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Dean Logan's Blog

Experts Gather to Discuss the Complexities of Child Abuse Cases

Posted by David Logan on 03/04/2013 at 12:54 PM

Few situations present greater challenges to the legal system than trials over the sexual abuse of young children when, often by necessity, the children are witnesses in the case. Abusers take great care to keep their conduct as secret as possible, and in many instances there are no witnesses to the sexual acts except the children themselves. Even when physical evidence confirms that sexual abuse occurred, it does not always identify the perpetrator.

The stakes in such cases can hardly be greater. The law has a powerful interest in convicting the guilty, who are often caretakers – parents, stepparents, teachers, camp counselors, clergy, and the like – of the children. The law also has a powerful interest in exonerating the innocent from these dreadful charges. Some argue that false memories can be suggested and implanted by adults who may have nefarious motives, such as divorced parents are engaged in bitter child-custody fights. Others argue that such possibilities are, at a minimum, overblown, and that children are more reliable than judges and juries believe. Indeed, maybe it is easier to decide that the charges are erroneous than to deal with horrific truth.

To complicate matters further, young children often have enormous difficulty facing their abusers eye-to-eye and testifying in open court. After all, the child may be accusing someone as close as a parent of a terrible betrayal. The legal system has wrestled with such challenges for years – how successfully is a matter of dispute. Under what circumstances should courts allow adults to testify about what the child told them? Should children be permitted to testify from the judge's chambers via closed-circuit TV? What protocols should physicians, social workers, and police follow when they interview children? How has media coverage of past and present cases affected how we are handling these cases?

RWU Law was proud to host an important program on these deeply complex issues, organized by our own Professor Carl T. Bogus, and featuring many of the leading researchers: legal scholars who have studied some of the most famous (or depending on one's point of view, infamous) trials; psychologists who have been the principal investigators in some of the most important studies about child narratives of abuse; the leading theorist and researcher of repressed and recovered memories; a sociologist – with training in criminology – who studies media coverage of such cases; a practicing lawyer involved in this area; and a prominent Canadian legal scholar who is intimately familiar with how his country's approach has been influenced by recent research.

Here is the impressive line-up (the symposium papers will be published in a forthcoming issue of the *Roger Williams Law Review*):

Nicholas C. Bala, Professor, Law Faculty, Queens University, Canada
Ross A. Cheit, Professor of Political Science and Public Policy, Brown University
Jennifer J. Freyd, Professor of Psychology, University of Oregon
Gail Goodman, Professor of Psychology, University of California-Davis
Steven Gorelick, Professor of Media Studies, Hunter College, CCNY
Thomas D. Lyon, Professor of Law and Psychology, University of Southern California
Wendy J. Murphy, Adjunct Professor, New England Law School
Debra Poole, Professor of Psychology, Central Michigan University



Professor Carl T. Bogus





