 775-788.

Prior research suggests that infelicitous choice of questions can significantly underestimate children's actual abilities, independently of suggestiveness. One possibly difficult question type is indirect speech acts such as "Do you know..." questions (DYK, e.g., "Do you know where it happened?"). These questions directly ask if respondents know, while indirectly asking what respondents know. If respondents answer "yes," but fail to elaborate, they are either ignoring or failing to recognize the indirect question (known as pragmatic failure). Two studies examined the effect of indirect speech acts on maltreated and non-maltreated 2- to 7-year-olds' post-event interview responses. Children were read a story and later interviewed using DYK and Wh-questions. Additionally, children completed a series of executive functioning tasks. Both studies revealed that using DYK questions increased the chances of pragmatic failure, particularly for younger children and those with lower inhibitory control skills. Copyright © 2014 John Wiley & Sons, Ltd.

Klemfuss, J. Z., Quas, J. A., & Lyon, T. D. (2014). [Attorneys' questions and children's productivity in child sexual abuse criminal trials](#). *Applied Cognitive Psychology*, 28(5), 780-788.

We investigated the links between questions child witnesses are asked in court, children's answers, and case outcome. Samples of acquittals and convictions were matched on child age, victim-defendant relationship, and allegation count and severity. Transcripts were coded for question types, including a previously under-examined type of potentially suggestive question, declarative questions. Children's productivity was conceptualized in a novel way by separating new from

repeated content and by adjusting the definition based on the linguistic demands of the questions. Attorneys frequently used declarative questions, and disconcertingly, attorneys who used these and other suggestive questions more frequently were more likely to win their case. Open-ended and closed-ended questions elicited similar levels of productivity from children, and both elicited more productivity compared with suggestive questions. Results highlight how conceptualization of questions and answers can influence conclusions, and demonstrate the important real-world implications of attorney questioning strategies on legal cases with child witnesses Copyright © 2014 John Wiley & Sons, Ltd.

Stolzenberg, S. N. & Lyon, T. D. (2014). [How attorneys question children about the dynamics of sexual abuse and disclosure in criminal trials](#). *Psychology, Public Policy, and Law*, 20, 19-30.

Little is known about how the dynamics of sexual abuse and disclosure are discussed in criminal court. We examined how attorneys ask child witnesses in sexual abuse cases ($N = 72$, 6–16 years of age) about their prior conversations, both with suspects and with disclosure recipients. Prosecutors' questions were more open-ended than defense attorneys, but most questions asked by either attorney were yes/no questions, and children tended to provide unelaborated responses. Prosecutors were more inclined to ask about children's prior conversations with suspects than defense attorneys, but focused on the immediate abuse rather than on grooming behavior or attempts to silence the victim. Prosecutors were also more inclined to ask about children's motives for disclosing or for failing to disclose than defense attorneys, but in most cases, failed to ask. Both types of attorney asked children about prior disclosures, although defense attorneys were more inclined to ask children to recall specific content in particular disclosures. On average, children were asked about five disclosure recipients, and denied disclosing some information in 93% of cases. Attorneys exhibited little sensitivity to the age of the child in selecting their questions. The implications of the results for improving the process by which abuse cases are tried in court are discussed.

Stolzenberg, S. N., & Lyon, T. D. (2014). [Evidence summarized in attorney's closing arguments predicts acquittals in criminal trials of child sexual abuse](#). *Child Maltreatment*, 19(2), 119-129.

Evidence summarized in attorney's closing arguments of criminal child sexual abuse cases (N = 189) was coded to predict acquittal rates. Ten variables were significant bivariate predictors; five variables significant at $p < .01$ were entered into a multivariate model. Cases were likely to result in an acquittal when the defendant was not charged with force, the child maintained contact with the defendant after the abuse occurred, or the defense presented a hearsay witness regarding the victim's statements, a witness regarding the victim's character, or a witness regarding another witnesses' character (usually the mother). The findings suggest that jurors might believe that child molestation is akin to a stereotype of violent rape and that they may be swayed by defense challenges to the victim's credibility and the credibility of those close to the victim.

Lyon, T.D. (2013). [Child witnesses and imagination: Lying, hypothetical reasoning, and referential ambiguity](#). In M. Taylor (Ed.), *The Oxford Handbook of the Development of Imagination*. (pp. 126-136). New York: Oxford.

This chapter reviews the ways in which children's sometimes limited imaginative abilities hampers their performance as witnesses in court. Children's resistance to unpleasant hypotheticals undermines their apparent understanding of the truth and lies. Their difficulty with recognizing referential ambiguity leads them to sound incoherent or incomprehensible. Better understanding of children's developmental limitations, improved questioning, and objections to developmentally insensitive questions could improve children's performance.

Evans, A. D., & Lyon, T. D. (2012). [Assessing children's competency to take the oath in court: The influence of question type on children's accuracy](#). *Law and Human Behavior*, 36(3), 195-205.

This study examined children's accuracy in response to truth–lie competency questions asked in court. The participants included 164 child witnesses in criminal child sexual abuse cases tried in Los Angeles County over a 5-year period (1997–2001) and 154 child witnesses quoted in the U.S. state and federal appellate cases over a 35-year period (1974 –2008). The results revealed that judges virtually never found children incompetent to testify, but children exhibited substantial

variability in their performance based on question-type. Definition questions, about the meaning of the truth and lies, were the most difficult largely due to errors in response to “Do you know” questions. Questions about the consequences of lying were more difficult than questions evaluating the morality of lying. Children exhibited high rates of error in response to questions about whether they had ever told a lie. Attorneys rarely asked children hypothetical questions in a form that has been found to facilitate performance. Defense attorneys asked a higher proportion of the more difficult question types than prosecutors. The findings suggest that children’s truth–lie competency is underestimated by courtroom questioning and support growing doubts about the utility of the competency requirements.

Lyon, T. D., Scurich, N., Choi, K., Handmaker, S., & Blank, K. (2012). [“How did you feel?”: Increasing child sexual abuse witnesses’ production of evaluative information.](#) *Law & Human Behavior*, 36(5), 448-457.

In child sexual abuse cases, the victim's testimony is essential, because the victim and the perpetrator tend to be the only eyewitnesses to the crime. A potentially important component of an abuse report is the child's subjective reactions to the abuse. Attorneys may ask suggestive questions or avoid questioning children about their reactions, assuming that children, given their immaturity and reluctance, are incapable of articulation. We hypothesized that How questions referencing reactions to abuse (e.g., "how did you feel") would increase the productivity of children's descriptions of abuse reactions. Two studies compared the extent to which children provided evaluative content, defined as descriptions of emotional, cognitive, and physical reactions, in response to different question-types, including How questions, Wh-questions, Option-posing questions (yes-no or forced-choice), and Suggestive questions. The first study examined children's testimony (ages 5-18) in 80 felony child sexual abuse cases. How questions were more productive yet the least prevalent, and Option-posing and Suggestive questions were less productive but the most common. The second study examined interview transcripts of 61 children (ages 6-12) suspected of being abused, in which children were systematically asked How questions regarding their reactions to abuse, thus controlling for the possibility that in the first study, attorneys selectively asked How questions of more articulate children. Again, How questions were most productive in eliciting evaluative content. The results suggest that interviewers and attorneys

interested in eliciting evaluative reactions should ask children "how did you feel?" rather than more direct or suggestive questions.

Zajac, R., O'Neill, S., & Hayne, H. (2012). Disorder in the courtroom? Child witnesses under cross-examination. *Developmental Review*, 32(3), 181-204.

When a witness gives evidence in an adversarial criminal trial, there are two main questioning phases: direct examination and cross-examination. Special provisions are sometimes made for children to give direct evidence, but the majority of child witnesses are still cross-examined. While several decades of research have demonstrated how to elicit children's direct evidence in a manner that promotes completeness and accuracy, the cross-examination process directly violates many of these principles. Here, we outline the characteristics of cross-examination, particularly as it pertains to children, and we review research about its impact on children, their testimony, and their credibility. We consider options for reforming the cross-examination process and propose avenues for future research. © 2012 Elsevier Inc. All rights reserved.

Evans, A. D., Lee, K., & Lyon, T.D. (2009). [Complex questions asked by defense lawyers but not prosecutors predicts convictions in child abuse trials](#). *Law & Human Behavior*, 33(3), 258-264.

Attorneys' language has been found to influence the accuracy of a child's testimony, with defense attorneys asking more complex questions than the prosecution (Zajac & Hayne, *J. Exp Psychol Appl* 9:187–195, 2003; Zajac et al. *Psychiatr Psychol Law*, 10:199–209, 2003). These complex questions may be used as a strategy to influence the jury's perceived accuracy of child witnesses. However, we currently do not know whether the complexity of attorney's questions predict the trial outcome. The present study assesses whether the complexity of questions is related to the trial outcome in 46 child sexual abuse court transcripts using an automated linguistic analysis. Based on the complexity of defense attorney's questions, the trial verdict was accurately predicted 82.6% of the time. Contrary to our prediction, more complex questions asked by the defense were associated with convictions, not acquittals.

Powell, M. B. (2005). Improving the reliability of child witness testimony in court: The importance of focusing on questioning techniques. *Current Issues in Criminal Justice*, 17(1), 137-143.

While changes to the physical environment of the courtroom have increased the reliability of children's testimony, a greater focus on questioning techniques before and during the trial is required. The current paper offers four recommendations for improving the reliability of child witness evidence in court that focus on the impact of questioning techniques, from pre-trial questioning to questioning during the trial. These recommendations include; (a) focusing on the manner in which a child's evidence was obtained when determining the reliability of the statement, (b) addressing the problems of leading and closed questioning during cross-examination, (c) increasing the feedback to investigative interviewers regarding the judicial reaction to their interviews, and (d) providing more training to police, lawyers and the judiciary around the issue of children's suggestibility and the relative impact of various questions on error rates. A justification for each of these recommendations is offered as well as suggestions for how these recommendations might be implemented.

Zajac, R., Gross, J., & Hayne, H. (2003). Asked and answered: Questioning children in the courtroom. *Psychiatry, Psychology and Law*, 10(1), 199-209.

In the present experiment, we analysed court transcripts in which children aged 5 to 13 years provided the key evidence in sexual abuse trials. We developed two separate coding schemes for lawyers' questions and children's responses. Consistent with past research, defence lawyers conducting cross-examination asked a higher proportion of complex, grammatically confusing, credibility-challenging, leading, and closed questions than prosecution lawyers. In responding to defence lawyers' questions, child witnesses rarely asked for clarification and often attempted to answer questions that were ambiguous or did not make sense. Furthermore, over 75% of children changed at least one aspect of their testimony during the cross-examination process. These findings have important implications for the way in which children are examined in court.

Saywitz, K. J., Goodman, G. S., & Lyon, T. D. (2002). [Interviewing children in and out of court: Current research and practice implications](#). In J. Myers, L. Berliner, J. Briere, C. T. Hendrix, C. Jenny, & T. Reid (Eds.), *The APSAC Handbook on Child Maltreatment* (2nd Ed., pp. 349-377). Thousand Oaks, CA: Sage.

Wood, J. M., & Garven, S. (2000). How sexual abuse interviews go astray: Implications for prosecutors, police, and child protection services. *Child Maltreatment*, 5(2), 109-118.

This article argues that child sexual abuse interviews can go astray in two different ways: (a) improper interviewing has the potential to elicit false allegations from children, and (b) clumsy interviewing does not typically produce false allegations, but may have other negative consequences, particularly for child victims. The article clarifies the distinction between the two kinds of bad interviewing and suggests that clumsy interviewing is the more common of the two. The potential negative consequences of both improper and clumsy interviewing are described, along with implications for prosecutors, police, and child protection services. In the authors' opinion, improper interviewing can probably be eliminated rather easily, but clumsy interviewing may be considerably more resistant to change.

Myers, J. E., Saywitz, K. J., & Goodman, G. S. (1996). Psychological research on children as witnesses: Practical implications for forensic interviews and courtroom testimony. *Pacific Law Journal*, 28, 3-91.

Much of the recent psychological research focuses on two issues: (1) Children's memory and suggestibility as these characteristics pertain to investigative interviews of children, and, to a lesser extent, (2) children's performance on the witness stand. In this Article, we review psychological research on these issues. Additionally, we draw implications from the research to help judges and lawyers appreciate the practical realities of investigative interviews, and to assist the bench and bar in dealing effectively with young witnesses. Part II of the Article discusses research on interviewing children, with particular emphasis on children's memory and suggestibility. Part III addresses children's communicative competence, that is, children's language and communication abilities as they relate to children's testimonial competence and courtroom testimony. Part IV focuses on ways to improve the investigative and courtroom processes for children.

Walker, A. G. (1993). Questioning young children in court: A linguistic case study. *Law and Human Behavior*, 17(1), 59-81.

When the competency of a witness is an issue in a court case, two of the tests that must be met are the capacity to understand the questions propounded and the ability to make intelligent answers. There is no reciprocal test that a *questioner* must meet, however, that measures his or her competency to ask intelligent, easily understood, and unambiguous questions. For an adult witness, poorly worded questions may simply be a nuisance, but for a child~ they may be a potentially serious source of miscommunication. In this analysis of the transcripts of one child's testimony, some aspects of this problem are exposed by means of a linguistic analysis of the questions asked and answers given. Three chief sources of communicative mischief are shown to be (a) age-inappropriate vocabulary, (b) complex syntax, and (c) general ambiguity. The child's legal competency is examined from the perspective of her linguistic and communicative competence, and some questions are raised about the criteria for determining competency.

Children's temporal memory for time

McWilliams, K., Lyon, T. D., & Quas, J. A. (2019). [Maltreated children's ability to make temporal judgments using a recurring landmark event](#). *Journal of Interpersonal Violence*, 34(4), 873-883. doi.org/10.1177/0886260516645812

This study examined whether maltreated children are capable of judging the location and order of significant events with respect to a recurring landmark event. One hundred sixty-seven 6- to 10-year-old maltreated children were asked whether the current day, their last court visit, and their last change in placement were “near” their birthday and “before or after” their birthday. Children showed some understanding that the target event was “near” and “before” their birthday when their birthday was less than 3 months hence, but were relatively insensitive to preceding birthdays. Therefore, children exhibited a prospective bias, preferentially answering with reference to a forthcoming birthday rather than a past birthday. The results demonstrate that the recurring nature of some landmark events makes questions about them referentially ambiguous and children's answers subject to misinterpretation.

Guadagno, B. L., & Powell, M. B. (2014). [An examination of the prevalence of temporally leading questions in child witness interviews](#). *International Journal of Police Science & Management*, 16(1), 16-25.

Leading questions are generally defined as those that raise details not provided by the witness. Leading questions can raise content details (eg, actions, objects, persons) or can refer to the time when details occurred. The latter questions are referred to as temporally leading. Study 1 compared the incidence of content and temporally leading questions in field interviews conducted by police officers when eliciting accounts from children about repeated, or a single episode of, abuse. Study 2 extended the analysis to use standardised mock rather than field interviews, where there was a precise record of what events occurred. In both studies, temporally leading questions were more frequent than content-leading questions, but only in situations in which multiple occurrences of the event were being discussed. The implications of these results are discussed.

Friedman, W. J., Reese, E., & Dai, X. (2011). Children's memory for the times of events from the past years. *Applied Cognitive Psychology, 25*(1), 156-165.

This study tested 8–12-year-olds' ability to localize in time parent-reported events from four time intervals ranging from 6 months to 4 years ago. Memory for content was very accurate, and children's time estimates showed substantial agreement with the times provided by their parents. Accuracy of year judgments declined with retention interval, with the greatest change occurring between the 1–2-year and 2–3-year intervals. Season, month and time of day accuracy were much more stable over time. There were significant improvements with age in performance on measures of conventional time knowledge, and this performance was correlated with the accuracy of time estimates on the long time scales, controlling for age and general cognitive ability. Copyright © 2010 John Wiley & Sons, Ltd.

Friedman, W. J. (2007). The development of temporal metamemory. *Child Development, 78*(5), 1472-1491.

In two studies of knowledge about the properties and processes of memory for the times of past events, 178 children from 5 through 13 years of age and 40 adults answered questions about how they would remember times on different scales, how temporal memory is affected by retention interval, and the usefulness of different methods. The adults showed quite accurate knowledge about the main properties of memory for time and the processes that underlie it. Different properties and processes were first understood at ages ranging from 8 years to 12 years or later. Knowledge of the roles of reconstruction and impressions of temporal distances appear well after children use them to remember the times of events.

Friedman, W. J., & Lyon, T. D. (2005). [Development of temporal-reconstructive abilities](#). *Child Development, 76*(6), 1202-1216.

In a study of the ability to reconstruct the times of past events, 86 children from 4 to 13 years recalled the times of 2 in-class demonstrations that had occurred 3 months earlier and judged the times of hypothetical events. Many of the abilities needed to reconstruct the times of events were present by 6 years, including the capacity to interpret many temporally relevant cues, but there were substantial changes well into middle childhood in the availability of temporally useful

episodic information. Children were poor at remembering the events' proximity or order with respect to a major holiday, but the order of the 2 target events was well recalled by 6 years.

Developmental and memory issues

Brown, D. A., Brown, E. J., Lewis, C. N., & Lamb, M. E. (2018). [Narrative skill and testimonial accuracy in typically developing children and those with intellectual disabilities](#). *Applied Cognitive Psychology*, 32(5), 550-560. DOI: 10.1002/acp.3427

Children must describe maltreatment coherently for their testimony to be influential in court. We know little about how well children with intellectual disabilities (CWID) describe their experiences relative to typically developing (TD) children, despite CWID's vulnerability to maltreatment. We investigated children's reports of an experienced event and compared coherence in CWID (mild to moderate impairment: 7–11 years) with TD children matched for mental (4–10 years) or chronological age (7–11 years). All children included important markers of narrative coherence in their reports. Children with lower mental ages, particularly those with an intellectual disability, included fewer markers of narrative coherence in their reports than children with higher mental ages. Individual markers of narrative coherence, particularly recall of content, predicted accuracy of testimony and resistance to suggestion even when disability and mental age were taken into account. These findings highlight the importance of helping children to describe their experiences coherently.

Roberts, K. P., Brubacher, S. P., Drohan-Jennings, D., Glisic, U., Powell, M. B., & Friedman, W. J. (2015). [Developmental differences in the ability to provide temporal information about repeated events](#). *Applied Cognitive Psychology*, 29(3), 407-417.

Children (n =372) aged 4–8 years participated in one or four occurrences of a similar event and were interviewed 1 week later. Compared with 85% of children who participated once, less than 25% with repeated experience gave the exact number of times they participated, although all knew they participated more than once. Children with repeated experience were asked additional temporal questions, and there were clear developmental differences. Older children were more able than younger children to judge relative order and temporal position of the four occurrences. They also demonstrated improved temporal memory for the first and last relative to the middle occurrences, while younger children did so only for the first. This is the first systematic demonstration of children's memory for temporal information after a repeated event. We discuss

implications for theories of temporal memory development and the practical implications of asking children to provide temporal information. Copyright © 2015 John Wiley & Sons, Ltd.

Brubacher, S. P., & La Rooy, D. (2013). [Witness recall across repeated interviews in a case of repeated abuse](#). *Child Abuse & Neglect*, 38(2), 202-211.

In this illustrative case study we examine the three forensic interviews of a girl who experienced repeated sexual abuse from ages 7 - 11. She disclosed the abuse after watching a serialized television show that contained a storyline similar to her own experience. This triggered an investigation that ended in successful prosecution of the offender. Methods: Because this case involved abuse that was repeated on a weekly basis for 4 years we thus investigated the degree to which the child's narrative reflected specific episodes or generic accounts, and both the interviewer's and child's attempts to elicit and provide, respectively, specific details across the 3 interviews collected in a 1 month period. Results: Across the 3 interviews, the child's account was largely generic, yet on a number of occasions she provided details specific to individual incidents ('episodic leads') that could have been probed further. As predicted: earlier interviews were characterized more by episodic than generic prompts and the reverse was true for the third interview; the child often responded using the same style of language (episodic or generic) as the interviewer; and open questions yielded narrative information. Conclusions: We discuss the importance of adopting children's words to specify occurrences, and the potential benefits of permitting generic recall in investigative interviews on children's ability to provide 'episodic leads.' Despite the fact that the testimony was characterized by generic information about what usually happened, rather than specific episodic details about individual occurrences, this case resulted in successful prosecution.

Hershkowitz, I., Lamb, M. E., Orbach, Y., Katz, C., & Horowitz, D. (2012). The development of communicative and narrative skills among preschoolers: Lessons from forensic interviews about child abuse. *Child Development*, 83(2), 611-622.

This study examined age differences in 299 preschoolers' responses to investigative interviewers' questions exploring the suspected occurrence of child abuse. Analyses focused on the children's tendencies to respond (a) at all, (b) appropriately to the issue raised by the investigator, and (c) informatively, providing previously undisclosed information. Linear developmental trends

characterized all types of responding. When the types of prompts were considered, 3- to 4-year-olds responded slightly more informatively to specific (directive) recall prompts than to open-ended prompts whereas children aged 5 and older were more responsive to open-ended recall prompts. The findings suggest that even 3-year-olds can provide information about experienced events when recall processes are activated, although the ability to provide narrative responses to open ended recall prompts only becomes reliable later in development.

Nelson, K., & Fivush, R. (2004). The emergence of autobiographical memory: A social cultural developmental theory. *Psychological Review*, 111(2), 486.

The authors present a multicomponent dynamic developmental theory of human autobiographical memory that emerges gradually across the preschool years. The components that contribute to the process of emergence include basic memory abilities, language and narrative, adult memory talk, temporal understanding, and understanding of self and others. The authors review the empirical developmental evidence within each of these components to show how each contributes to the timing, quantity, and quality of personal memories from the early years of life. The authors then consider the relevance of the theory to explanations of childhood amnesia and how the theory accounts for and predicts the complex findings on adults' earliest memories, including individual, gender, and cultural differences.

Children's credibility issues/truth lie conversations

Denne, E., Sullivan, C., Ernest, K., & Stolzenberg, S. N. (2020). Assessing children's credibility in courtroom investigations of alleged child sexual abuse: Suggestibility, plausibility, and consistency. *Child Maltreatment, 25*(2), 224-232. <https://doi.org/10.1177/1077559519872825>

As children's testimonies of child sexual abuse (CSA) often lack concrete evidence to corroborate a child's claims, attorneys devote a substantial amount of time to establishing a child as credible during the course of a trial. Examining 134 CSA victim testimonies for children aged 5–17 ($M = 12.48$, $SD = 3.34$; 90% female), we explored how attorneys assess child credibility through specifically targeting children's suggestibility/honesty, plausibility, and consistency. Results revealed that while prosecutors examine plausibility more often to establish credibility, defense attorneys focus their assessments on suggestibility/honesty and potential inconsistency. However, both attorneys asked many more questions about children's consistency than any other area of potential credibility. Furthermore, while prosecutors ask proportionally more credibility-challenging questions of older children, the defense do not. These results suggest that prosecutors may be missing an opportunity to establish children as honest and consistent and elucidate a need to train attorneys on the implications of children's inconsistencies, suggestibility, and plausible abuse dynamics.

Andrews, S. J., Ahern, E. C., & Lamb, M. E. (2017). Children's uncertain responses when testifying about alleged sexual abuse in Scottish courts. *Behavioral Sciences & the Law, 35*(3), 204-224. DOI: 10.1002/bsl.2286

This study examined the uncertain responses of 56 alleged sexual abuse victims, aged 5–17 years, testifying in Scottish criminal court trials. Don't know/remember ground rules were explained to 38% of the children and each child reported uncertainty in response to 15% of the questions on average. Uncertain responding was associated with expressions of resistance and confusion, questioning context (proportionally more regarding substantive than non-substantive issues), question content (least to disclosure-focused questions), utterance type (more to directives, particularly those posed by defense lawyers; more to recall-based than recognition prompts), and age (children in mid-adolescence were less likely to respond uncertainly than those who were

either older or younger). There were no associations between expressions of uncertainty and ground rule administration, or with whether or not the question focused on central rather than peripheral details about the alleged crimes. Findings highlight concerns surrounding preparatory procedures to help witnesses, especially adolescents, indicate uncertainty when testifying. Copyright © 2017 John Wiley & Sons, Ltd.

Szojka, Z. A., Andrews, S. J., Lamb, M. E., Stolzenberg, S. N., & Lyon, T. D. (2017). [Challenging the credibility of alleged victims of child sexual abuse in Scottish courts](#). *Psychology, Public Policy, and Law*, 23(2), 200-210.

This study examined the effects of credibility-challenging questions ($n = 2,729$) on 62 5- to 17-year-olds' testimony in child sexual abuse cases in Scotland by categorizing the type, source, and content of the credibility-challenging questions defense lawyers asked and assessing how children responded. Credibility challenging questions comprised 14.9% of all questions asked during cross-examination. Of defense lawyers' credibility-challenging questions, 77.8% focused generally on children's honesty, whereas the remainder referred to specific inconsistencies in the children's testimony. Children resisted credibility challenges 54% of the time, significantly more often than they provided compliant responses (26.8%). The tendency to resist was significantly lower for questions focused on specific rather than general inconsistencies, and peripheral rather than central content. Overall, children resisted credibility challenges more often when the aim and content of the question could be understood easily. As this was a field study, the accuracy of children's responses could not be assessed. The findings suggest that credibility-challenging questions that place unrealistic demands on children's memory capacities (e.g., questions focused on peripheral content or highly specific details) occur frequently, and that juries should be made aware of the disproportionate effects of such questioning on the consistency of children's testimony.

Golding, J. M., Wasarhaley, N. E., Lynch, K. R., Lippert, A., & Magyarics, C. L. (2015). Improving the credibility of child sexual assault victims in court: The impact of a sexual assault nurse examiner. *Behavioral Sciences & the Law*, 33(4), 493-507.

The present study investigated the influence of a sexual assault nurse examiner's (SANE's) testimony on mock juror perceptions of a child or adolescent victim of child sexual assault. Community members ($N = 252$, 156 females) read a fictional criminal trial summary of a child

sexual assault case in which the victim was 6 or 15 years old and the prosecution presented medical testimony from a SANE or a traditional registered nurse (RN), or did not present medical testimony. Mock jurors were more likely to render guilty verdicts when a SANE testified compared with the other two testimony conditions. In addition, pro-victim judgments (e.g., sympathy toward the victim) and negative defendant judgments (e.g., anger toward the defendant) mediated this relation. Finally, cognitive network representations of the case demonstrated that the RN and no-medical-testimony groups were similar and the SANE group was distinct from the other two conditions. We discuss these results in terms of the implications of SANE testimony in child sexual assault court cases. Copyright © 2015 John Wiley & Sons, Ltd.

Castelli, P., & Goodman, G. S. (2014). Children's perceived emotional behavior at disclosure and prosecutors' evaluations. *Child Abuse & Neglect*, 38(9), 1521-1532.

The present study investigated the perceived emotional behavior of alleged child victims when disclosing sexual abuse in a forensic interview. It also addressed whether the perceived emotional behavior influenced prosecutors' evaluations of children's potential as witnesses and prosecutors' recommendations to press charges. Ninety-eight videotapes of forensic interviews with alleged child sexual abuse victims (4- to 17-year-olds) we recoded for behavioral indicators of emotions. Case file information and district attorney evaluations were also coded. Results indicated that children were not generally perceived as being emotional (e.g., sad) during disclosure. However, the perceived intensity of expressed emotions was greater when children disclosed the alleged abuse compared to when they discussed more neutral topics in rapport building. Greater perceived emotional withdrawal by children at disclosure was associated with more negative evaluations of child witnesses by prosecutors. Moreover, children's emotional behaviors, as noted by prosecutors, were among the predictors of prosecutors' recommendations to file charges. Practical implications are discussed. © 2014 Elsevier Ltd. All rights reserved.

Lyon, T. D., & Evans, A. D. (2014). [Young children's understanding that promising guarantees performance: The effects of age and maltreatment](#). *Law & Human Behavior*, 38(2), 162-170.

Two studies, with 102 nonmaltreated 3- to 6-year-old children and 96 maltreated 4- to 7-year-old children, examined children's understanding of the relative strengths of "I promise," "I will," "I

might,” and “I won’t,” to determine the most age-appropriate means of eliciting a promise to tell the truth from child witnesses. Children played a game in which they chose which of 2 boxes would contain a toy after hearing story characters make conflicting statements about their intent to place a toy in each box (e.g., one character said “I will put a toy in my box” and the other character said “I might put a toy in my box”). Children understood “will” at a younger age than “promise.” Nonmaltreated children understood that “will” is stronger than “might” by 3 years of age and that “promise” is stronger than “might” by 4 years of age. The youngest nonmaltreated children preferred “will” to “promise,” whereas the oldest nonmaltreated children preferred “promise” to “will.” Maltreated children exhibited a similar pattern of performance, but with delayed understanding that could be attributed to delays in vocabulary. The results support a modified oath for children: “Do you promise that you will tell the truth?”

False Allegations

Poole, D. A., Dickinson, J. J., Brubacher, S. P., Liberty, A. E., & Kaake, A. M. (2014). Deficient cognitive control fuels children’s exuberant false allegations. *Journal of Experimental Child Psychology*, *118*, 101-109.

In eyewitness studies as in actual investigations, a minority of children generate numerous false (and sometimes incredulous) allegations. To explore the characteristics of these children, we re-interviewed and administered a battery of tasks to 61 children (ages 4–9 years) who had previously participated in an eyewitness study where a man broke a “germ rule” twice when he tried to touch them. Performance on utilization, response conflict (Luria tapping), and theory of mind tasks predicted the number of false reports of touching (with age and time since the event controlled) and correctly classified 90.16% of the children as typical witnesses or exuberant (more than 3) false reporters. Results of a factor analysis pointed to a common process underlying performance on these tasks that accounted for 49% of the variability in false reports. Relations between task performance and testimony confirmed that the mechanisms underlying occasional intrusions are different from those that drive persistent confabulation and that deficient cognitive control fuels young children’s exuberant false reports. © 2014 Elsevier Ltd. All rights reserved.

Ahern, E. C., Lyon, T. D., & Quas, J. A. (2011). [Young children's emerging ability to make false statements](#). *Developmental Psychology*, 47(1), 61-66.

This study examined the origins of children's ability to make consciously false statements, a necessary component of lying. Children 2 to 5 years of age were rewarded for claiming that they saw a picture of a bird when viewing pictures of fish. They were asked outcome questions ("Do you win/lose?"), recognition questions ("Do you have a bird/fish?"), and recall questions ("What do you have?"), which were hypothesized to vary in difficulty depending on the need for consciousness of falsity (less for outcome questions) and self-generation of an appropriate response (more for recall questions). The youngest children (2½ to 3½ years old) were above chance on outcome questions, but it was not until age 3½ that children performed above chance on recognition questions or were capable of maintaining false claims across question types. Findings have implications for understanding the emergence of deception in young children.

Lyon, T. D., Malloy, L. C., Quas, J. A., & Talwar, V. (2008). [Coaching, truth induction, and young maltreated children's false allegations and false denials](#). *Child Development*, 79(4), 914-929.

This study examined the effects of coaching (encouragement and rehearsal of false reports) and truth induction (a child-friendly version of the oath or general reassurance about the consequences of disclosure) on 4- to 7-year-old maltreated children's reports (N = 198). Children were questioned using free recall, repeated yes – no questions, and highly suggestive suppositional questions. Coaching impaired children's accuracy. For free-recall and repeated yes – no questions, the oath exhibited some positive effects, but this effect diminished in the face of highly suggestive questions. Reassurance had few positive effects and no ill effects. Neither age nor understanding of the meaning and negative consequences of lying consistently predicted accuracy. The results support the utility of truth induction in enhancing the accuracy of child witnesses' reports.

Lyon, T. D., & Dorado, J. S. (2008). [Truth induction in young maltreated children: The effects of oath-taking and reassurance on true and false disclosures](#). *Child Abuse & Neglect*, 32(7), 738-748.

Two studies examined the effects of the oath or reassurance ("truth induction") on 5- to 7-year-old maltreated children's true and false reports of a minor transgression. In both studies an interviewer

elicited a promise to tell the truth, reassured children that they would not get in trouble for disclosing the transgression, or gave no instructions before questioning the child. In Study 1, children were encouraged to play with an attractive toy by a confederate, who then informed them that they might get in trouble for playing. In Study 2, a confederate engaged children in play, but did not play with the attractive toy. In Study 1, the oath and reassurance increased disclosure among children who would qualify as competent to take the oath. In Study 2 neither the oath nor reassurance increased false reports among children who would qualify as competent, whether yes/no questions or tag questions were asked. Among non-competent children, reassurance (but not the oath) increased false reports. Children were more likely to accuse the confederate of the transgression than to implicate themselves. The results suggest that a promise to tell the truth may increase true disclosures without increasing false allegations. Reassurance that specifically mentions the target activity also increases true disclosures, but may increase acquiescence among some children. A child-friendly version of the oath may be a useful addition to child interviews.

Recantation

Association of Prosecuting Attorneys. (2018). [A multidisciplinary team approach to the investigation and prosecution of child abuse cases involving recantation](#). Washington, DC: Author.

This monograph provides essential information about how to handle both investigation and prosecution of cases of child abuse in which the alleged victim has recanted.

Malloy, L. C., Mugno, A. P., Rivard, J. R., Lyon, T. D., & Quas, J. A. (2016). [Familial influences on recantation in substantiated child sexual abuse cases](#). *Child Maltreatment*, 21(3), 256-261.

The underlying reasons for recantation in children's disclosure of child sexual abuse (CSA) have been debated in recent years. In the present study, we examined the largest sample of substantiated CSA cases involving recantations to date (n = 58 cases). We specifically matched those cases to 58 nonrecanters on key variables found to predict recantation in prior research (i.e., child age, alleged parent figure perpetrator, and caregiver unsupportiveness). Bivariate analyses revealed that children were less likely to recant when they were (1) initially removed from home postdisclosure and (2) initially separated from siblings postdisclosure. Multivariate analyses revealed that

children were less likely to recant when family members (other than the nonoffending caregiver) expressed belief in the children's allegations and more likely to recant when family members (other than the nonoffending caregiver) expressed disbelief in the allegations and when visitations with the alleged perpetrator were recommended at their first hearing. Results have implications for understanding the complex ways in which social processes may motivate some children to retract previous reports of sexual abuse.

Malloy, L. C., Lyon, T. D., & Quas, J. A. (2007). [Filial dependency and recantation of child sexual abuse allegations](#). *Journal of the American Academy of Child and Adolescent Psychiatry*, 46(2), 162-170.

Controversy abounds regarding the process by which child sexual abuse victims disclose their experiences, particularly the extent to which and the reasons why some children, once having disclosed abuse, later recant their allegations. This study examined the prevalence and predictors of recantation among 2- to 17-year-old child sexual abuse victims. Method: Case files (n = 257) were randomly selected from all substantiated cases resulting in a dependency court filing in a large urban county between 1999 and 2000. Recantation (i.e., denial of abuse postdisclosure) was scored across formal and informal interviews. Cases were also coded for characteristics of the child, family, and abuse. Results: A 23.1% recantation rate was observed. Multivariate analyses supported a filial dependency model of recantation, whereby abuse victims who were more vulnerable to familial adult influences (i.e., younger children, those abused by a parent figure and who lacked support from the nonoffending caregiver) were more likely to recant. An alternative hypothesis, that recantations resulted from potential inclusion of cases involving false allegations, was not supported. Conclusion: Results provide new insight into the process by which children reveal interpersonal trauma and have implications for debates concerning the credibility of child sexual abuse allegations and treatment in dependency samples.

Parga, C. C. (2007). [Legal and scientific issues surrounding victim recantation in child sexual abuse cases](#). *Georgia State University Law Review*, 24(3),779-812.

This Note will attempt to define and clarify the issues that ultimately lead to the feeling of helplessness experienced by many recanting victims. It will also suggest ways in which the legal system could better

address the recanting person's legitimate concerns that an injustice has been perpetrated while still striving to protect child victims of sexual abuse.

London, K., Bruck, M., Ceci, S. J., & Shuman, D. W. (2005). Disclosure of child sexual abuse: What does the research tell us about the ways that children tell? *Psychology, Public Policy, & Law*, *11*(1), 194-226.

The empirical basis for the child sexual abuse accommodation syndrome (CSAAS), a theoretical model that posits that sexually abused children frequently display secrecy, tentative disclosures, and retractions of abuse statements, was reviewed. Two data sources were evaluated: retrospective studies of adults' reports of having been abused as children and concurrent or chart-review studies of children undergoing evaluation or treatment for sexual abuse. The evidence indicates that the majority of abused children do not reveal abuse during childhood. However, the evidence fails to support the notion that denials, tentative disclosures, and recantations characterize the disclosure patterns of children with validated histories of sexual abuse. These results are discussed in terms of their implications governing the admissibility of expert testimony on CSAAS.

Perlman, S. (1999). Victim recantation in child sexual abuse cases: A team approach to prevention, investigation, and trial. *Journal of Aggression, Maltreatment & Trauma*, *2*(2), 105-140.

This article explores the reasons for victim recantation in child sexual abuse cases, problems that surface with a recantation, and practical steps multidisciplinary professionals can take to prevent the recantation of truthful allegations. Secondly, the article discusses the roles of investigative team members in the investigation and evaluation of a victim's recantation and in the trial which may follow. Finally, the article addresses possible final outcomes of criminal court intervention and the team's role in continued support for the child.

Marx, S. P. (1996). Victim recantation in child sexual abuse cases: The prosecutor's role in prevention. *Child Welfare*, *75*(3), 219-233.

Recantation by a child who has been abused and has disclosed the abuse is a common phenomenon. Reasons for recantation and the problems recantation presents for the continued safety of the child and for the efficacy of child protective services and criminal justice interventions are explored. Although

not in itself diagnostic of abuse, recantation by a child who has been abused and has disclosed the abuse is a common phenomenon. This article explores reasons for recantation and the problems recantation presents for the continued safety of the child and for the efficacy of child protective services and criminal justice interventions. Practical steps are offered for prosecutors, child protective services workers, CPS attorneys, law enforcement investigators, and members of multidisciplinary teams to prevent recantation of truthful allegations of child sexual abuse.

Other

Ernberg, E., Magnusson, M., & Landström, S. (2020). [Prosecutors' experiences investigating alleged sexual abuse against pre-schoolers](https://doi.org/10.1080/1068316X.2019.1709639). *Psychology, Crime & Law*, 1-23.
<https://doi.org/10.1080/1068316X.2019.1709639>

Investigating and prosecuting cases of alleged child sexual abuse is challenging, especially if the report concerns a young child. The present study aimed to examine prosecutors' experiences investigating and prosecuting cases of alleged sexual abuse of pre-schoolers. Ninety-four Swedish child abuse prosecutors participated in a 2017 national survey regarding their work with these cases and their experiences collaborating with police and Child Protective Services (CPS). Their responses were analysed using both quantitative (descriptive and inferential statistics) and qualitative (thematic analysis) approaches. The prosecutors described difficulties eliciting and evaluating testimony from the youngest children, alongside a lack of corroborative evidence, as the main challenges in investigating cases of alleged sexual abuse of pre-schoolers. Some prosecutors reported that an ongoing CPS investigation could negatively affect the criminal investigation. Furthermore, the quality of the investigative child interview was described as paramount to the investigation and as something that could be affected by the interviewer as well as the resources available to the police. Suggestions for future research and potential practical implications for CSA investigations involving pre-schoolers are discussed.

Alderden, M., Cross, T. P., Vlajnic, M., & Siller, L. (2018). Prosecutors' perspectives on biological evidence and injury evidence in sexual assault cases. *Journal of Interpersonal Violence*. Online ahead of print. DOI:10.1177/0886260518778259

Little prior research has explored how prosecutors perceive and utilize biological and injury evidences in sexual assault cases. In this qualitative study, semistructured interviews were conducted with assistant district attorneys (ADAs) working in an urban district attorney's office in the northeastern United States. ADAs were asked to describe how biological and injury evidences could be probative and their strategies for using this evidence. The interviews suggest that prosecutors perceive the probative value of biological and injury evidences on a continuum, varying based on case characteristics. Prosecutors felt that undergoing a forensic medical examination in itself supported victims' credibility. Biological evidence bolstered victims' credibility if it matched the victim's account better than the defendant's. They perceived DNA evidence as helpful when it identified unknown suspects, confirmed identification of suspects by other means, or rebutted defendants' denial of sexual contact. DNA evidence was also helpful when victims were incapacitated, too traumatized to recall or talk about the assault, or too young to identify assailants, and when police used the information in interrogating suspects. The biggest limitation to biological evidence prosecutors cited was overcoming the consent defense. The ADAs reported they used DNA evidence even when it was not particularly probative, because it confirms the correct person is being prosecuted, it communicates the victim's and prosecution's seriousness, and it meets jury expectations in trials. Prosecutors found injury evidence useful because it corroborated victims' accounts and helped refute defendant claims of consensual sex. The findings may assist in educating others about biological and injury evidences in these cases, and could inspire professionals and advocates to work to develop and support a broad range of investigative methods.

Bracewell, T. E. (2018). Multidisciplinary team involvement and prosecutorial decisions in child sexual abuse cases. *Child and Adolescent Social Work Journal*, 35(6), 567-576.
<https://doi.org/10.1007/s10560-018-0557-1>

This study examines the impact of multidisciplinary teams (MDTs) coordinated by Children's Advocacy Centers (CACs) on the prosecutorial decision to accept or reject cases of child sexual abuse (CSA). This analysis is part of an examination of the utility of CACs as it relates to prosecutorial decisions. Case specific information was obtained on all cases with both child protective services (CPS) law enforcement involvement processed through one Texas CAC, serving multiple counties, from 2010 to 2013. For the purposes of this study one county is listed

as rural and one is listed as urban. The study site also unofficially serves several more rural counties. The urban county accounts for approximately 75% of all cases processed through the CAC. The final analyses included 553 cases of alleged CSA. Logistic regression was used to evaluate the utility of MDTs and case coordination among law enforcement and CPS as they relate to prosecutorial decisions. The number of participants at MDT meetings was correlated with an increase in prosecutorial acceptance rates by approximately 30%. Prosecutor presence at MDT meetings was correlated with an increase in acceptance rates by approximately 80%. Official case coordination between law enforcement and CPS was not statistically significant. Results of this study suggest that the MDT model provides a useful tool for prosecutors when determining whether to accept or reject cases of CSA, while official coordination may be less impactful.

Bracewell, T. E. (2018). Outcry consistency and prosecutorial decisions in child sexual abuse cases. *Journal of Child Sexual Abuse, 27*(4), 424-438. DOI: 10.1080/10538712.2018.1474413

This study examines the correlation between the consistency in a child's sexual abuse outcry and the prosecutorial decision to accept or reject cases of child sexual abuse. Case-specific information was obtained from one Texas Children's Advocacy Center on all cases from 2010 to 2013. After the needed deletion, the total number of cases included in the analysis was 309. An outcry was defined as a sexual abuse disclosure. Consistency was measured at both the forensic interview and the sexual assault exam. Logistic regression was used to evaluate whether a correlation existed between disclosure and prosecutorial decisions. Disclosure was statistically significant. Partial disclosure (disclosure at one point in time and denial at another) versus full disclosure (disclosure at two points in time) had a statistically significant odds ratio of 4.801. Implications are discussed, specifically, how the different disciplines involved in child protection should take advantage of the expertise of both forensic interviewers and forensic nurses to inform their decisions.

Duron, J. F. (2018). Legal decision-making in child sexual abuse investigations: A mixed-methods study of factors that influence prosecution. *Child Abuse Neglect, 79*, 302-314.

Prosecution of child sexual abuse cases is an important aspect of a community's response for holding perpetrators accountable and protecting children. Differences in charging rates across

jurisdictions may reflect considerations made in prosecutors' decision-making process. This mixed-methods, multiphase study used data from a Children's Advocacy Center in a suburban county in the Southern United States to explore the factors associated with child sexual abuse cases that are accepted for prosecution and the process followed by prosecutors. Data were sequentially linked in three phases (qualitative-quantitative-qualitative), incorporating 1) prosecutor perceptions about what case characteristics affect charging potential, 2) 100 case records and forensic interviews, and 3) in-depth reviews of cases prosecuted. Content analysis was used to identify influential case elements, logistic regression modeling was used to determine factors associated with a decision to prosecute, and framework analysis was used to further confirm and expand upon case factors. Overall, findings indicate that prosecution is most strongly predicted by caregiver support and the availability of other evidence. The decision to prosecute was found to include a process of ongoing evaluation of the evidence and determination of a balanced approach to justice. The decision to prosecute a case can be influenced by strong and supportive investigative practices. An important implication is that interaction among multidisciplinary professionals promotes communication and efforts, further enhancing discretion about potential legal actions.

Magnusson, M., Ernberg, E., Landström, S., & Granhag, P. A. (2018). [Taking the stand: Defendant statements in court cases of alleged sexual abuse against infants, toddlers and preschoolers.](#) *Psychology, Crime & Law*, 24(7), 744-759.

Investigating and adjudicating allegations of child sexual abuse are challenging tasks. In the present study, we examined defendant statements concerning charges of sexual abuse against young children in Swedish district court cases (87 defendants, 140 child complainants, tried between January 2010 to December 2015). A main objective was to test predictive factors for admissions of guilt using inferential statistical analyses. Furthermore, using qualitative thematical analysis, we sought to identify common patterns in the defendants' explanations to the allegation. Approximately one-third of the defendants (31%) pleaded guilty during trial. Admissions of guilt were more likely if the defendant was young, if the child was young at the onset of abuse, if the child and perpetrator had an extrafamilial relationship, and if the defendant possessed child pornography. A conflict with the person who made the report (e.g., a custody dispute), a testimony from the child, a direct eyewitness, or an informal disclosure recipient were significantly more common in cases of denials. In the qualitative analysis, a range of alternative explanations behind

the abuse allegations were identified. Legal professionals and investigators may benefit from considering these alternative hypotheses during their investigative and judicial work.

Cross, T. P., & Whitcomb, D. (2017). [The practice of prosecuting child maltreatment: Results of an online survey of prosecutors](#). *Child Abuse & Neglect*, 69, 20-28.

Despite efforts by advocates, practitioners, and legislators to alleviate the burden on child maltreatment victims in the criminal justice system, many challenges remain for prosecutors as they seek to hold offenders accountable while minimizing the emotional impact on children. More than 200 state and local prosecutors in 37 states responded to an online survey to share their perspectives on current challenges, procedures to support children in the adjudication process, and the impact of the U.S. Supreme Court opinion in *Crawford v. Washington* (2004), sex offender registries, and "Safe Harbor" legislation to protect child sexual exploitation victims. Respondents' most pressing challenges were obtaining evidence to corroborate children's statements and the difficulties of working with child victims. Child testimony was ranked as more frequent than any other type of evidence, and least frequent were DNA, photos or videos of criminal acts, and other physical evidence. Prosecutors rely primarily on victim/witness assistants and courtroom tours to prepare children for testimony; technological alternatives are seldom used. Results suggest a real but limited impact of the *Crawford* opinion on the need for child testimony and on the decision to prosecute. Survey findings indicate a need for greater attention to thorough investigations with particular attention to corroboration. Doing so may strengthen the child's credibility, which is especially critical in cases lacking physical or medical evidence of maltreatment.

Myers, J. E. (2017). Cross-examination: A defense. *Psychology, Public Policy, and Law*, 23(4), 472-477.

Some researchers criticize the practice of cross-examining child witnesses. A few critics go so far as to suggest that cross-examination undermines the search for truth. This essay takes issue with critics of cross-examination, and argues that, in the adversary system of justice, cross-examination serves vital functions. While the essay defends cross-examination, it acknowledges 2 important matters: First, developmentally inappropriate questions can undermine children's accuracy, and developmentally inappropriate questions abound in court. Second, cross-examination can undermine the accuracy of children's truthful testimony. A law is proposed to curtail

developmentally improper questioning. The argument is made that the harm of occasional inaccuracy caused by cross-examination is outweighed by the benefit of cross-examination. (PsycINFO Database Record © 2017 APA, all rights reserved)

Campbell, R., Greeson, M. R., Bybee, D., & Fehler-Cabral, G. (2012). Adolescent sexual assault victims and the legal system: Building community relationships to improve prosecution rates. *American Journal of Community Psychology*, *50*(1-2), 141-154.
<https://doi.org/10.1007/s10464-011-9485-3>

Adolescents are at high risk for sexual assault, but few of these crimes are reported to the police and prosecuted by the criminal justice system. To address this problem, communities throughout the United States have implemented multidisciplinary interventions to improve post-assault care for victims and increase prosecution rates. The two most commonly implemented interventions are Sexual Assault Nurse Examiner (SANE) Programs and Sexual Assault Response Teams (SARTs). The purpose of this study was to determine whether community-level context (i.e., stakeholder engagement and collaboration) was predictive of adolescent legal case outcomes, after accounting for “standard” factors that affect prosecution success (i.e., victim, assault, and evidence characteristics). Overall, 40% of the adolescent cases from these two SANE–SART programs (over a 10-year period) were successfully prosecuted. Cases were more likely to be prosecuted for younger victims, those with disabilities, those who knew their offenders, and instances in which the rape evidence collection kit was submitted by police for analysis. After accounting for these influences, multi-level modeling results revealed that in one site decreased allocation of community resources to adolescent sexual assault cases had a significant negative effect on prosecution case outcomes. Results are explained in terms of Wolff’s (Am J Community Psychol 29:173–191, 2001) concept of “over-coalitioned” communities and Kelly’s (1968) ecological principles.

Walsh, W. A., Jones, L. M., Cross, T. P., & Lippert, T. (2010). Prosecuting child sexual abuse: The importance of evidence type. *Crime & Delinquency*, *56*(3), 436-454.

Corroborating evidence has been associated with a decrease in children’s distress during the court process, yet few studies have empirically examined the impact of evidence type on prosecution rates. This study examined the types of evidence and whether charges were filed in a sample of

child sexual abuse cases ($n = 329$). Cases with a child disclosure, a corroborating witness, an offender confession, or an additional report against the offender were more likely to have charges filed, controlling for case characteristics. When cases were lacking strong evidence (confession, physical evidence, eyewitness), cases with a corroborating witness were nearly twice as likely to be charged. Charged cases tended to have at least two types of evidence, regardless of whether there was a child disclosure or not.

Quas, J. A., Thompson, W. C., Alison, K., & Stewart, C. (2005). Do jurors “know” what isn’t so about child witnesses? *Law and Human Behavior*, 29(4), 425-456.

Are expert witnesses needed in child sexual abuse cases to educate jurors about children’s memory, suggestibility, and reactions to abuse, or do jurors already know what such experts could tell them? To cast light on this question, we surveyed jurors and jury-eligible college students and compared their beliefs with what is known via scientific research regarding children’s memory and ability to testify, reactions to interrogation, and reactions to sexual abuse. We also asked participants to infer results of four widely cited studies of children’s suggestibility. Participants’ beliefs were consistent with findings from research on some issues (e.g., that children can be led to claim that false events occurred) but diverged from the scientific consensus on other issues (e.g., whether children can remember painful events in infancy). Similarly, participants sometimes overestimated and sometimes underestimated the level of suggestibility observed in empirical studies. Individual differences in accuracy were related to participants’ gender, education and ethnicity, and there was considerable disagreement among participants on many questions. Implications of findings for the admissibility of expert testimony in child abuse cases are discussed.

Bala, N., Lee, J., & McNamara, E. (2001). Children as witnesses: Understanding their capacities, needs, and experiences. *Journal of Social Distress & the Homeless*, 10(1), 41-68.

Historically the law regarded children as inherently unreliable and made it difficult for them to testify. Since 1975 awareness of child abuse has increased and research has established that children can be reliable witnesses. Governments began to recognize the needs and capacities of children and enacted legal reforms to facilitate prosecutions for child abuse. This paper reports on a survey of victim witness workers and other justice system professionals which reveals some of the continued failings of that system in dealing with children. Although relatively rare, there are cases of false allegations of abuse,

usually a result of investigations by poorly trained professionals. Further legal reforms and better human supports are required to ensure that the needs of children are met and their capacities as witnesses are fully appreciated.