

Assessing Child Sexual Abuse Allegations and the Child Forensic Interview

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Track: Juvenile

CE: CPA/BBS/BRN (1.5)

POST TBD, MCLE TBD

Narrative

Understanding the dynamics of Child Sexual Abuse (CSA) informs both the investigation and adjudication of abuse allegations. This presentation will delve into the reasons child victims provide delayed and often unconvincing disclosures of CSA as well as the reason evidence related to abuse claims is best gathered using a formal Child Forensic Interview (CFI) technique. Presenters will review victim/perpetrator sexual abuse dynamics and explain why it is often easier for victims to endure sexual abuse rather than face the family disruption, disbelief, blame, shame and fear that often follows a disclosure. Sexual abusers position themselves in families, schools, sports teams, churches and other environments to locate potential victims. Because most sexual abusers “groom” their victims and their environment, the stage is set for victim access and compliance while at the same time dissuading victim disclosure. Child Sexual Abuse Accommodation Syndrome (CSAAS), described by Roland Summit in the 1980’s, is a theory originally designed to teach treating professionals the reasons children are so reluctant to disclose abuse. Expert testimony related to CSAAS is often offered in court to address juror misconceptions about a victim or to rebut an attack on a victim’s credibility. Presenters will explore how CSAAS is used and misused in the courts and research, and case examples related to true and false claims of abuse will be analyzed.

Although theories of CSA may be useful in the investigation and adjudication of a child sex abuse case, evidence of a crime is undoubtedly more persuasive and harder to obtain. A properly conducted Child Forensic Interview (CFI) is designed to uncover and memorialize valuable information used to investigate and adjudicate sex crimes. Information related to specific offense details, the relationship with the accused, grooming techniques and physical evidence can be unearthed during the CFI and pursued by investigators. Trier’s of fact can later examine how the child was questioned and what they said early in the disclosure process. A forensic interview of a child is a developmentally sensitive and legally sound method of gathering factual information regarding allegations of abuse, and is conducted by a competently trained, neutral professional who uses research and practice-informed techniques as part of a larger investigative process. The forensic interview is one component of a comprehensive child abuse investigation; which includes but is not limited to, the following disciplines: law enforcement, Child Protective Services, prosecutors, victim advocates and medical and mental health practitioners. Because use of a structured interview model is now a professional standard, the presenters will review the strengths and limitations of various CFI

models as well as how such interviews inform the legal system, treating professionals and those who conduct risk assessments of sex offenders. Presenters will also examine the cultural context of allegations and how a child's developmental stage, memory and language capacity, and the impact of trauma influence disclosure and interview techniques.

Bio

Susan Napolitano, PhD

Sexually Violent Predator Evaluator, California Department of State Hospitals

Susan has more than 20 years experience as an expert witness in civil and criminal court cases. A native of New York, she earned a bachelor's degree in psychology from LeMoyne College in Syracuse, N.Y. and a master's in clinical psychology from Fairleigh Dickinson University in Madison, N.J. She completed her PhD at the California School of Professional Psychology in Fresno, California. In 1991 followed by two years of post-doctoral training in child, adolescent and adult clinical psychology at the Sullivan Center for Children. Susan served as Assistant Clinical Director of the Sullivan Center for Children in Fresno, California for 15 years. She served as chief of staff at Cedar Vista Hospital in 1999 and formerly worked as an adjunct faculty member of the California School of Professional Psychology and Fresno Pacific University. As an expert witness, Susan has testified on behalf of prosecutors, plaintiffs and defendants in cases involving Mentally Disordered Offenders (MDO), sexual abuse of children, sexual abuse allegations, child custody, malpractice and personal injury. She is an expert in Child Sexual Abuse Accommodation Syndrome (CSAAS) and received training by the Child Abuse Training and Technical Assistance (CATT) centers as a Child Forensic Interview Specialist. Susan served as Child Forensic Interview Specialist with the Madera County Child Sexual Assault Response Team (CSART) from 2006 through 2010. She has mentored new psychologist evaluators, testified throughout California and provided expert consultation for attorneys. She holds the position of Sexually Violent Predator Expert with the Department of State Hospitals. Her forensic experience also includes conducting Sexually Violent Predator (SVP) evaluations and Mentally Disordered Offender (MDO) evaluations for the California Department of State Hospitals, Forensic Services Unit. She also serves as a the MDO Peer Review Program Coordinator, and is a mentor, trainer and quality assurance provider for MDO evaluators. Susan is a past president of the Joaquin Valley Psychological Association and a member of the National Register of Psychology Providers. She served as editor of the San Joaquin Psychologist for nine years. In 2000, she received the Distinguished Psychologist Award from the San Joaquin Valley Psychological Association.

Caroline Dower-Serrano, M.A.

Faculty, California State University, Fresno

Forensic Interviewer, The Family Healing Center

Caroline is a Child Forensic Interviewer with the Family Healing Center in Fresno, Ca. She has specialized in forensic interviewing for over 10 years, interviewing thousands of children during that time. She has conducted interviews for sexual assault, physical child abuse, child endangerment, child abduction, human trafficking, domestic violence and homicide allegations. She has coordinated and trained a multidisciplinary team including law enforcement, social

services, prosecutors, advocacy, and mental health in Fresno County. Caroline was trained by California Child Abuse Training and Technical Assistance Center (CATTa) in Child Forensic Interview Training in 2008, and was trained by National Child Advocacy Center (NCAC) in Advanced Forensic Interviewing Training in 2010. Caroline earned her MA in Marriage and Family Therapy from Fresno Pacific Biblical Seminary in 2018.

Learning Objectives

1. Describe and understand the history and applicability of Child Sexual Abuse Accommodation Syndrome (CSAAS) and how it is used in courts.
2. Describe and understand abuse related dynamics that result in victims submitting to abuse, returning willingly to perpetrators and failing to tell others about the abuse.
3. Identify and understand various forms of grooming child victims.
4. Describe and understand what research has revealed about repressed memories in cases of proven child sexual abuse.
5. Assess and understand the key elements Dr. Elizabeth Loftus' research related to false memories and suggestibility and its relevance to CSA and forensic interviews of children.
6. Describe and understand the impact of famous legal cases involving improper questioning of children making CSA allegations and the legal consequences to those falsely accused and to therapists who use questionable techniques to elicit false memories.
7. List the risks of multiple interviews and unstructured questioning of children who disclose abuse allegations.
8. Differentiate aspects of memory, interview style and situations most likely to elicit inaccurate reports of abuse versus those that facilitate accurate and thorough reporting.
9. List and understand best practices with regard to interviewing children when an abuse allegation is made.
10. List interview techniques designed to facilitate most accurate and complete disclosures of abuse.