Child Testimony In A Child Abuse Case Essay, Research Paper

CHILD TESTIMONY IN A CHILD ABUSE CASE

Child abuse is a serious crime; this is a known fact. However, are children always a reliable source of information? Some experts do not think so. The criminal process of a child abuse case is a critical issue, and in some cases, the testimony of a child should be doubted.

Child abuse generally refers to the mistreatment of a child by a parent or other adult. It includes life threatening physical violence, including severe beatings, burns, and strangulation. It also may involve sexual abuse, emotional abuse, and neglect. The number one cause of child abuse is the parents stress. Many who hurt children may only intend to correct them, but do not realize how easily they can be injured.

Everyone must report suspected child abuse because failure to make a report is a misdemeanor and punishable by up to six months in prison and a five hundred dollar fine. However, in most cases, there is little or no evidence of the abuse or the identity of the abuser other than the child s statements. It must be recognized that false accusations of child abuse are harmful to the child because the accused parent is taken out of their life.

The accusatory process of an abuse parent requires critical examination. It begins with a written statement called an information, filed by the prosecutor. It basically states the charges against the accused individual. In response, the court issues an arrest warrant, takes the accused into custody, and fixes bail, which may be $300-$500.

The first court proceeding brings the accused before the court, and they receive notice of charge and their rights. Between the original court appearance and the time of trial, the defendant may agree to plea bargain and reduce the charge. However, if the defendant elects to deny the charge, they go to trial. The defendant is not required to testify. It has been seen that the criminal process and solution to child abuse can be totally ineffective. It may have some effect on the parent being capable of controlling his/her conduct, but its chief value lies in satisfying the community with the fact that justice has been served.

A lawyer s dilemma involves sticking to his own principles, while not exposing the child to further injury. In most cases, however, it is necessary for the child to be interviewed and possibly testify. A child goes through several stages of interviews. First, someone may interview them close to them, such as a family member, teacher, or friend. Then, a doctor or nurse, then a social worker, then a detective, and finally therapists, court investigators, and lawyers may question them.

It has been discovered that children may be led to make false accusations of abuse. They may not give accurate information unless they are asked specific, leading questions. However, some suggestive leading questions can manipulate young children into believing the interviewer s point of view of the events. Even preschoolers are capable of giving accurate testimony, but they are vulnerable to having their testimony and memories distorted to the point where the truth may never be known.

Several factors affect child testimony. The interviewer, for example, automatically assumes what happens and tries to get the child to confirm it. Also, young children are more likely to change answers to the same yes or no question if it is repeated in an interview. In addition, reports can be influenced by stereotypes suggested by the interviewer. When children are asked to think real hard about events they do not remember, they can come to remember, and then describe an event that never occurred. Also, an interviewer may tell a child that another child told about an event and reported that they were there too. Children may also adopt into their own memory ideas that their peers told them. Finally, children generally see adults as all knowing and trustworthy, and this can influence their response to questioning by adults.

Investigators should be required to videotape the interviews of children who may be victims of child abuse. Because all stories, whether they are true or not, tend to change over time, it is necessary to have an interview recorded at the earliest time possible. However, many argue that recording an interview may interfere by guaranteeing unwanted publicity or suggesting distrust. Also, recordings can be flawed, and any event can be affected by the practices of the interviewer. This can include ignoring what the child says that does not agree with the interviewer s assumptions about the events, and encouraging what the child says that does agree. They can also manipulate the child s mind by asking misleading or suggestive questions.

In the McMartin Preschool Case, seven defendants who ran the McMartin Preschool were arrested on suspicion of child abuse. Among these defendants were Peggy McMartin Buckey and her son, Raymond Buckey. They were tried on 52 felony charges after the children at their preschool in Los Angeles made claims of abuse. Fourteen child witnesses testified against them. Some of their most unlikely claims were that the children:

were forced to act in pornographic movies.

saw the mutilation and killing of animals for satanic rituals.

were forced into a coffin and buried.

were forced to watch while Ray Buckey killed a sea turtle by stabbing its shell. (Turtle shells are too tough to be stabbed.)

were taken to Palm Springs in an airplane or hot air balloon, abused, and returned.

were flushed down toilets, traveled through sewers to a place where adults sexually abused them, cleaned them up, then returned.

were taken through trapdoors in the floor of the preschool, through tunnels where they were abused. No tunnels were ever found.

In 1990, seven years after the case began, Mrs. Buckey was acquitted, and the charges against her son were dropped. Juries at two trials had acquitted him on some accounts and deadlocked on others. The New Jersey Supreme Court harshly criticized investigators for using coercive and highly suggestive methods of interviewing the children.

In recent studies, children made errors in reporting details of what they had seen in the studies. The errors were caused by suggestive questioning by an interviewer. The studies indicate that children can be led by a persistent interviewer to change descriptions of events. All of these studies address what has been and will continue to be a critical issue in the investigations of child abuse.