



Prosecution of Child Sexual Abuse Cases

A Bibliography

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**Championing and Strengthening the
Global Response to Child Abuse**

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Scope

This bibliography lists publications addressing a wide range of topics that are relevant to attorneys prosecuting child sexual abuse cases.

Organization

Publications include articles, book chapters, reports, and research briefs and are divided by the topics below. They are listed in date descending order and links are provided to full text publications when possible. This collection may not be complete. More information can be obtained in the Child Abuse Library Online.

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Prosecution of Child Sexual Abuse Cases

A Bibliography

Preparing for Court

Field, N., & Katz, C. (2023). The experiences and perceptions of sexually abused children as participants in the legal process: key conclusions from a scoping literature review. *Trauma, Violence, & Abuse*, 24(4), 2758–2771. DOI:10.1177/15248380221111463

Child sexual abuse (CSA) is a phenomenon that receives attention from researchers and practitioners worldwide. An unknown percent of cases are disclosed bravely by children to authorities. One part of those children's journey can involve the legal process, which aims to decide whether a crime happened and, if so, to sentence the offender. To do so, a considerable amount of evidence is required. Part of what makes CSA cases complex is that the child's word is often the only evidence. There are growing discussions concerning the importance of children's participation in the legal process, pointing to its contribution to practitioners' decision-making as well as children's wellbeing. The current scoping review aimed to examine the existing knowledge regarding how children experience and perceive participation in the legal process following CSA. Although this issue has been previously addressed, the current study was designed to systematically spotlight studies that pinpoint children's perceptions and experiences. Using PRISMA guidelines, 17 manuscripts in peer-reviewed journals over the last 11 years were identified. The analysis yielded a major theme of children's need for validation, with four subthemes relating to the need to be protected, the need to be seen and heard, the need to be believed, and the need to be provided with support. The themes and how they relate to other aspects of sexually abused children's lives are discussed as well as practical implications for future studies. The main conclusion relates to the necessity for a holistic approach with children throughout the legal process.

Stevens, L. M., Henderson, H. M., & Lamb, M. E. (2021). [Linguistically complex recognition prompts in pre-recorded cross-examinations](#). *Behavioral Sciences & the Law*, 39(3), 369–382. DOI:10.1002/bsl.2504

This study examined the effects of pre-trial preparation and pre-recorded cross-examinations on the linguistic complexity of recognition prompts (i.e., option-posing or suggestive questions) used when questioning child victims in English criminal courts. The study also compared the linguistic complexity of recognition prompts that did and did not contain suggestive content. Analyses compared 43 cases that involved pre-recorded cross-examinations with pre-trial preparation and 44 cases that did not, which occurred between 2012 and 2016. Cases utilizing the “special measures” contained fewer linguistically complex prompts with and without suggestive content than did their counterparts, demonstrating the benefits of those special measures. Overall, linguistically complex recognition prompts were more likely to contain suggestive content than other recognition prompts. However, linguistically complex prompts with and without suggestive content were still frequently used despite the special measures, demonstrating the need for further professional training to improve the quality of children's evidence.

Cordisco Steele, L., & Sawicki, M. (2018). [Forensic interviewing: What every prosecutor needs to know](#). 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. DOI:10.1002/bsl.2191

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.

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. DOI:10.1037/h0093957

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.
DOI:10.1016/j.dr.2012.06.005

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.

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). Wiley-Blackwell. DOI:10.1002/9781119998495.ch4

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. DOI:10.1007/s10979-009-9177-9

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. DOI:10.1016/j.chiabu.2007.08.008

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. DOI:10.1023/A:1005644010134

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. DOI:10.1177/1077559597002002008

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). Guilford Press.

Questioning Children

Denne, E., George, S. S., & Stolzenberg, S. N. (2023). [Developmental considerations in how defense attorneys employ child sexual abuse and rape myths when questioning alleged victims of child sexual abuse](#). *Journal of Interpersonal Violence*, 38(23-24), 11914-11934. DOI:10.1177/08862605231189512

Myths and misconceptions surrounding the nature of sexual assault play a role in shaping the perceptions of victims as credible and perpetrators as culpable. Defense attorneys often capitalize on myths in court as an element of their defense strategies. Researchers have established that myths about both rape generally, and child sexual abuse (CSA) specifically, appear with regularity in criminal trials of children who have made an allegation of CSA. Yet no work has systematically and quantitatively examined the impact of a child's age on the probability that attorneys will ask a myth-consistent question in criminal trials of CSA. In the current study, we examine 6,384 lines of questioning across 134 criminal trials of CSA to assess whether defense attorneys employ developmentally sensitive strategies when asking children questions that draw upon myths about sexual violence (CSA myths: disclosure myths, extent of harm, a child's positive relationship with their perpetrator, and the presence of witnesses; Rape myths: force and resistance, motives to lie, victim precipitation, and character issues). We found that attorneys did not vary their use of CSA myths by the age of the child. However, the probability that a child would receive a rape myth-consistent line of questioning, increased with a child's age. This work suggests that attorneys are, at times, strategic in their use of myths and employ these adult rape myths in ways that are plausible, purposeful, and likely impactful. The strategic use of these questions may acknowledge young children's limited development but may place too great a demand on older children's developmental capacities. Prosecutors should be prepared to counterquestion these myths in redirect examination.

Denne, E., & Stolzenberg, S. N. (2023). [Exploring how attorneys address grooming in criminal trials of child sexual abuse](#). *Behavioral Sciences & the Law*, 41(6), 488–503. DOI:10.1002/bsl.2637

Grooming is a common tactic among perpetrators of child sexual abuse (CSA). It is important that grooming is addressed in court to explain the unintuitive ways a child may act when they have been victims of abuse. The present study draws upon 134 transcripts of CSA criminal trials to establish how attorneys talk about grooming in court. Only 1.8% of attorney's questions addressed grooming behaviors. The majority of these focusing on exposure to pornography (27%) or boundary pushing (19%). Invitations elicited the most productive reports of grooming from children. There was a statistically significant difference in the proportion with which defense and prosecuting attorney's raised grooming issues, with prosecutors raising grooming issues more often than defense attorneys. We suggest that attorneys consider devoting proportionally more time to addressing grooming in court, to help jurors demystify common myths surrounding CSA.

Szodka, Z. A., Moussavi, N., Burditt, C., & Lyon, T. D. (2023). [Attorneys' questions and children's responses referring to the nature of sexual touch in child sexual abuse trials](#). *Child Maltreatment*, 28(3), 438–449. DOI:10.1177/10775595231161033

Eliciting clear descriptions of sexual body parts and abusive touch in child sexual abuse trials is challenging because of children's immaturity and embarrassment. This study examined references to sexual body part knowledge and sexual touch in attorneys' questions and 5- to 10-year-old children's responses (N = 2,247) in 113 child sexual abuse trials. Regardless of children's age, attorneys and children primarily used unclear colloquialisms to refer to sexual body parts. Questions asking children to name sexual body parts elicited more uninformative responses than questions about the function of sexual body parts. In turn, questions about the function of sexual body parts were more likely to increase the specificity of body part identifications than questions about the location of sexual body parts. Attorneys predominantly used option-posing (yes-no and

forced choice) questions to ask about sexual body part knowledge, the location of touch, the method or manner of touching, skin-to-skin contact, penetration, and how the touching felt. Generally, wh- questions were no more likely than option-posing questions to elicit uninformative responses, and consistently elicited more child-generated information. The results question the legal assumption that children's uninformative responses when testifying about sexual abuse should be overcome by asking option-posing questions.

George, S. S., Sullivan, C., Wylie, B. E., McWilliams, K., Evans, A. D., & Stolzenberg, S. N. (2022). [Did your mom help you remember?: An examination of attorneys' subtle questioning about suggestive influence to children testifying about child sexual abuse](#). *Journal of Interpersonal Violence*, 37(15-16), NP13902-NP13927.
DOI:10.1177/08862605211006369

Researchers studying children's reports of sexual abuse have focused on how questioners overtly assess coaching and truthfulness (e.g., "Did someone tell you what to say?"). Yet attorneys, and defense attorneys, in particular, may be motivated to ask about suggestive influence and truthfulness in subtle ways, such as with implied meaning (e.g., "Did your mom help you remember?"). Such questions may be particularly challenging for children, who may interpret statements literally, misunderstanding the suggested meaning. The purpose of this study was to examine and categorize how attorneys' ask about suggestive influence and truthfulness. We wanted to learn how attorneys subtly accuse suggestive influence, and how frequently this occurred. We hypothesized that questions indirectly accusing suggestive influence would be common, and that defense attorneys would ask more subtle questions, and fewer overt questions, than prosecutors. We examined 7,103 lines of questioning asked by prosecutors and defense attorneys to 64 children testifying about alleged child sexual abuse. We found that 9% of all attorneys' lines of questioning asked about suggestive influence or truthfulness. The majority (66%) of these were indirect accusations. Indirect accusations of suggestive influence spanned a range of subtleties and topics, including addressing conversational influences (e.g.,

coaching), incidental influences (e.g., witnessing abuse), and others. We also found defense attorneys were less likely than prosecutors to ask about suggestive influence and truthfulness overtly. We conclude that attorneys commonly ask about suggestive influence and truthfulness in subtle ways that developing children may struggle to understand, and which may result in affirmations of influence, even when allegations are true.

Powell, M. B., Goodman-Delahunty, J., Deck, S. L., Bearman, M., & Westera, N. (2022). An evaluation of the question types used by criminal justice professionals with complainants in child sexual assault trials. *Journal of Criminology*, 55(1), 106-124. DOI:10.1177/26338076211068182

The way that complainants of child sexual assault are questioned about their experiences can profoundly influence the accuracy, credibility, and consistency of their evidence. This is the case for all people, but especially children whose language, social, and cognitive capacity is still developing. In this study, we examined the questions used by a representative sample of Australian prosecutors, defense lawyers, and judges/magistrates to determine if this is an area that warrants improvement. Our focus was the type of questions used by the different professionals and how (if at all) these varied across complainant age groups (children, adolescents, and adults, total N = 63). Our findings revealed that each complainant group was questioned in a manner known to heighten misunderstanding and error (e.g., complex and leading questions were used frequently by all professional groups). There was also little indication of question adaption according to age (e.g., prosecutors asked children more complex questions than they asked adults). When the results are considered in the context of the broader literature on the impact of different question styles, they suggest that professional development in questioning would improve the quality of trial advocacy and judicial rulings.

Sullivan, C., George, S. S., Stolzenberg, S. N., Williams, S., & Lyon, T. D. (2022). [Imprecision about body mechanics when child witnesses are questioned about sexual abuse](#). *Journal of Interpersonal Violence*, 37(13-14), NP12375-NP12397. DOI:10.1177/0886260521997941

In child sexual abuse cases, a central part of the child's testimony is their description of the abuse episode. However, children often struggle to describe the body mechanics of abuse, and miscommunications are likely. The present study examined questions about the mechanics of abuse in trial transcripts (N = 63) to identify sources of miscommunication (N = 130) between attorneys and children (5 – 12 years old, M age at trial = 9 years old, SD = 2 years). Both attorneys and children used imprecise language, leading to miscommunication. Specifically, imprecise sexual terminology, the word "touch," polarity items, broad open-ended questions, anaphora and ellipses, and "how" led to imprecision in attorneys' questions. Imprecise questions often elicited under-informative answers. In response to under-informative answers, attorneys at times asked highly focused and leading questions. Implications and recommendations for future research on how best to elicit these details from children are discussed.

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. *Applied Cognitive Psychology*, 34(1), 194-204. DOI: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.
DOI:10.1037/law0000116

"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. DOI:10.1080/13218719.2017.1273749

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. DOI:10.1037/lhb0000237

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.
DOI:10.1002/acp.3204

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.
DOI:10.1111/lcrp.12096

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.

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. DOI 10.1002/bsl.2183

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.
DOI:10.1037/lhb0000152

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.
DOI:10.1002/acp.3103

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.

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.
DOI:10.1111/lcrp.12094

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. DOI:10.1080/1068316X.2014.951650

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. DOI:10.1002/bsl.2142

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. DOI:10.1002/acp.3048

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.

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. DOI:10.1037/a0035000

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](https://doi.org/10.1177/1077559514539388). *Child Maltreatment*, 19(2), 119–129. DOI:10.1177/1077559514539388

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). 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. DOI:10.1037/h0093957

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. DOI:10.1037/h0093986

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.
DOI:10.1016/j.dr.2012.06.006

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.

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. DOI:10.1007/s10979-008-9148-6

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. DOI:10.1080/10345329.2005.12036342

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.
DOI:10.1375/pplt.2003.10.1.199

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). 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. DOI:10.1177/1077559500005002003

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. DOI:10.1007/BF01044537

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 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: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.

Zhang, M., & Hudson, J. A. (2018). [The development of temporal concepts: Linguistic factors and cognitive processes](#). *Frontiers in Psychology*, 9, 2451. DOI:10.3389/fpsyg.2018.02451

Temporal concepts are fundamental constructs of human cognition, but the trajectory of how these concepts emerge and develop is not clear. Evidence of children’s temporal concept development comes from cognitive developmental and psycholinguistic studies. This paper reviews the linguistic factors (i.e., temporal language production and comprehension) and cognitive processes (i.e., temporal judgment and temporal reasoning) involved in children’s temporal conceptualization. The relationship between children’s ability to express time in language and the ability to reason about time, and the challenges and difficulties raised by the interaction between cognitive and linguistic components are discussed. Finally, we propose ways to reconcile controversies from

different research perspectives and present several avenues for future research to better understand the development of temporal concepts.

McCormack, T., & Hoerl, C. (2017). [The development of temporal concepts: Learning to locate events in time](#). *Timing & Time Perception*, 5(3-4), 297-327.
DOI:10.1163/22134468-00002094

A new model of the development of temporal concepts is described that assumes that there are substantial changes in how children think about time in the early years. It is argued that there is a shift from understanding time in an event-dependent way to an event-independent understanding of time. Early in development, very young children are unable to think about locations in time independently of the events that occur at those locations. It is only with development that children begin to have a proper grasp of the distinction between past, present, and future, and represent time as linear and unidirectional. The model assumes that although children aged two to three years may categorize events differently depending on whether they lie in the past or the future, they may not be able to understand that whether an event is in the future or in the past is something that changes as time passes and varies with temporal perspective. Around four to five years, children understand how causality operates in time, and can grasp the systematic relations that obtain between different locations in time, which provides the basis for acquiring the conventional clock and calendar system.

Ribordy Lambert, F., Lavenex, P., & Banta Lavenex, P. (2017). The “when” and the “where” of single-trial allocentric spatial memory performance in young children: Insights into the development of episodic memory. *Developmental Psychobiology*, 59(2), 185-196. DOI:10.1002/dev.21479

Allocentric spatial memory, “where” with respect to the surrounding environment, is one of the three fundamental components of episodic memory: what, where, when. Whereas basic allocentric spatial memory abilities are reliably observed in children after 2 years

of age, coinciding with the offset of infantile amnesia, the resolution of allocentric spatial memory acquired over repeated trials improves from 2 to 4 years of age. Here, we first show that single-trial allocentric spatial memory performance improves in children from 3.5 to 7 years of age, during the typical period of childhood amnesia. Second, we show that large individual variation exists in children's performance at this age. Third, and most importantly, we show that improvements in single-trial allocentric spatial memory performance are due to an increasing ability to spatially and temporally separate locations and events. Such improvements in spatial and temporal processing abilities may contribute to the gradual offset of childhood amnesia.

Cleveland, K. C., & Quas, J. A. (2016). Adults' insensitivity to developmental changes in children's ability to report when and how many times abuse occurred. *Behavioral Sciences & the Law*, 34(1), 126–138. DOI:10.1002/bsl.2211

In legal settings, children are frequently asked to provide temporal information about alleged abuse, such as when it occurred and how often. Although there is a sizeable body of work in the literature regarding children's ability to provide such information, virtually nothing is known about how adults evaluate the veracity of that information. This omission is especially noteworthy given that adults' evaluations are critical to the progression and outcome of legal cases. We examined adults' perceptions of children's reports of temporal details regarding alleged sexual abuse. We varied both children's age (6 vs. 11 years) and how certain children were when providing such details to assess whether adults were sensitive to changes in how children of different ages typically talk about temporal information. With regard to credibility, adults were insensitive to children's age, perceiving younger and older children who reported temporal details with confidence as more credible than those who reported information tentatively. Normative developmental trends, however, would suggest that, with age, children are often tentative when reporting true temporal details. With regard to perceptions of children's accuracy in reporting temporal information, adults found younger children who were confident to

be the most accurate. Regarding guilt judgments, adults rated defendants as having a higher degree of guilt when children were confident in reporting temporal details. The findings have implications for juror decision-making in cases of alleged sexual abuse in which children report when or how often abuse occurred.

McWilliams, K., Lyon, T. D., & Quas, J. A. (2016). [Maltreated children's ability to make temporal judgments using a recurring landmark event](#). *Journal of Interpersonal Violence*, 34(4), 873–883. DOI: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. DOI:10.1350/ijps.2014.16.1.324

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.
DOI:10.1002/acp.1656

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.

Friedman, W. J. (2007). The development of temporal metamemory. *Child Development*, 78(5), 1472-1491. DOI:10.1111/j.1467-8624.2007.01078.x

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. DOI:10.1111/j.1467-8624.2005.00844.x-ii

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. DOI:10.1002/acp.3118

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.

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.
DOI:10.1016/j.chiabu.2013.06.010

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. DOI:10.1111/j.1467-8624.2011.01704.x

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), 486–511. DOI:10.1037/0033-295X.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/Promise to Tell the Truth

Denault, V., & Talwar, V. (2023). The science of children's lies (and their detection): A primer for justice practitioners. *Court Review*, 59, 58.

This article aims to highlight basic, research-based concepts related to children's reports, which are crucial for justice practitioners, including lawyers and judges, who interact daily with children. We review what the scientific literature has reported regarding children's tendency to lie, debates about the reliability of children's testimony and whether they make false denials and report false allegations, and subsequently, the accuracy of their testimonies. Finally, a number of research-based questioning strategies for child witnesses are presented, as well as recommendations for improving the ability of justice practitioners to interact with children and other vulnerable populations.

Pichler, A. S., Powell, M., Sharman, S. J., Zydervelt, S., Westera, N., & Goodman-Delahunty, J. (2021). Inconsistencies in complainant's accounts of child sexual abuse arising in their cross-examination. *Psychology, Crime & Law*, 27(4), 341-356.
DOI:10.1080/1068316X.2020.1805743

A key cross-examination tactic in trials of child sexual abuse (CSA) is to highlight inconsistencies between sources of information to discredit the complainant's account. The present study examined the prevalence, origin and nature of inconsistencies arising in the cross-examination of complainants in CSA trials. Further, we examined the association between these inconsistencies and the types of question that elicited them in the earlier police interview of the child witness (i.e. open-ended, specific, or leading). Transcripts of videorecorded interviews (evidence-in-chief) of 73 complainants (15 males, 58 females) and subsequent cross-examinations at trial were coded. Results showed that inconsistencies were raised in the cross-examination of 94.5% of complainants; most between what the children said in their police interview versus their cross-examination. A greater proportion of inconsistencies was associated with specific than open-ended questions asked in the police interview. However, open-ended

questions were associated with some inconsistencies, perhaps due to the longer answers they elicited. Shorter police interviews relying mainly on open-ended questions may minimise the opportunity for inconsistencies to arise in cross-examinations. Judges and juries require education about inconsistencies that arise from memory's reconstructive nature and lay people's tendency to use these inconsistencies to make inferences about the unreliability of witnesses.

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.
DOI: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. DOI:10.1037/law0000117

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.
DOI:10.1002/bsl.2188

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.

Castelli, P., & Goodman, G. S. (2014). Children's perceived emotional behavior at disclosure and prosecutors' evaluations. *Child Abuse & Neglect*, 38(9), 1521-1532. DOI:10.1016/j.chiabu.2014.02.010

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.

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. DOI:10.1037/lhb0000061

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?"

Connolly, D. A., Price, H. L., & Gordon, H. M. (2010). Judicial decision making in timely and delayed prosecutions of child sexual abuse in Canada: A study of honesty and cognitive ability in assessments of credibility. *Psychology, Public Policy, and Law*, 16(2), 177-199. DOI:[10.1037/a0019050](https://doi.org/10.1037/a0019050)

Child sexual abuse is an alarmingly common criminal offense. Whether prosecutions occur shortly after the alleged offense or after a lengthy delay, complainant credibility is often the central issue at trial. In both law and in psychology, credibility is said to be a function of two relatively distinct factors: honesty and cognitive ability. Complainant age informs evaluations of both such that younger children are seen as more honest but less cognitively competent than older children and adults. When a complainant describes a recent event, current age may be used to assess honesty and cognitive ability. However, when a complainant describes an event that occurred in the distant past, we argue that current age is most informative in evaluations of honesty, whereas age at the time of the alleged offense should inform evaluations of cognitive ability. In this research, we analyzed judicial assessments of complainants' credibility in 52 timely (child complainant) and 49 delayed (adult complainant) criminal prosecutions of child sexual abuse. Judicial comments concerning cognitive ability suggest that adults were viewed more positively than children, despite the fact that all complainants were children when the alleged offense occurred. As expected, comments related to honesty suggested that

children were seen to be more honest than adults unless they had been exposed to suggestive influences. (APA PsycInfo Database Record © 2016 APA, all rights reserved)

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. DOI:10.1016/j.jecp.2013.08.013

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. DOI:10.1037/a0021272

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. DOI:10.1111/j.1467-8624.2008.01167.x

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. DOI:10.1016/j.chiabu.2007.08.008

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

Denne, E., Stolzenberg, S. N., & Neal, T. M. (2021). [The effects of evidence-based expert testimony on perceptions of child sexual abuse involving recantation](#). *Plos One*, 16(8), e0254961. DOI:10.1371/journal.pone.0254961

Child sexual abuse (CSA) cases involving recantation invoke concerns about children's reliability. Expert testimony can help explain the complexities of these cases. Experts have historically relied on Child Sexual Abuse Accommodation Syndrome (CSAAS), yet this is not science-based. In a CSA case involving recantation, how would evidence-based testimony affect perceptions of child credibility when compared to CSAAS? Across 2 studies, we test the effects of expert testimony based on evidence-based science, nonscientific evidence, and experience-based evidence on outcomes in CSA cases involving recantation. Evidence-based testimony led to higher perceptions of credibility and scientific rigor of the evidence when compared to CSAAS testimony. Evidence-based testimony also led to more guilty verdicts when compared to the control. In sum, jurors had some ability to detect evidence strength, such that evidence-based expert testimony was superior to CSAAS testimony in many respects, and consistently superior to experience-based testimony in these cases.

Chase, E., & Sites, J. (2018). [A multidisciplinary team approach to the investigation and prosecution of child abuse cases involving recantation](#). Association of Prosecuting Attorneys.

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. DOI:10.1177/1077559516650936

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. DOI:10.1097/01.chi.0000246067.77953.f7

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. DOI:10.1037/1076-8971.11.1.194

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.

Perlis Marx, S. (2000). Victim recantation in child sexual abuse cases: A team approach to prevention, investigation, and trial. *Journal of Aggression, Maltreatment & Trauma*, 2(2), 105-140. DOI:10.1300/J146v02n02_06

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.

Jurors

Wylie, B. E., Stolzenberg, S. N., & Evans, A. D. (2024). Describing coercion in the courtroom: The influence of language and maltreatment severity on jurors' perceptions of child witnesses. *Child Maltreatment*, 9(4), 648-660.
DOI:10.1177/10775595231210015

Regardless of compliance to coercion by an alleged perpetrator, child maltreatment is abuse in any form. However, the extent to which coercion is described as an obligation (mandatory compliance) or permission (optional compliance) is legally relevant. The present investigation examined how attorneys question children about coercion and how children describe coercion in courtroom investigations of alleged child sexual abuse, and whether such language influences jurors' perceptions of children's testimony. Study 1 assessed 64 transcripts of children's testimonies and revealed that both attorneys and children use coercive language. Problematically, terms of permission were used when describing sexual abuse, potentially implying compliance was optional. Study 2 presented 160 adults with transcript excerpts, varied by coercive language (obligation or permission) and maltreatment type (sexual abuse or punishment). Coercive language influenced perceptions of coercion and whether the adult was to blame. Maltreatment type influenced perceptions of severity, credibility, and verdict. Overall, coercive language and maltreatment type influence perceptions of how the event unfolded.

Krackow, E. (2023). Adults' perceptions of child maltreatment allegations: The influence of autism spectrum disorder diagnosis, parental coaching, accuracy of children's autobiographical recall and expert witness testimony. *Psychology of Consciousness: Theory, Research, and Practice*, 10(2), 134-151.
DOI:10.1037/cns0000301

Four experiments examined mock jurors' perceptions of a child witness with and without a diagnosis of autism spectrum disorder (ASD), a developmental disorder that can heighten vulnerability to the provision of sparser, more erroneous memory reports, and greater levels of suggestibility under coercive interviewing conditions (Krackow, 2018).

This series of experiments varied combinations of the following other variables and examined whether these variables interacted with ASD: (a) mention of parental coaching as the origin of the child's maltreatment allegation; (b) the strength of the evidence that the child witness's accusations were coached (allegations of parental coaching vs. allegations of parental coaching + expert witness testimony that the child showed evidence of being coachable); (c) the accuracy of the child's responses to basic autobiographical questions (consistently correct vs. made some errors); and (d) inclusion of expert witness testimony regarding how the diagnostic status of the child witness (a diagnosis of ASD versus typically developing) generally impacts eyewitness memory performance. Diagnostic status did not impact perceptions of child witness coachability. In some, but not all experiments, there was a significant effect of diagnostic status. Across experiments, the strongest effects were for the accuracy of the child's responses to autobiographical questions. In Experiment 2, accusations of parental coaching were not taken seriously by jurors until expert witness testimony was included. In Experiment 4, expert witness testimony regarding children's memory and suggestibility did not influence jurors' perceptions. In addition, this article examined mechanisms by which factual autobiographical response accuracy influences juror decision making.

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, 27(5), 779–796. DOI: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 psychosocial 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.

St. George, S., Garcia-Johnson, A., Denne, E., & Stolzenberg, S. N. (2020). [“Did you ever fight back?” Jurors’ questions to children testifying in criminal trials about alleged sexual abuse](#). *Criminal Justice and Behavior*, 47(8), 1032–1054.
DOI:10.1177/0093854820935960

The current study examined jurors’ questions to children in criminal trials assessing children’s allegations of sexual abuse, demonstrating a new avenue for studying how jurors think about, respond to, and assess evidence. We used qualitative content analysis to examine jurors’ questions to 134, 5- to 17-year-olds alleging sexual abuse in criminal trial testimonies. Five themes emerged: abuse interactions, contextual details of abuse, children’s reactions to abuse, children’s (delayed) disclosure, and case background details. Jurors often ask about abuse dynamics, the context surrounding abuse, and children’s disclosure processes, reflecting common misconceptions about child sexual abuse (CSA), such as whether it is credible to delay disclosure or maintain contact with an alleged perpetrator. This study improves our understanding of how jurors understand and evaluate children’s reports of alleged CSA, suggesting that jurors may struggle to understand children’s reluctance.

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.

Wiley, T. R., & Bottoms, B. L. (2009). [Effects of defendant sexual orientation on jurors' perceptions of child sexual assault](#). *Law and Human Behavior*, 33, 46–60.
DOI:10.1007/s10979-008-9131-2

We examined mock jurors' reactions to a sexual abuse case involving a male teacher and a 10-year-old child. Because gay men are sometimes stereotyped as child molesters, we portrayed defendant sexual orientation as either gay or straight and the victim as either a boy or girl. Jurors made more pro-prosecution decisions in cases involving a gay versus straight defendant, particularly when the victim was a boy. In boy-victim cases, jurors'

emotional feelings of moral outrage toward the defendant mediated these effects. On average, women jurors were more pro-prosecution than were men. Results have implications for understanding social perceptions of cross- and same-gender child sexual abuse and juror decision making in child sexual assault cases perpetrated by homosexual and heterosexual men.

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.
DOI:10.1007/s10979-005-5523-8

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.

Other

Fessinger, M. B., McAuliff, B. D., Aronson, E., & McWilliams, K. (2024). [Attorneys' experiences, perceptions, and plea recommendations in child sexual abuse cases](#). *Law and Human Behavior*, 48(1), 13–32. DOI:10.1037/lhb0000551

We examined attorneys' experiences, perceptions, and decisions regarding plea recommendations in child sexual cases. We hypothesized that characteristics of the child (age, relationship to alleged perpetrator) and the report (timing of disclosure, consistency across reports) would affect attorneys' perceptions of evidence strength, likelihood of conviction, and plea recommendations. We collected data from a national sample of actively practicing prosecutors (n = 217) and defense attorneys (n = 251) who had experience with child abuse cases. They averaged 18 years of experience practicing law, were slightly more likely to be men (53%) than women, and primarily identified as White, non-Hispanic (86%). In Part 1, attorneys answered general questions about their experiences in child sexual abuse cases. In Part 2, they reviewed materials from a hypothetical case that varied the child's age (5 years, 11 years), the child's relationship to the alleged perpetrator (familial, nonfamilial), the timing of the child's initial disclosure (1 week, 6 months), and the consistency of the child's report (inconsistent, consistent). They rated the evidence strength, estimated the likelihood of conviction, and assessed whether they would recommend that the defendant accept a plea offer or proceed to trial. In Part 1, attorneys reported that they often have access to police reports, information about the alleged perpetrator, and evidence from the child when making plea recommendations. They said that it was important to know about prior allegations against the alleged perpetrator or by the child when assessing their credibility. They reported that the length of the sentence, sex offender registration requirement, and possibility of time served guided their plea recommendations. In Part 2, the consistency of the child's report influenced their decisions the most; they rated the evidence against the defendant as stronger when the child was consistent across reports than when the child was inconsistent. Additionally, their perceptions of evidence strength drove their recommendations. When the evidence against the defendant was stronger, attorneys

thought that the defendant was more likely to be convicted at trial; thus, prosecutors were less willing and defense attorneys were more willing to recommend a plea. Similar to other cases, evidence strength and the perceived likelihood of conviction drive attorneys' decisions to offer or recommend a plea to a defendant in a child sexual abuse case. The consistency of the child's report plays a major role in predicting perceptions of evidence strength. Future research is needed to determine which other factors in child sexual abuse cases may also predict attorneys' perceptions and plea recommendations.

St. George, S., Denne, E., & Stolzenberg, S. N. (2024). 'This incident happened when there were 10 people in the house?' Exploring a framework to categorize defense attorneys' plausibility questioning in CSA trials. *Psychology, Crime & Law*, 30(6), 556–582. DOI:10.1080/1068316X.2022.2104277

While researchers find that attorneys in CSA trials dedicate substantial time to questioning children about the plausibility of their reports, we know of no study to date that has assessed the types of plausibility issues attorneys raise, the relative frequency of different types, or if attorneys vary their plausibility questioning depending on case characteristics. In the current study we explored these questions. Guided by the story model of jury decision-making, we proposed defense attorneys would raise plausibility issues by (1) highlighting jurors' misconceptions about CSA dynamics; (2) highlighting confusing or implausible statements made by the child; and (3) offering alternative explanations for events. We conducted a content analysis of the cross-examinations of 134 children aged 5–17 testifying about alleged CSA. We found that attorneys raised all three proposed types of plausibility questioning, and they varied their plausibility questioning somewhat by age, severity, child-defendant relationship, and the number of victims in the case. Attorneys' preferred strategy was to highlight jurors' misconceptions about CSA. Prosecutors should address jurors' misconceptions preemptively in direct examinations of children or through expert testimony. Beyond implications for courtroom

practices, our plausibility framework may apply to plausibility concerns raised in other crime types, something researchers should explore.

Block, S. D., Johnson, H., Williams, L. M., Shockley, K., Wang, E., & Widaman, K. F. (2023). Predictors of prosecutorial decisions in reports of child sexual abuse. *Child Maltreatment*, 28(3), 488–499. DOI:10.1177/10775595221074375

A retrospective examination of 500 child sexual abuse reports to prosecutor's offices analyzed case progress and predictors of attrition, including details about alleged perpetrator(s), victim(s), their families, and other case characteristics. Less than one in five cases proceeded to prosecution. For the full sample, we describe all outcomes and differentiate prosecutors' decisions to (a) intake/close, (b) investigate/close, or (c) prosecute; these stages comprise a 3-level dependent variable. Because it is important to understand which variables are associated with progress to each stage, we examined unique predictors of the decision to "investigate," and to "prosecute." Our multivariate analyses examine 325 cases with a perpetrator aged 16 and older. Caregiver support and perpetrator age were significant predictors across all outcome variables, while other factors were barriers to the "prosecute" decision only. Results highlight the complexities of case characteristics that are important at different stages of prosecutorial decision-making and inform future interventions.

Denne, E., St George, S., & Stolzenberg, S. N. (2023). [Myths and misunderstandings about child sexual abuse in criminal investigations](#). *Journal of Interpersonal Violence*, 38(1–2), 1893–1919. DOI:10.1177/0886260522109367908862605221093679

Researchers have established that rape myths shape perceptions of victims and perpetrators in criminal cases. Researchers have devoted less attention to exploring the impact of child sexual abuse (CSA) myths in court. While we know that jurors believe myths and misconceptions about the nature of CSA, no work has explored how these

myths appear during the prosecution of CSA cases. The purpose of the present investigation was to assess how defense attorneys apply myths more specific to CSA in the questioning of children testifying about alleged CSA. The present study compliments and expands upon a previous study by St. George and colleagues (2021a), where authors examined the use of rape myths in the questioning of children making allegations of CSA. In the current study, we examined testimonies of 122 children testifying in criminal cases of alleged CSA in the United States. We qualitatively coded 6,384 lines of questioning for references to CSA-focused myths related to the disclosure process, witnesses and privacy issues, assumptions of harm, and the child's positive relationship with the perpetrator. These myths were common, occurring in over 10% of defense attorneys' lines of questioning. Disclosure issues were the most frequent, followed by witness and privacy issues, assumptions of harm, and the child's positive relationship with their perpetrator. In many cases, attorneys employed different strategies across child's age to highlight these myths. These findings compliment those of prior work suggesting that CSA myths, much like rape myths, are appearing with regularity. Defense attorneys are likely capitalizing on jurors' misconceptions to undermine children's believability.

George, S. S., Henderson, H., Flippin, M., Stolzenberg, S. N., & Lyon, T. D. (2023). Appellate review of child sexual abuse convictions: The importance of character evidence. *Child Maltreatment*, 0(0). DOI:10.1177/10775595231196096

This study examined the role of character evidence and other issues in criminal appeals of child sexual abuse (CSA) convictions. Character evidence includes uncharged acts and character witnesses who testify to another's reputation or opinion and is offered to prove an individual's propensities. Examining 168 appellate court opinions reviewing CSA convictions between 2005 and 2015 in Maricopa County, Arizona, we found that when specific types of evidence were at issue, they were most often character evidence issues (49%). However, appellate courts virtually never reversed convictions ($n = 5$), and when defendants did obtain relief, the reduction in charges or in sentences was minor. Of the

small number of opinions that were published (n = 4), all focused on character evidence, including the single case reviewed by the Arizona Supreme Court. However, close examination of the published cases suggested they effected only modest change.

Lyon, T. D. (2023). [Child maltreatment, the law, and two types of error](#). *Child Maltreatment*, 28(3), 403-406. DOI:10.1177/10775595231176454

Peters, R. J., & Miller, C. (2023). [Getting forensic interviews admitted: 11 strategies for child abuse prosecutors](#). Zero Abuse Project.

This guide is a practical companion to Zero Abuse Project's treatise "Child Statement and Forensic Interview Admissibility," which provides extensive case law, state statutes, hearsay exceptions, and courtroom accommodation provisions, as well as sample motions for prosecutors. The purpose of this article is to synthesize these sources of law and summarize common strategies used by U.S. prosecutors to admit forensic interviews into evidence.

Quas, J. A., Mukhopadhyay, S., Winks, K. M., Dianiska, R. E., & Lyon, T. D. (2023). [Successful criminal prosecutions of sex trafficking and sexual abuse of minors: A comparative analysis](#). *Child Maltreatment*, 28(3), 500-516. DOI:10.1177/10775595231176432

Despite increased awareness of sex trafficking of minors in the U.S., prosecution of traffickers remains difficult, in part because of victim uncooperativeness. There are questions about how that uncooperativeness is expressed, whether it is evident in successfully prosecuted cases, and whether it is unique to trafficked minors or it emerges in similar age victims of sexual abuse. To provide insight relevant to these questions, we compared appellate opinions in two types of successfully prosecuted criminal cases: sex trafficking and sexual abuse of adolescent victims. In the trafficking opinions, victims were

rarely described as disclosing on their own or as knowing their trafficker before the victimization. The opinions also often alluded to the trafficking victims' uncooperativeness and delinquency history, and frequently mentioned electronic evidence and prosecution experts. The sexual abuse opinions, in contrast, tended to suggest that victims' own disclosures initiated the case, perpetrators were known and trusted adults, and caregiver support during the case was common. Finally, the sexual abuse opinions never explicitly mentioned victim uncooperativeness or electronic evidence and rarely mentioned expert testimony or delinquency. The different characterizations of the two case types highlight the need for improved education concerning effective prosecution of sex crimes against minors.

Coburn, P. I., Connolly, D. A., Woiwod, D. M., George Alder, A., & Bernstein, D. M. (2022). Cross-examination may be more detrimental to repeated-event children than single-event children. *Memory*, 30(6), 715–724. DOI:10.1080/09658211.2021.1909622

Cross-examination is detrimental to the consistency and accuracy of children's reports and a re-direct interview may rehabilitate accuracy. We compared the effects of cross-examination on reports provided by single-event and repeated-event children. Children participated in one or five magic shows. One week later they were interviewed in a supportive manner (Interview 1). Next, a different interviewer cross-examined half the children or asked the other children all questions again (Interview 2). Finally, the initial interviewer re-directed the children by re-asking questions in a supportive manner (Interview 3). When defined narrowly (the instance children were asked to describe), cross-examination was more detrimental to single-event children and the re-direct interview rehabilitated correct responses for all children. When defined broadly (experienced details), cross-examination was more detrimental to repeated-event children and the re-direct did not rehabilitate correct responses for repeated-event children. Therefore, when performance was off the floor, cross-examination was more detrimental to repeated-event children. The changes that repeated-event children make

under cross-examination are explained by cognitive factors and social influences Ost et al., [2016].

Deck, S. L., Powell, M. B., Goodman-Delahunty, J., & Westera, N. (2022). An examination of implementation of special measures in child sexual assault trials and the problems that arise. *Current Issues in Criminal Justice*, 34(2), 188-206.
DOI:10.1080/10345329.2022.2057106

Giving evidence from the witness stand is often distressing for complainants of child sexual abuse. Technology-based special measures (eg, CCTV/AV link) enable complainants to give evidence from a location outside the courtroom, making the process less intimidating for complainants, which in turn enhances the quality of their evidence. Although the implementation of these measures has increased in prevalence over the preceding decades, little is known about the frequency and nature of problems that arise when special measures are utilised. In this study, we systematically coded transcripts from Australian child sexual assault trials to examine how (if at all) the implementation of special measures varied across child, adolescent and adult complainants. We also explored how often problems arose when special measures were used, and the nature of these problems. Our findings revealed that technology-based measures were regularly used for complainants in all age groups, but problems using these measures arose in the majority of trials. These results highlight the need for adequate training of professionals who are involved in operating special measures, as well as the need to outfit courts with appropriate equipment and facilities.

George, S. S., Denne, E., & Stolzenberg, S. N. (2022). Blaming children: How rape myths manifest in defense attorneys' questions to children testifying about child sexual abuse. *Journal of Interpersonal Violence*, 37(17-18), NP16623-NP16646.
DOI:10.1177/08862605211023485

Since rape myths were codified in 1980 (Burt, 1980), scholars have shown that individuals who endorse rape myths perceive victims as less credible and more responsible for rape and perpetrators as less responsible. Studies also show that rape myths hinder successful adjudication of rape cases by influencing juries' assessments of perpetrator guilt (Dinos et al., 2015). While most of this research focuses on sexual assaults involving adult victims, some scholars have found that victims as young as 12 are blamed for rape. If rape myths influence the perceptions of sex offenses even when victims are children, then defense attorneys in child sexual abuse (CSA) cases may be motivated to highlight rape myth in CSA trials. In the current study, we conducted a content analysis of the cross-examinations of 122 children, aged 6 to 17, alleging CSA to determine if and how defense attorneys question children about rape myths. We looked for questions about force and resistance, motives to lie, victim precipitation, and character issues (e.g., habitual drug use). We found that defense attorneys commonly referenced rape myths in CSA trials. A total of 10% of all defense attorneys' lines of questioning referenced a rape myth, and attorneys asked 77% of children at least one rape myth line of questioning. Whether or not attorneys asked about different myths and the content of these questions varied by children's age. Our findings indicate that defense attorneys use rape myths strategically to undermine children's credibility in CSA trials, but they adapt (adult) rape myths in ways that are plausible in the CSA context. Policies formed to prevent the prejudicial impact of rape myths at sexual assault trials involving adults (e.g., rape shield laws) may not adequately prevent their impact in CSA trials. Prosecutors, therefore, should address rape myths at CSA trials.

Grant, C., Munday, L., Nolan, K., Peters, R., Vieth, V., Johnson, R., & Farrell, R. (2022). [*Child victims with disabilities: A guide for prosecutors*](#). Zero Abuse Project.

Nearly 700,000 children experience abuse, maltreatment, or neglect each year, with the most common allegations being physical neglect, physical abuse, and sexual abuse.¹ National annual child abuse statistics cited from U.S. Administration for Children & Families, Child Maltreatment 2019. This data, released annually, is the most current federal data available. <https://www.acf.hhs.gov/cb/research-data-technology/statistics-research/child-maltreatment> Since child abuse is vastly underreported, this figure is not entirely reflective of the scope of the issue. Of the children that experience child abuse and maltreatment, children with disabilities are affected at staggering rates, despite being underrepresented in our child protection and judicial systems. Children with disabilities are at least three times more likely to be abused or neglected than their peers without disabilities,² and they are more likely to be seriously injured or harmed by maltreatment.³

² Jones, L. et al., (2012). Prevalence and risk of violence against children with disabilities: A systematic review and meta-analysis of observational studies. *Lancet*, 380, 899–907. doi: 10.1016/S0140-6736(12)60692-8

³ Sedlak, A. J. et al. (2010). Fourth National Incidence Study of Child Abuse and Neglect (NIS-4): Report to Congress. Retrieved from At the same time, disabilities themselves are not monolithic and are often co-present. Accordingly, prosecutors handling these important cases must be prepared to serve and advocate for individual child victims' unique physical, cognitive, and emotional needs. This obligation extends throughout the prosecution, including: the pretrial process, preparation of the child to testify, development of courtroom accommodations, expert witness and competency considerations, utilization of Individual Education Programs (IEPs), jury selection, and integration of case themes. This guide addresses each of these components of the prosecution and concludes with sample motions to implement recommendations.

Peters, R. J., Grant, C., Munday, L., Vieth, V. I., Miller, C., Remy, J. D., Hemke, N., Kang, B. H., Oakley, K., & Kinsey, C. (2022). [*Child statement and forensic interview admissibility*](#). Zero Abuse Project.

This guide was developed to equip entry-level prosecutors with an understanding of relevant admissibility law in their jurisdiction, and encourage seasoned prosecutors to take a fresh look at the several viable options for forensic interview admissibility. In most states, potential routes will include the medical treatment, excited utterance, prompt outcry, state of mind, present sense impression, and residual hearsay exceptions, as well as the possibility of prior consistent or inconsistent statements, forfeiture by wrongdoing, and other strategies. Whether preparing for suppression hearings or drafting proactive admissibility motions, prosecutors may benefit from the wealth of persuasive law articulated by other jurisdictions in this guide. Investigators and other members of the multidisciplinary team will also benefit from an enhanced understanding of law relevant to their daily work.

Vieth, V. I., Farrell, R., Johnson, R., Mackey, T., Dahl, C., Nolan, K., Peters, R. J., & Counsil, T. (2022). [*Where the boys are: Investigating and prosecuting cases of child sexual abuse when the victim is male*](#). Zero Abuse Project.

The Adverse Childhood Experience (ACE) study found that approximately one out of six men were sexually abused as children. Unfortunately, most sexually abused boys will never make an outcry during childhood and, even if abuse is discovered, investigators and prosecutors will face barriers that impede their ability to protect these children. This article explores the research on the sexual abuse of boys and offers concrete suggestions for conducting forensic interviews with these children, investigating crimes against boys, and presenting these cases to a jury. This is done, in part, through a discussion of a hypothetical case study that illustrates the challenges of responding to crimes against boys.

Williams, L. M., Block, S. D., Johnson, H. M., Ramsey, M. G., & Winstead, A. P. (2022). [Prosecution of child sexual abuse: Challenges in achieving justice](#). Wellesley Centers for Women.

Stephanie Block and Linda Williams, along with numerous colleagues, conducted federally funded research on the prosecution of CSA to examine rates of attrition in cases of CSA, to examine the trajectories of reported cases, and to assess current barriers at stages leading to prosecution. The research also documented non-prosecutorial outcomes, as not all cases result in prosecution and other outcomes are available and, at times, preferable. This paper explores policy and practice implications based on the examination of the prosecutorial outcomes. The outcomes for 500 randomly selected CSA reports made to the authorities in four jurisdictions were examined. In this white paper, we focus on the outcomes for the 325 cases that involved allegations of CSA by perpetrators aged 16 and older, and we make recommendations for policy and practice as well as call for further research and action. We examine how reports of CSA progress through intake, investigation, and prosecution; the characteristics of cases that move forward; and the factors associated with case attrition at each stage.

Alderden, M., Cross, T. P., Vlajnic, M., & Siller, L. (2021). [Prosecutors' perspectives on biological evidence and injury evidence in sexual assault cases](#). *Journal of Interpersonal Violence*, 36(7-8), 3880-3902. 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., & Greenwood, L. M. (2021). Child sexual assault nurse examinations and prosecutorial decisions to accept or reject cases of child sexual abuse. *Journal of Forensic Nursing*, 17(2), E10–E17. DOI:10.1097/JFN.0000000000000328

Prosecution of child sexual abuse (CSA) cases provides safety for communities and justice for victims. Prosecutorial decisions are multifactorial and include the presence of a structured coordinated community response to outcries and access to skilled healthcare providers. This study examines the impact forensic nurse sexual assault examinations (SAEs) have on prosecution in a population of children seen at a child advocacy center (CAC). The authors examined case data from 553 cases of reported CSA, seen by a forensic nurse in a CAC. Statistical analysis focused on prosecution decisions with and without SAE, with and without physical findings. Logistic regression determined prosecution occurred more often when SAE had been conducted ($p = 0.026$,

OR = 1.732, 95% CI [1.068, 2.808]), regardless of examination findings. The limitations include a single location for data and the multifactorial reasons for prosecution of cases. The multifactorial elements contributing to prosecutorial decisions are diverse. The formalized approaches in CACs historically show increased prosecution. Teasing out the impact of an SAE in a CAC may be reflective of positive CAC approaches. Regardless, a statistically significant finding of association uniquely with the SAE, with or without findings, implies more studies are needed to support the role of the forensic nurse in successful prosecutions of CSA cases.

Peters, R. J., Loy, A. D., Osteen, M., Remy, J., & Fitzsimmons, J. (2021). [Not an ocean away. only a moment away: A prosecutor's primer for obtaining remotely stored data.](#) *Mitchell Hamline Law Review*, 47(3), 1072–1128.

This Article provides an overview of the Stored Communications Act (SCA), the trajectory of Fourth Amendment jurisprudence since the SCA's passage, relevant provisions of the Clarifying Lawful Overseas Use of Data (CLOUD) Act, and bilateral agreements following the enactment of the CLOUD Act. This Article uses real-life scenarios that prosecutors and law enforcement face to explore the potential pitfalls of accessing remotely stored data and proposes possible solutions to those problems. Examples include practices for obtaining domestically stored data, obtaining internationally stored data via the CLOUD Act agreement or mutual legal assistance treaty (MLAT), obtaining internationally stored data in the absence of the CLOUD Act agreements or MLATs, and obtaining data stored in extraterrestrial locations.

Ernberg, E., Magnusson, M., & Landström, S. (2020). [Prosecutors' experiences investigating alleged sexual abuse against pre-schoolers](#). *Psychology, Crime & Law*, 26(7), 687–709. DOI: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.

Coburn, P. I., Harvey, M. B., Anderson, S. F., Price, H. L., Chong, K., & Connolly, D. A. (2019). Boys abused in a community setting: An analysis of gender, relationship, and delayed prosecutions in cases of child sexual abuse. *Journal of Child Sexual Abuse*, 28(5), 586–607. DOI:10.1080/10538712.2019.1580329

Previous research on gender differences and delay of disclosure of child sexual abuse is inconclusive; some research has found that male victims are more likely to delay disclosure than female victims, while other studies have found no gender difference. The present archival study investigated this inconsistency by examining factors that interact with delay. Judicial outcomes of child sexual abuse cases were coded (N = 4237) for

variables related to the offense, the complainant–accused relationship, and court proceedings. Males and females differed with respect to delay only when the relationship between the complainant and the accused was established in the community (e.g., sports coach) or was a stranger to the child. When the accused was a parent, other relative, or a non–relative connected to the child through the family, there was no difference in delay between males and females. Further, males were more vulnerable in the community, as evidenced by a higher proportion of accused community members with male than female complainants, even though males represented fewer than 25% of cases in the database. These findings may help explain inconsistencies in gender differences in delayed disclosure. Implications regarding education about child sexual abuse are discussed, with a focus on male victims.

Lidén, M., Gräns, M., & Juslin, P. (2019). [From devil's advocate to crime fighter: Confirmation bias and debiasing techniques in prosecutorial decision-making.](#) *Psychology, Crime & Law*, 25(5), 494–526. DOI:10.1080/1068316X.2018.1538417

This research examines the role of confirmation bias in prosecutorial decisions before, during and after the prosecution. It also evaluates whether confirmation bias is reduced by changing the decision maker between arrest and prosecution. In Experiment 1, Swedish prosecutors (N = 40) assessed 8 scenarios where they either decided themselves or were informed about a colleague's decision to arrest or not arrest a suspect. Participants then rated how trustworthy the suspect's statement was as well as the strength of new ambiguous evidence and the total evidence. They also decided whether to prosecute and what additional investigative measures to undertake. In Experiment 2 the same method was used with Law and Psychology students (N = 60). Overall, prosecutors' assessments before the prosecution indicated that they were able to act as their own devil's advocate. Also, their assessments while deciding about whether to prosecute were reasonably balanced. However, after pressing charges, they displayed a more guilt–confirming mindset, suggesting they then took on the role as crime fighters. This differed

from the student sample in which higher levels of guilt confirmation was displayed in relation to arrested suspects consistently before, during and after a prosecution decision. The role of prosecutors' working experience is discussed.

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. DOI: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. DOI:10.1016/j.chiabu.2018.02.022

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.
DOI:10.1080/1068316X.2018.1424845

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 thematic 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.
DOI:10.1016/j.chiabu.2017.04.007

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. DOI:10.1037/law0000131

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.

Connolly, D. A., Chong, K., Coburn, P. I., & Lutgens, D. (2015). Factors associated with delays of days to decades to criminal prosecutions of child sexual abuse. *Behavioral Sciences & the Law*, 33(4), 546-560. DOI:10.1002/bsl.2185

Until the latter part of the 20th century, legal doctrines made it almost impossible to successfully prosecute in criminal court a case involving child sexual abuse (CSA), whether the complaint was timely or delayed. Many English-speaking countries have abrogated most formal legal barriers to prosecuting CSA cases, and courts are faced with the singular challenge of adjudicating sexual offenses against children that are reported to have happened years or decades earlier. We conducted analyses of 4,237 criminal complaints of CSA heard in Canadian criminal courts. There were several differences between timely and delayed prosecutions that led us to conclude that delayed prosecutions of CSA are common and due, in part, to the nature of the offense. Offense duration was associated with longer delays to prosecution. When the accused had access to the child through his position in the community, length of delay to prosecution was very long, particularly for male complainants. More research is needed

on delayed CSA prosecutions, particularly given an apparent trend for jurisdictions to abolish barriers to criminal prosecutions of CSA that occurred years or decades earlier.

Nwogu, N. N., Agrawal, L., Chambers, S., Buagas, A. B., Daniele, R. M., & Singleton, J. K. (2015). Effectiveness of Child Advocacy Centers and the multidisciplinary team approach on prosecution rates of alleged sex offenders and satisfaction of non-offending caregivers with allegations of child sexual abuse: A systematic review. *JBIR Evidence Synthesis*, 13(12), 93-129. DOI:10.11124/jbisrir-2015-2113

The objective was to evaluate the effectiveness of Child Advocacy Centers and the multidisciplinary team approach on prosecution rates of alleged sex offenders and satisfaction of non-offending caregivers of children less than 18 years of age, with allegations of child sexual abuse. Children under 18 years, of any race, ethnicity or gender with allegations of child sexual abuse. Other participants included in this review are non-offending caregivers of children with allegations of child sexual abuse, and alleged sex offenders. The use of Child Advocacy Centers and the multidisciplinary team approach on child sexual abuse investigations. Prosecution rates of alleged sex offenders and the satisfaction of non-offending caregivers of children with allegations of child sexual abuse. This review includes quasi-experimental and descriptive studies. The search strategy aimed to find published and unpublished articles in the English language published from 1985 through April 2015 for inclusion. The databases searched include: PubMed, CINAHL, EMBASE, PsycINFO, Cochrane Central Register of Controlled Trials (CENTRAL), Health Source: Nursing/Academic Edition, Criminal Justice Periodicals, ProQuest Dissertations & Theses and Criminal Justice Collections. An additional grey literature search was conducted. Two reviewers evaluated the included studies for methodological quality using standardized critical appraisal instruments from the Joanna Briggs Institute. Data were extracted using standardized data extraction instruments from the Joanna Briggs Institute. Due to heterogeneity between the included studies, statistical meta-analysis was not possible. Results are presented in a narrative form. The use of Child Advocacy Centers and the multidisciplinary team approach in child sexual abuse investigation may

have positive benefits in increasing non-offending caregivers' satisfaction and prosecution rates of alleged sex offenders. Utilization of Child Advocacy Centers and the multidisciplinary team approach for child sexual abuse investigations may be beneficial in improving prosecution rates and the experiences of families involved. The use of satisfaction surveys for non-offending caregivers may be an effective tool to evaluate the satisfaction with services rendered by Child Advocacy Centers. Findings from this review may help to guide reforms. It is hoped that client satisfaction may lead to or improve utilization of services important for the healing process of victims of abuse. Child Advocacy Center multidisciplinary team interventions may improve prosecution rates and satisfaction of non-offending caregiver' in children less than 18 years of age with allegations of child sexual abuse (Grade B). When available, children with allegations of child sexual abuse should be referred to Child Advocacy Centers for evaluation (Grade B). The use of non-offending caregiver satisfaction survey is recommended to evaluate the ongoing effectiveness of the Child Advocacy Centers multidisciplinary team approach. The quality improvement process will help measure the quality of care rendered by a Child Advocacy Centers and identify areas in need of improvement so a Child Advocacy Centers can continue to provide optimal care in the investigation of child sexual abuse while improving the utilization of services important for the healing process for victims of abuse (Grade B). Future studies may consider interventions that include greater sample size and more diverse ethnic groups to promote generalizability of findings.

Walsh, W. A., Lippert, T., Edelson, M. G., & Jones, L. M. (2015). Length of time to resolve criminal charges of child sexual abuse: A three-county case study. *Behavioral Sciences & the Law*, 33(4), 528-545. DOI:10.1002/bsl.2187

The present study sought to examine the court culture of three Oregon counties and their timelines for resolving felony child sexual abuse cases. Specifically, we examined (a) case outcomes, churning (i.e., the extent to which four court events were rescheduled), the

length of time to reach a criminal case resolution, and how this length of time compared to that for felonies generally; (b) whether mandatory minimum sentences affected resolution timeliness; and (c) key stakeholders' perceptions about their local court culture. Data included retrospective case-file abstraction (N = 532) on all felony child sex crimes for a 2-year period and interviews with legal professionals (N = 23). Across all three counties, a minority of child sexual abuse cases (18% to 47%) were resolved within the target timeframe of 4 months. In contrast, most felonies (65% to 77%) were resolved within this timeframe. The rescheduling of trials and the requirement of mandatory minimum sentences for some felony child sexual abuse crimes increased the time until case resolution. Results suggest that court cultures that are hierarchical and cooperative may lead to longer case resolution times than court cultures that are self-managing or autonomous. Implications of these results and other results are discussed.

Reid, J. A. (2013). Rapid assessment exploring impediments to successful prosecutions of sex traffickers of US minors. *Journal of Police and Criminal Psychology*, 28(1), 75-89. DOI:10.1007/s11896-012-9106-6

Critical psychological, systemic, and legislative barriers to the successful prosecution of child sex traffickers who exploit U.S. citizens were uncovered during a rapid assessment conducted in a U.S. metropolitan region considered a high intensity child prostitution area. Information obtained during 34 face-to-face interviews with criminal justice professionals most likely to encounter child sex trafficking victims was supported by the collection of supplementary quantitative data. Findings revealed complex psychological factors that deter victim participation in prosecutions of traffickers such as child victims' denial of exploitation, trauma bonding between victims and traffickers, and frequent flight and revictimization. Existing inadequacies within the criminal justice system were found that may contribute to child sex trafficking persisting as a low risk/high reward crime.

Walsh, W. A., & Steelman, D. C. (2013). Criminal disposition time for child-sexual-abuse cases in a large urban court. *Justice System Journal*, 34(1), 107-124.
DOI:10.1080/0098261X.2013.10768031

This study compared criminal disposition time for child-sexual-abuse cases and other felonies in the Arizona Superior Court for Maricopa County. Of those resolved, the majority of both child-sexual-abuse cases (59 percent) and felony cases (85 percent) were disposed within the target time frame of 180 days. However, nearly one in three child-sexual-abuse cases took more than two years to reach disposition or were pending. The average pending time for child-sexual-abuse cases were two-and-one-half times that for all pending felonies in general.

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. DOI: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.
DOI:10.1177/0011128708320484

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.

Cross, T. P., Walsh, W. A., Simone, M., & Jones, L. M. (2003). Prosecution of child abuse: A meta-analysis of rates of criminal justice decisions. *Trauma, Violence, & Abuse*, 4(4), 323–340. DOI:10.1177/1524838003256561

This study meta-analyzed rates of criminal justice decisions in 21 studies of prosecution of child abuse. Rates of referral to prosecution, filing charges, and incarceration varied considerably. Rates of carrying cases forward without dismissal were consistently 72% or greater. For cases carried forward, plea rates averaged 82% and conviction rates 94%. Compared to national data, child abuse was less likely to lead to filing charges and

incarceration than most other felonies but more likely to be carried forward without dismissal. Diversion, guilty plea, and trial and conviction rates were about the same for child abuse and all violent crimes. Thus, prosecuting child abuse is generally neither feckless nor reckless. Rates can be misleading and cannot be the sole measure of prosecution success.

Dalenberg, C. J. (2000). Overcoming obstacles to just evaluation and successful prosecution of multivictim cases. *Journal of Aggression, Maltreatment & Trauma*, 2(2), 141–163. DOI:10.1300/J146v02n02_07

The multivictim case presents special difficulties for the child protection system, including enhanced probability of multiple interviews and potential contamination of children's narratives by a variety of sources. Further, multivictim cases have been empirically shown to be more likely to involve severely abused children, fantastic claims, and other complicating factors. This paper presents eleven complications likely to arise in such cases and a number of potential routes to mitigate the problems that occur.

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. DOI:10.1023/A:1009429602266

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.

Brewer, K. D., Rowe, D. M., & Brewer, D. D. (1997). Factors related to prosecution of child sexual abuse cases. *Journal of Child Sexual Abuse*, 6(1), 91-111.
DOI:10.1300/J070v06n01_07

This study explored how various factors regarding the victim, offender, abuse situation, and case evidence were related to prosecution decisions in child sexual abuse cases. Data were collected from records of 200 closed child sexual abuse cases served at a southwestern United States agency during 1989–1990. Results indicated that cases involving recently reported abuse and offenders who were charged with abusing multiple child victims were significantly more likely to be prosecuted than cases involving less recently reported abuse and offenders charged with abusing only one victim, respectively. In terms of the victim-offender relationship, prosecution was most likely for cases with offenders who were strangers, next most likely for acquaintances and step and extended family members, and least likely for biological nuclear family members. Also, cases with medical evidence of abuse were more likely to be prosecuted than cases without medical evidence only when serious abuse was involved. In addition, prosecution was significantly less likely for cases with younger victims than for cases with older victims. Seriousness of abuse, the presence of medical evidence, and recency of abuse did not account for this victim age-prosecution status relationship. Furthermore, no cases involving possible custody disputes were prosecuted. Implications are discussed concerning the need for focused and integrated efforts in responding to allegations of child sexual abuse.