

**Psychological Research Related to Children, Policy, and Law**

**Tisha R. A. Wiley, Bette L. Bottoms, Margaret Stevenson,  
& Barbara Oudekerk**

**University of Illinois at Chicago**

*In press, 10/2005. Chapter to appear in: A. C. Fonseca (Ed.), Forensic Psychology,  
Coimbra, Portugal: Almedina Press.*

***Corresponding author:***

Bette L. Bottoms, Ph.D.  
Department of Psychology (MC 285)  
University of Illinois at Chicago  
1007 W. Harrison ST.  
Chicago, Illinois, USA 60607-7137  
Email: [bbottoms@uic.edu](mailto:bbottoms@uic.edu)

## **Psychological Research Related to Children, Policy, and Law**

**Tisha R. A. Wiley, Bette L. Bottoms, Margaret Stevenson,  
& Barbara Oudekerk**

On July 27, 2005, in a French court, 62 people were convicted of taking part in a child sexual abuse and prostitution ring. The case, involving 45 victims ranging from 6 months to 15 years old, was the largest child sexual abuse case ever tried in France. Attorneys for the defendants pled for mercy, asking the court to take into account “the background to the affair, which is social deprivation, failures of the judicial and social services . . . Nearly all the accused were themselves abused when they were children” (Allainangers, 2005; “Long jail terms,” 2005). In fact, psychological research reveals that child abuse can be devastating for its victims. Should such a fact be considered when courts determine punishment for crimes committed by former victims? What lies ahead for the psychological health of the dozens of child victims in this case?

In the early 1990s, 16-year-old Diana English was tried as an adult by a jury in a United States criminal court, rather than as a juvenile in front of a judge in family court, because of the serious nature of her alleged crime: shooting her father in the head while he slept. The jury convicted her of the murder, rejecting the girl’s claims that the shooting was in self-defense due to the father’s repeated sexual abuse (American Lawyer/Court TV Video Library Service, 1992). Psychological research shows that teenagers are not as emotionally or cognitively mature as adults. Should they be tried in the same court in the same way and given the same punishments?

In 2000, Elian Gonzalez, a 6-year-old Cuban boy, was rescued near the coast of Florida after his mother drowned while attempting to reach asylum in the United States. Courts returned Elian to his father in Cuba, but only after a highly publicized

international legal struggle focusing on whether the boy's best interests were served by being returned to a communist country with his father instead of remaining in the democratic United States with other relatives. The decision to return Elian to his father was driven by the courts' respect for parental rights. It is a decision that is supported by psychological theory and research, which recognizes the benefits of parent/child attachment.

As these cases illustrate, all over the world, children come into contact with legal systems every day. They enter legal systems as abuse victims in need of protection, as innocent parties in adult disagreements such as custody disputes, and as perpetrators of crimes. In turn, legal systems make many assumptions about children's capacities to act in these domains (e.g., to provide testimony about their own maltreatment, to state custodial preference, or to participate maturely in legal proceedings against them). Such assumptions are frequently based upon personal and public opinion about children's competence rather than upon actual facts, which psychological research can provide.

In this chapter, we discuss how psychological research has contributed to understanding dilemmas that arise when children become involved in legal situations. First, we discuss children as victims of maltreatment. We describe various forms of child maltreatment, approaches to preventing child maltreatment, and current knowledge about child victims' perceived and actual abilities to provide eyewitness testimony in maltreatment cases. Second, we consider children's rights in general and in the context of family conflicts such as custody disputes and decisions about foster care placements and adoptions. Finally, we turn to juvenile offenders, discussing perceptions of and legal responses to adolescent perpetrators of crime.

As we write this chapter, which is meant for a Portuguese audience, we are mindful that our discussion is somewhat unavoidably ethnocentric, with emphasis on the social issues, research, policy, and laws of the United States. Even so, much of the content will apply in both countries and both cultures. As can be seen in the examples above, it is an unfortunate fact that children come into contact with legal systems in all countries. No matter what the country or culture, situations such as these are challenging, because laws and policies are generally not developed with children in mind. Thus, great effort and care is needed to accommodate children's special circumstances and needs within the legal structure. Throughout the chapter, we provide some examples of the circumstances children face in various countries other than the United States. These examples illustrate that some societies have met the challenges presented by children in the legal system better than others, but that all nations could improve. For example, although countries such as the United States, Great Britain, Australia, and Israel are advanced in understanding how to recognize child abuse and accommodate the testimony of child witnesses in court (Schwartz-Kenney, McCauley, & Epstein, 2001), in other countries like India, child maltreatment is often completely ignored and children rarely testify in court (Segal, 1996). Further, although the United States has done a great deal to accommodate children's needs in a special justice system for young offenders, the United States also has the dubious distinction of being one of only two countries (the other is Somalia) not to have ratified the United Nations Convention on the Rights of the Child, and until this year, United States' courts sentenced juvenile murderers to death. Of course, signing the Convention is no guarantee that a country will protect children's rights, and some of the ratifying countries

(e.g., India, Japan, Sri Lanka) are settings for child prostitution and other extreme forms of child exploitation (Schwartz-Kenney et al., 2001). In summary and in preview, there is room for improvement in every country, and psychological research can provide the methods for such change.

### **Child Maltreatment**

Children often become involved in the legal system as victims of child abuse. Definitions of child maltreatment are inconsistent across locations, time, political milieu, culture, and country (Bottoms, Reppucci, Tweed, & Nysse-Carris, 2002; Cicchetti & Manly, 2001; Runyan et al., 2005). Behavior that is legally defined as abuse within one society might not be considered abuse in another, and legal definitions of abuse often differ from psychological definitions. In fact, defining child abuse is so complex and the issues so contentious that an entire special issue of the international journal *Child Abuse and Neglect* was recently devoted to this topic (English, 2005). Even so, most professionals in the field today would agree that four of the most recognized categories of child maltreatment are sexual abuse, physical abuse, emotional or psychological abuse, and neglect. (For an excellent review of research on child maltreatment generally, see Myers, Berliner, Briere, Hendrix, Jenny, & Reid, 2002.) Of course, in economically deprived countries, such forms of abuse are almost secondary to horrendous realities such as life-threatening poverty and starvation, infanticide and gender-selective abortion, organized child prostitution and trafficking, etc. For example, there are an estimated 10 million child slaves in India (Segal, 1996, 2001), military conscription of children and child sex tourism occur in Sri Lanka (de Silva, 2001), and

child prostitution and child labor are serious issues in Kenya (Onyango & Kattambo, 2001) and Mexico (Estrada, 2001).

Child sexual abuse is generally considered to include any circumstances in which a child is coerced or deceived into sexual activities with an adult (Creighton, 2002; Hobbs & Wynne, 2004). Sexual abuse usually involves physical contact (e.g., penetration, grabbing, stroking), but physical contact is not necessary. That is, activities such as promoting sexually promiscuous behavior in children or forcing children to watch or make pornographic material are also considered sexually abusive (Berliner & Elliott, 2002). Respected psychologists in the field of child abuse do not believe that children can give meaningful consent to sexual activities, thus the presence or absence of a child's stated willingness to have sexual relations with adults is considered irrelevant (although this issue has stirred some controversy, see Ondersma, Chaffin, Berliner, Cordon, Goodman, & Barnett, 2001; Rind, Tromovitch, & Bauserman, 1998).

Physical abuse is characterized by the deliberate infliction of physical harm upon a child (e.g., hitting, punching, throwing, shaking, poisoning, burning, etc.) (Kolko, 2002). Physical abuse can be even more difficult to define than sexual abuse. That is, while all forms of sexual contact between an adult and a child are considered socially inappropriate across most cultures, mild to moderate physical punishment is socially sanctioned in many cultures. For example, although countries such as Sweden, Portugal, Israel, and Italy legally protect children from all forms of corporal punishment ([www.childrenareunbeatable.org.uk](http://www.childrenareunbeatable.org.uk), [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)), in many countries such as Russia (Berrien, Safonova, & Tsimbal, 2001), Kenya (Onyango & Kattambo, 2001), Sri Lanka (de Silva, 2001), and the United States, corporal

punishment is not only legal, it is considered an appropriate disciplinary practice by many people (Gershoff, 2002). Even so, research shows that corporal punishment can have negative outcomes and that serious physical child abuse is sometimes the result of escalated corporal punishment (Straus, 1994).

Psychological abuse or emotional abuse is the repeated disparagement of a child (usually verbal) that hinders a child's psychological development (Creighton, 2002; Myers, Redlich, Goodman, Prizmich, Imwinkelried, 2002). This includes terrorizing, ignoring, isolating, corrupting, and all other behaviors that signal to children that they are unwanted, unloved, or worthless (Hart, Brassard, Binggeli, & Davidson, 2002). Psychological abuse often accompanies other forms of child maltreatment, but it can also occur independently. On its own, psychological abuse is difficult to identify and understand and thus, its victims rarely receive treatment (Creighton, 2002). As compared to more outwardly noticeable forms of abuse, psychological abuse receives less research and legal attention. Psychological abuse deserves more attention given the potential harm to children's social and emotional development.

Whereas physical, sexual, and emotional abuse are the result of inappropriate (and often intentional) actions taken by a caretaker, neglect is characterized by a caretaker's failure to act (Portwood, 2006). It can take many forms, including failure to provide food, shelter, emotional support, medical attention, education, or to remove a child from harmful situations (Dubowitz & Black, 2002; Erickson & Egeland, 2002; Milner, 1993; Myers, 1992). Neglect is the most common type of child maltreatment, although it is the subject of less research than other forms of abuse.

In all its forms, child maltreatment affects many children worldwide each year, although it is difficult to know exactly how many because specific national statistics are not kept by most countries (e.g., Australia, Canada, Japan), especially countries just beginning to recognize the issue of child maltreatment (e.g., India, Malaysia, Romania, Russia) (Schwartz-Kenney et al., 2001). In the United States, where there are national reporting structures, approximately 3,000,000 cases of child maltreatment are reported to the authorities annually. Approximately one-third of these cases are supported by enough evidence for authorities to determine that the abuse actually occurred (Department of Health and Human Services, 2000). As in other countries (e.g., Spain, De Paul & Gonzalez, 2001), neglect is the most common form of confirmed maltreatment (62% of cases), followed by physical abuse (19%), sexual abuse (10%), and psychological maltreatment (9%). Parents were responsible for 84% of cases.

On the one hand, many children are remarkably resilient, so child abuse does not necessarily scar its victims for life. As discussed by Alberto in this volume, appropriate treatment can ensure that children lead normal lives even after experiencing abuse. On the other hand, however, many children do suffer from the potentially devastating consequences of maltreatment, including cognitive and neurological deficits, psychological and emotional problems, and heightened susceptibility to revictimization, drug use, and delinquency, to name only a few (e.g., Beitchman, Zucker, Hood, daCosta, Akman, & Cassavia, 1992; Kolko, 2002; Quas, Bottoms, & Nunez, 2002). Without effective prevention, treatment, and intervention policies, maltreatment will continue, and some maltreated children will grow up to become troubled adults, affecting society throughout generations. Thus, there are few issues of such grave

practical importance to society, and simultaneously so directly relevant to the science and practice of psychology.

### ***Preventing Child Maltreatment***

Can governments intervene and prevent abuse with laws and policies? What types of social interventions are effective in decreasing child abuse? The rates of child maltreatment reported to authorities in the United States have stopped rising and child sexual abuse reports have even decreased recently. Specifically, Finkelhor and Jones (2001, 2004) found that contrary to the steady rise in child sexual abuse reports during the 1980s, from 1992 to 2000, the number of cases reported to authorities declined by 15%, and the number of substantiated cases dropped 40% nationwide. Decreases in physical abuse and neglect were more recent and less dramatic. This is good news, but what caused the decline? It is important to answer this question, because it has implications for the future of child abuse prevention and intervention. Finkelhor and Jones (2004) explored several possible explanations for the decline using national and state databases. They concluded that the reasons for the declines are complex. On the one hand, attitudinal and public policy changes could have contributed to declines in reporting and in increased skepticism in reports. On the other hand, the decline also probably reflects a real decline in the occurrence of child maltreatment. Thus, child abuse awareness and prevention programs implemented in the United States during the 1990s might have had their intended effect, but future research is needed to clarify the mechanisms responsible for the decline and to inform future policies aimed at child maltreatment prevention and intervention.

What can a society do to prevent child abuse? Because there is no one cause for child abuse, theoretical explanations for child maltreatment exist at multiple levels. Macrolevel theories focus on the fact that societal phenomena such as poverty contribute to child abuse. Family and individual theories focus on family characteristics and relationships (e.g., stress, family relationships, and parent and child characteristics). For example, to understand child physical abuse, one might focus on individual parent factors such as perceptions of and attributions for children's behaviors; expectations, developmental knowledge, and problem-solving skills; beliefs about the appropriateness of using physical discipline; and tolerance for stress and ability to inhibit aggression (Azar & Gehl, 1999; Wolfe, 1999; for a review, see Kolko, 2002). In contrast, ecological models proposed to explain physically abusive parenting stress the importance of family, cultural, and community factors (e.g., Belsky, 1993; Lynch & Cicchetti, 1998). Yet other theories attempt to identify biological and genetic explanations for child abuse (for a review, see Portwood, 2006). Thus, characteristics of the child, the abuser, and the family, as well as the broader social context in which the abuse takes place, all play a role in child maltreatment. In turn, prevention programs must take each of these factors into consideration (Belsky & Stratton, 2002; Portwood, 2006).

The primary goals of child maltreatment prevention programs are (a) identifying and reducing child abuse risk factors (e.g., low quality parent-child interaction), (b) detecting and terminating existing abuse at early stages, and (c) reducing the impact of existing and reoccurring child abuse. These goals can be addressed through a variety of prevention models and strategies (for a review, see Portwood, 2006). For example,

societal-level reform strategies attempt to change social norms surrounding childcare through law, public policy, and the media. Perhaps the most effective societal-level prevention strategy is the introduction of laws that prohibit abusive behavior. Such laws exist in most countries and are consistent with recommendations in the U.N. Convention on the Rights of the Child. In the United States and Canada (Mian, Bala, MacMaillan, 2001), other laws aimed at societal-level reform require perpetrators of sexual abuse, after they have finished serving their prison sentence, to register publicly as a sex offender everywhere they subsequently live, and in some extreme cases in the United States, to be committed to a mental institution for an indefinite time (Winick & La Fond, 1998). These laws, especially the latter one, are controversial because of civil rights issues, and it is not clear yet whether they really reduce child maltreatment. Other laws that might be effective in detecting and thereby terminating existing abuse are mandatory reporting laws, which have been introduced in countries such as the United States, Malaysia (Kasim, 2001), Russia (Berrien et al., 2001), and Israel (Cohen, 2001). These laws require certain citizens such as doctors to report abuse if it is encountered.

As another example of societal-level reform, educational media campaigns (i.e., advertising) have been used to promote positive parenting and discourage child maltreatment in the United States and countries such as Australia (Hatty & Hatty, 2001), Mexico (Estrada, 2001), Romania (Muntean & Roth, 2001), and Japan (Kouno & Johnson, 2001). For example, in the United States, billboards display messages that tell parents that shaking a baby is inappropriate, and advertising campaigns in health care settings alert new parents to the importance of making their homes safe for children

(Portwood, 2006). Thus, good public policy can aid prevention by creating and funding programs designed to prevent child maltreatment.

Family-level and individual-level prevention strategies are also used to reduce child sexual abuse. For example, “child empowerment models” exist in the United States and Australia. These school programs educate children about what sexual abuse is, that it is wrong, and that they should tell adults about it (Davis & Gidyez, 2000; Finkelhor & Dziuba-Leatherman, 1995; Hatty & Hatty, 2001). Although such advice might seem reasonable, there are many criticisms of programs based on this model (Portwood, 2006). One criticism is that such programs take resources away from programs that would address more common forms of child abuse such as physical abuse and neglect. Also, such programs wrongly assume that all adults will respond supportively to children’s sexual abuse disclosures (Berrick, 1988). Further, research illustrates that while such programs may increase children’s knowledge about sexual abuse, there is little evidence that they decrease victimizations (Finkelhor, Asdigian, & Dziuba-Leatherman, 1995). Finally, such programs might heighten children’s anxiety about abuse and place undue emphasis on children’s responsibility for preventing their own abuse rather than on adults’ responsibility to protect children. They might also foster a false sense of security that child abuse is being prevented (Reppucci & Haugaard, 1989).

“Parent education models” are other common individual- and family-level approaches to preventing maltreatment (especially neglect and physical abuse) in the United States (Portwood, 2006) and Canada (Else, Williams, Wilson, Watson, & Bradley, 1998). Such prevention strategies focus on providing new parents and soon-to-

be parents with resources, child-related knowledge, and parenting skills to help them become capable parents (Kitzman et al., 2000). In the best programs, trained nurses or social workers deliver resources directly to families during home visits. Programs based on two models in particular have resulted in healthier children and lower rates of child physical abuse: the “Healthy Families Model” (Breakey & Pratt, 1991) and the “Olds Model” (Olds, Henderson, Chamberlin, & Tatelbaum, 1986). Although this is promising news, such interventions may not work in all cases. For example, home visitations do little to mitigate child maltreatment in homes characterized by severe domestic abuse (Eckenrode et al., 2000).

Clearly, more research is needed to understand how to prevent child maltreatment most effectively. Portwood (2006) recommends that future prevention strategies focus on particularly vulnerable subpopulations and be evaluated with methodologically rigorous research.

### ***Controversial Issues in Child Maltreatment***

Before leaving the topic of child maltreatment, we will point out that in addition to the general categories of child maltreatment discussed above, there are subcategories of abuse that tend to be particularly controversial, causing problems for families, courts, policy-makers, and researchers. These include religion-related abuse claims and claims that arise as formerly repressed, then recovered memories.

***Religion-related child maltreatment.*** Religious beliefs can foster, encourage, and justify child abuse, yet religious motivations for child abuse and neglect have been virtually ignored in social science research. The few studies on this topic reveal that religion-related child maltreatment is not uncommon in the United States and comes in

many forms. For example, Bottoms, Shaver, Goodman, and Qin (1995) found that mental health professionals (psychologists, psychiatrists, and clinical social workers) encountered a variety of types of cases including (a) child sexual abuse perpetrated by persons with religious authority such as priests and ministers, (b) severe forms of child physical abuse perpetrated by parents and religious leaders who believe that severe beatings will cleanse children of evil, and (c) cases of severe medical neglect perpetrated by parents who believe that modern medical care is the work of Satan and prohibited by the *Bible* (see also Goodman, Bottoms, Redlich, Shaver, & Diviak, 1998). People from all types of religious faiths are perpetrators in these cases, but with some overrepresentation of fundamentalist Christian religions.

It is important to understand religion-related child maltreatment because its effects can be very negative. For example, one study revealed that religion-related physical abuse may have more harmful long-term psychological effects than physical abuse that is unrelated to religion (Bottoms, Nielsen, Murray, & Filipas, 2003). Sexual abuse perpetrated by religious leaders might be a particularly psychologically damaging type of sexual abuse, because the victims have been raised to fear God and revere the church and its leaders. Nevertheless, as made clear by the Catholic sexual abuse scandal, legal action in religion-related sexual abuse cases (by any governments or the Vatican) is often slow or absent altogether (John Jay Research Team, 2004). Medical neglect dictated by religious beliefs can leave children vulnerable to death from common, treatable ailments because it is often not reported to authorities and sometimes even sanctioned by law. That is, although countries such as England and Canada legally mandate medical care for children, some states within the United States

have exemptions to child protection laws that allow parents to escape legal consequences if a child is harmed by medical neglect that is religiously motivated (Bullis, 1991). Such exemptions result from attempts to balance parental rights, child rights, and religious freedoms.

Finally, another form of religion-related child abuse allegation, "satanic ritual abuse," is worth mentioning. Claims of satanic ritual abuse met with extreme controversy during the 1980s and early 1990s in the United States, the United Kingdom, France, and elsewhere. These cases were said to be extreme in every way imaginable, involving large numbers of perpetrators and victims, bizarre satanic cult practices, secrecy and conspiracy, and animal and human sacrifices. Yet research examining mental health and law enforcement professionals' experiences with such cases revealed no substantiated evidence for such claims in the United States (Bottoms, Shaver, & Goodman, 1996). In fact, the "Satanism scare" of the late 1980s and early 1990s was probably created, at least in large part, by overreactions from fearful religious publishing companies, television evangelists, and self-styled Satanism experts.

***Repressed memory claims.*** Satanic ritual abuse claims that were surely false were often reported by adults who claimed that they had suffered the abuse during their childhoods, but remembered it only years later as adults (often in therapy). How did hundreds of adults and children come to believe that they had suffered abuse that they really had not experienced? The answer to this question is complex. People can be prompted to adopt false beliefs and memories because of individual difference factors (e.g., being psychologically vulnerable and perhaps abused in other ways) and suggestive social factors (e.g., self-help books that insist on searching for certain

memories if one has certain vague complaints such as depression). Some adults probably developed these false memories because they experienced therapy designed to uncover “repressed” memories. (For an extended discussion, see Bottoms & Davis, 1997; Loftus & Katcham, 1994).

Although satanic ritual abuse claims have generally been discredited, adults still claim to recover memories of more typical forms of sexual abuse, and repression continues to be a controversial topic that inspires research (for a review, see Lindsay & Read, 1995). Repression, as originally conceptualized by Freud (1920/1966), refers to a defensive process that keeps emotionally laden and otherwise debilitating memories out of conscious awareness, resulting in amnesia (Briere, 1992; van der Kolk, 1994). The basic concept of repression is accepted among many practicing therapists and clinical researchers (e.g., Bass & Davis, 1988; Terr, 1994). Skeptics of repression, however, argue that repressed memories are not real, and that they result from fantasies or false suggestions from persuasive therapists, self-help books, etc. (e.g., Holmes, 1990; Loftus, 1993).

This theoretical debate has important implications for therapeutic practice and for legal policy. In the United States, the belief that memories of child sexual abuse could be recovered after years of repression has (a) led some therapists to use highly suggestive retrieval techniques to dislodge forgotten memories (Fredrickson, 1992), and (b) brought about changes in laws that grant victims a certain period of time after the moment they recover a memory of abuse (rather than the moment the alleged event occurred) to pursue a case against an alleged perpetrator (Gothard & Ivker, 2000). Critics such as Loftus (1997) have argued that clinical practices aimed at memory

recovery create false memories and that such laws are unnecessary and threaten defendants' due process rights because it is difficult to defend oneself after a long period of time (Reagan, 1999).

At this time, the controversy over false memory has decreased, as more research has brought about more understanding of the issues. For example, it is now generally accepted that false memories can be "implanted" through suggestive techniques, although there are limits to this (Pezdec & Roe, 1994). Also, some of the controversy dissolves when one understands the exact nature of victims' memories. That is, one perspective is that memories of abuse that are remembered later in life might be true, but that the memories were not truly repressed in a Freudian sense; instead, memory "recovery" might be explained by everyday memory mechanisms. Epstein and Bottoms (2002) found that victims of sexual abuse, physical abuse, or other trauma who say they "experienced a time during which they could not remember" their abuse often mean that they purposely tried not to think about the event or that they had failed to label the event as abuse until later in their lives. Very few victims mean that the memory of their abuse is completely inaccessible in the classic Freudian sense (see also Goodman, Ghatti, Quas, Edelstein, Alexander, Redlich, Cordon, & Jones, 2003). Such research suggests that neither highly suggestive therapy techniques nor special laws are needed to accommodate most memories of child abuse.

### **Children as Witnesses in Maltreatment Cases**

#### ***Factors that Influence the Accuracy of Children's Eyewitness Testimony***

Official reports of child maltreatment are likely to be serious underestimates of the actual occurrence of child abuse, because child victims are often reluctant to

disclose their abuse (for a review, see Pipe, Lamb, Orbach, & Cedarborg, in press). For example, research in our laboratory reveals that approximately a quarter of young adults who experienced child sexual abuse and a third of those who experienced physical abuse never told anyone about their abuse. Among those who did tell, fewer than 10% told authorities (Bottoms, Rudnicki, & Epstein, in press). If children do not tell about their abuse, they cannot be protected and perpetrators cannot be stopped. Thus, it is important for psychological researchers to determine what factors lead children to report their abuse.

Although many cases are not reported to authorities, a large number are. When suspicions of child abuse are reported in the United States, police and social service professionals who investigate claims of child abuse have a challenge: to interview suspected child victims in a way that facilitates disclosure of real abuse, yet also guards against false claims. A great deal of research has been conducted to determine what interview techniques can help investigators meet those challenges. That is, research has investigated ways to improve children's accuracy during forensic interviews that occur during initial investigations and in court. The earliest research, conducted over 100 years ago, incorrectly concluded that children were highly suggestible, dangerous witnesses, and not competent to give court testimony (for a review, see Davis, 1998; Goodman, 1984). After years of inattention, there has been a resurgence in children's testimony research, mainly in response to the increased reporting of child sexual abuse which, in turn, brought about rising numbers of legal investigations involving child witnesses. This research is beginning to yield consensus about factors that influence children's accuracy and suggestibility.

To summarize (and simplify), although there are important age differences in children's abilities, with preschool-aged children being less accurate than older children and adults, children are generally not as suggestible as once thought. That is, children are not as likely as once thought to report something that did not happen in response to an adult's suggestion that it did happen, particularly when they are questioned about meaningful events under optimal reporting conditions (for comprehensive reviews of findings discussed in this section, see Ceci & Bruck, 1995; Eisen, Quas, & Goodman, 2002; Goodman, Emery, & Hugaard, 1998; Poole & Lamb, 1998; Perona, Bottoms, & Sorenson, 2006; Quas, Goodman, Ghetti, & Redlich, 2000). For example, when investigators ask children open-ended, non-suggestive questions (e.g., "Why are you here today for this interview?" "What happened while you were in the house?"), children are more likely to give accurate responses than if they are asked very misleading questions that contain information that might not be true. Young children especially do not volunteer a great deal of information in response to such open-ended questions. Therefore, investigators often need to ask more specific, focused, or detailed questions to determine what a child witnessed or whether a child experienced abuse (e.g., "Did you ride in Uncle Bill's car?"). If such questions do not contain information that is misleading, these questions are appropriate for an interview. But if such questions contain information that is misleading, these questions might increase children's suggestibility and inaccuracy. Thus, it is important to understand the conditions under which children will be most suggestible in response to misleading questions.

Research shows that children's suggestibility can be increased when interviews (a) are conducted by biased or coercive adults; (b) are conducted in a cold and

intimidating manner rather than in a manner that is warm, friendly, and socially supportive (Davis & Bottoms, 2002; Bottoms, Quas, & Davis, in press); (c) contain language that is too difficult for children to understand because it is developmentally inappropriate and/or full of legal terminology (Carter, Bottoms, & Levine, 1996); (d) contain repeated misleading questions; (e) are conducted a long time after the original event allegedly happened; and (f) contain questions that are focused on non-central, non-meaningful events or events that a child did not directly experience. Note that factors such as these do not necessarily affect children's actual memory; rather, they might affect only children's reports. For example, like adults, children may be reluctant to report an embarrassing or traumatic event or an event they have been threatened to keep secret, even though they might remember the event very well (Saywitz, Goodman, Nicholas, & Moan, 1991; Bottoms, Goodman, Schwartz-Kenney, & Thomas, 2002).

Research has also examined the usefulness of props or aids that investigators sometimes use in child interviews. For example, anatomically detailed dolls can help children elaborate on reports and be more accurate, but these dolls can decrease accuracy when they are used along with misleading questions in an interview, and when they are used with very young children who do not yet have a mature understanding of symbolism (Goodman, Quas, Batterman-Faunce, Riddlesberger, & Kuhn, 1997). Also, although most child victims know their abusers, some do not. Thus, research has also been conducted on children's ability to identify strangers by using police line-ups or photo displays that may or may not include the stranger's picture. Young children are not as accurate as older children or adults in using line-ups to identify strangers (Goodman & Reed, 1986), and they are particularly inaccurate when the line-ups are

“target-absent” (that is, when the line-up does not include the stranger’s picture) (Parker & Carranza, 1989).

Findings from children’s testimony research have been used to formulate recommendations about the best interview techniques for investigators to use, so excellent guides are now available (for a review, see Goodman & Bottoms, 1993; Eisen et al., 2002; Poole & Lamb, 1998). When children are questioned using such guidelines, they are generally capable of providing detailed, accurate reports. In many communities in the United States and Canada, a forensic interview using such guidelines is often performed as part of a multi-disciplinary investigation team investigation, sometimes at a “children’s advocacy center” (Bottoms, Perona, Sorenson, & Najdowski, in press; McCauley, Schwartz-Kenney, Epstein, & Tucker, 2001; Mian et al., 2001). At these centers, police, prosecuting attorneys, social service professionals, and medical professionals come together to investigate claims of child abuse in a coordinated manner. This is believed to limit trauma for suspected abuse victims and their families, reduce the number of times children are interviewed, and ensure that children receive non-suggestive, yet thorough, forensic interviews in a sensitive and child-friendly manner.

Of course, child interview guidelines are still evolving, because there are still many unanswered questions about children’s eyewitness abilities. For example, much current research in this field is now focused on understanding the role of trauma and stress on children’s memory (e.g., Cordon, Pipe, Sayfan, Melinder, & Goodman, 2004) and individual differences in children’s abilities, as discussed by Ceci and Chaen in this volume (see also Crossman, Scullin, & Melnyk, 2004; Eisen, Goodman, Davis, & Qin,

1999). Therefore, future research in this field is likely to present an even clearer picture of children's abilities and ways to maximize those abilities during a forensic interview.

### ***Adults' Perceptions of Child Witnesses***

Another area of children's testimony research has focused on adults' perceptions of children's accuracy. This research is driven by the fact that people throughout the legal system must try to determine the accuracy of children's reports, even if it is usually impossible to know exactly what happened. For example, when children first make reports, police officers and social service professionals will have to decide whether a child is accurate and whether to pursue the case. In countries such as the United States, which is based on an adversarial system of justice, when cases are charged and go to trial, children testify in court and jurors and judges must make decisions about children's accuracy. Children also testify in front of juries in countries such as Romania, Canada, and Australia (Schwartz-Kenney et al., 2001). In some countries, however, crimes against children are only beginning to be recognized in a serious manner, and governments are not yet ready to accommodate children's reports in courts (e.g., in India, Segal, 1996) or children testify only rarely and when there is corroboration (e.g., in Kenya, Onyango & Kattambo, 2001; in Malaysia, Kasim, 2001).

A large amount of research has explored adults' perceptions of children's testimony. Most of this work has focused on understanding jurors' perceptions of child sexual abuse victims, because children are the most likely to testify in these cases due to the private nature of such crimes (Myers, 1998). In this research, a "mock trial" methodology is typically used: Researchers develop detailed, plausible cases based on facts from actual cases and present these cases to research participants. These

participants determine whether or not the defendant is guilty and provide a variety of other judgments such as ratings of victim and defendant believability, responsibility for the crime, etc. This work generally reveals that adults are not very accurate in determining children's actual accuracy, and that their perceptions are influenced by a number of factors other than children's actual accuracy, which we briefly review next. For a more comprehensive review, see Bottoms, Golding, Stevenson, Wiley, and Yozwiak (2007).

***Juror factors: Gender and attitudes.*** One robust and widely replicated effect in this area of research is that, on average, women are more likely than men to render a guilty verdict and/or to favor the victim in their judgments (Bottoms, Davis, & Epstein, 2004; Gabora, Spanos, & Joab, 1993; Golding, Stewart, Yozwiak, Djadali, & Sanchez, 2000; Haegerich & Bottoms, 2000; Isquith, Levine, & Scheiner, 1993; McCauley & Parker, 2001; Quas, Bottoms, Haegerich, & Nysse-Carris, 2002; Schmidt & Brigham, 1996). Why is this? One explanation is that men and women endorse different attitudes toward children, and these attitudes cause men and women to differ in their perceptions of child victims. Specifically, persons who have the most empathy for children, who consider children to be generally believable, and who react the most negatively to adult/child sexuality are most likely to make pro-child-victim and anti-defendant judgments in child sexual abuse cases. Further, in America, more women than men fit that profile (Bottoms, 1993).

***Victim factors.*** Mock trial experiments have revealed few if any significant effects of victim gender on people's perceptions of child sexual abuse cases (e.g., Bottoms & Goodman, 1994). Victim age, however, does influence judgments. People

are more likely to believe younger (i.e., less than 13 years old) than older child witnesses (e.g., Bottoms et al., 2004; Gabora et al., 1993; Golding, Sanchez, & Segó, 1999; Goodman et al., 2002; but see McCauley & Parker, 2001). Bottoms and Goodman (1994) found that this is because younger victims are perceived as honest and trustworthy, but also sexually naive, and thus lacking the knowledge and cognitive capacity to fabricate sexual encounters that did not really occur. As children get older, people begin to doubt their sexual naïveté and honesty and believe that they are capable of wanting sexual activity and/or fabricating it for various reasons.

Children with intellectual disabilities are especially likely to be sexually abused (Friedrich & Boriskin, 1978; Westcott & Jones, 1999), yet prosecutors in the United States are sometimes reluctant to take these cases to court, fearing that jurors will not believe disabled witnesses. In contrast, Bottoms, Nysse-Carris, Harris, & Tyda (2003) found that potential jurors believe mentally disabled child victims more than children of average intelligence because, like younger children, disabled children are thought to be trustworthy and honest, yet lacking the cognitive competence necessary for fabricating false charges.

A child's emotional reaction while testifying can also affect judgments (e.g., Golding, Fryman, Marsil, & Yozwiak, 2003). Although jurors expect an abused child to be upset when testifying, in reality, by the time actual child victims testify about their abuse, much time has passed and many children have become so accustomed to repeating their story that they no longer appear visibly upset. Thus, expert testimony from psychologists (who can testify to inform courts in the United States, Canada, and other countries) can be useful in educating jurors not to rely too much on such non-

verbal cues. In such cases, expert testimony can lead to more guilty verdicts (Gabora et al., 1993; Kovera et al., 1994; see Kovera & Borgida, 1996 for a review).

**Case factors.** Corroborating evidence also can affect the outcome of child sexual abuse trials. Archival analyses of cases in the United States reveal that medical evidence is the strongest predictor of case outcomes, nearly doubling the likelihood of prosecution and conviction (Bradshaw & Marks, 1990). Jurors themselves cite corroborating evidence as an important factor in decision-making (Myers et al., 1999). Mock trial research also illustrates that corroboration from another child victim can positively affect jurors' perceptions of a child witness, but may not be strong enough to affect verdicts (Bottoms & Goodman, 1994; Nightingale, 1993).

Research also indicates that defense and prosecuting attorneys play an important role in determining how cases are perceived. For example, Haegerich and Bottoms (2000) found that when attorneys induced jurors to empathize with a child defendant who claimed to have shot her father in self-defense because he had tried to sexually abuse her, jurors were more lenient in guilt judgments, considered the child to be less responsible for the murder, and were more likely to accept the child's claim of sexual abuse as a mitigating factor in the killing, as compared to when jurors did not empathize with the teenager.

Finally, in some circumstances, courts in the United States, Australia (Cashmore, 1995) and Canada (Mian et al., 2001), allow special accommodations for child witnesses, including allowing children's in-court testimony to be replaced by testimony given via closed circuit television (CCTV), by videotaped interviews that occurred prior to the trial, or by a witness who is allowed to testify about what the child said to him or

her (called a “hearsay witness”). In general, results from research exploring perceptions of child testimony via these alternative methods are somewhat mixed, but indicate that although children’s actual accuracy might sometimes increase when they testify via alternative modes like CCTV, such special accommodations sometimes make jurors believe the child less than when they testify in person in court (Goodman, Tobey, Batterman-Faunce, Orcutt, Thomas, Shapiro, & Sachsenmaier, 1998; see Kovera & Borgida, 1996, and McAuliff & Kovera, 2002, for reviews).

***Perceptions of other forms of maltreatment.*** Very little research has investigated jurors’ perceptions of other forms of child maltreatment such as physical abuse or neglect, even though those forms of abuse are more common than sexual abuse. The limited research suggests that women tend to be more pro-victim than men in their perceptions of child physical abuse (Muller, Caldwell, & Hunter, 1993). Also, physical abuse is perceived to be equally severe when it is inflicted upon very young (3-year-old) and older (10-year-old) victims, whereas psychological abuse is perceived as more severe for older victims, and neglect is perceived as more severe for younger victims (Dukes & Kean, 1989). More work on this issue is needed, however.

### **Children’s Rights**

At the heart of any discussion about children, psychology, and law are questions about children’s rights. What legal rights should children have in a society? Countries around the world differ in their answers to this question, even though there is an officially recognized, near-worldwide consensus that children have rights to self-determination, protection from abuse, education, privacy, and so on. That is, the United Nations Convention on the Rights of the Child is the international guidepost for policies

relating to children's rights. This treaty was opened for signature in January 1990 and put into full force by September 1, 1990—the fastest acceptance for any human rights treaty in history (Limber & Flekkoy, 1995; Melton, 1998). As mentioned earlier, every country except Somalia and the United States have ratified the Convention. Of course, ratification does not ensure a country's compliance with the suggestions of the convention. Child prostitution, child labor, and other practices forbidden by the convention are still commonplace in many signatory countries such as India, Malaysia, Sri Lanka, etc. (Schwartz-Kenney et al., 2001).

In addition to outlining children's rights, the Convention also provides directions for future research (Small & Limber, 2002). For example, it calls for research on children's understanding of their rights. The few studies on this topic suggest that children develop an understanding of the concept of rights around the age of 8 years and begin to understand their own rights during adolescence (Melton, 1980; Saywitz, 1989), but more work is needed on this topic. The Convention also calls for research investigating children's evolving capacities to exercise their rights, children's subjective understanding of key constructs such as family environment, and changes in social trends that affect children and families.

Although the importance of the Convention cannot be overstated, the document cannot solve all of the complex struggles within most societies between the rights of children, their family, and the government. Are children vulnerable individuals who are in need of protection rather than rights? Or are they young adults capable of making their own decisions? At what age should children earn rights? Which rights? Differences in opinions about these issues lead to very different conceptions of how child, family, and

government interests should be balanced. On the one hand, advocates and policy makers who believe children should have more protections than rights focus on how family and government interests should be satisfied. On the other hand, those who believe that children are more autonomous focus on children's rights to make choices about their lives (Small & Limber, 2002). Differences in these perspectives are highlighted in a variety of situations, including conflicts over education, juvenile delinquency, child maltreatment, custody and foster care decisions, and adolescents' medical decision-making. Researchers in the United States have begun to consider a number of questions that arise in such situations. For example, does the state have the right to compel children to participate in educational programs that their parents oppose? Are parents responsible for the actions of children who commit crimes? When an adolescent and parent disagree about medical treatment for the adolescent, whose wishes should be honored (Weithorn & Campbell, 1982)? Are children capable of giving informed consent for medical procedures? Policy-makers around the world face these difficult questions (for discussion, see Bottoms et al., 2002).

### **Issues of Family Dissolution: Divorce, Custody, Foster Care, and Adoption**

The clash between children's, parents', and government rights is perhaps no more obvious than in legal cases that arise when families disintegrate. Divorce, custody disputes, foster care, and adoption can all cause children to experience major lifestyle disruptions and can bring children into contact with legal systems even though they have done nothing wrong. Research examining the impact on children of divorce, custody disputes, foster care placements, and adoption is limited and often based on case studies or personal experience rather than rigorously controlled studies (Shlonsky,

Bellamy, Elkins, & Ashare, 2005). Nevertheless, good research in this area is growing, and much is beginning to be known about children's welfare in these situations, as we summarize next.

### ***Divorce and Child Custody Decisions***

Children whose parents divorce face a number of challenges: Their lives are disrupted, their living arrangements changed, and they may witness hostility between their parents. What effect do these experiences have on children? Divorce can increase the risk for maladjustment and behavioral problems. Children from divorced families experience more depression, anxiety, and low self-esteem as compared to children who have not experienced divorce (for reviews, see Bottoms et al., 2002; Goodman et al., 1998; Grych & Fincham, 1999). There are developmental differences in the way children respond to divorce. For example, preschool-aged children sometimes experience sleep disturbances and developmental regression, 6 to 8 year olds tend to misunderstand the divorce and openly express their fears and concerns about losing a parent, 8 to 12 year olds tend to exhibit increased anger and frustration, and older adolescents generally act out, express anger, and in the worst cases, suffer from depression and suicidal thoughts and behaviors (Grych & Fincham, 1999).

Such findings, however, must be examined with caution, because it is hard to determine the exact cause of these outcomes. Do children suffer from adjustment and behavioral problems as a result of the divorce or as a result of living with parents engaged in an unhappy marriage before the divorce? Divorce is often accompanied by physical separation from one parent, substantial financial changes within the family, changes in parent-child relationships, and other powerful factors (Goodman et al.,

1998). If not statistically measured and controlled, any of these factors could partly or wholly contribute to the negative outcomes revealed by research on the effects of divorce. In fact, some research reveals that although divorce is likely to be stressful under the best of circumstances, not all children are negatively affected by divorce. In fact, some children even benefit from their parents' divorce, especially those whose parents were engaged in a very unhappy, contentious marriage (Amato & Keith, 1992). Moreover, research shows that children who are negatively affected by a divorce at first usually do not suffer in the long-term (Heatherington, 1993). That is, children generally tend to adjust to the changes (for reviews, see Amato & Keith, 1991; Depner, 2002; Galatzer-Levy & Kraus, 1999; Goodman et al., 1998).

As discussed in the chapter by Taborda in this volume, divorce can also be accompanied by custody disputes; that is, disputes about where the child will live, how often the child will see each parent, and to what extent each parent will retain the legal right to make decisions on the child's behalf. Custody disputes can be an added stressor for children. Child custody cases may be resolved with a number of different arrangements. One or both parents may retain legal rights to make decisions on their child's behalf. The child may reside with one or both parents on a regular or variable schedule. Thus, a child might live primarily with one parent, but both parents may have the legal right to make decisions on the child's behalf. Although some studies suggest that such arrangements can be detrimental to children, particularly in high-conflict situations (e.g., Johnston, 1995; Twaite & Luchow, 1996), a recent meta-analysis suggests that overall, children in joint custody arrangements (whether legal or physical) are better adjusted than children in sole custody arrangements (Bauserman, 2002).

Nonetheless, every custody case presents a unique situation that must be evaluated. Regardless of who makes the custody determination (i.e., judges, social services personnel, or special mediators who attempt to solve disputes before they reach the court in the United States), such decisions are difficult because there are few guidelines to assist with this decision. Existing guidelines lack empirical support. One guideline, for example, recommends granting custody to the parent who, before the divorce, was primarily responsible for the child's care. Another guideline grants custody to the parent who appears to be most cooperative with the court (Bow & Quinnell, 2001; Levy & Derdeyn, 2005). In the United States, decision-makers are generally left to determine custody based on their own perceptions of what is in the child's "best interests." Thus, decisions are made on a case-by-case basis, and no matter how noble the decision-maker's intentions, there is enormous potential for decisions to be biased by the decision-maker's beliefs as well as general social trends such as a tendency to assume that mothers are inherently better caretakers.

What is the child's role in custody disputes? Should he or she be heard in the decision-making process? These questions are perhaps most complicated in cases involving adolescents as compared to younger children (Ravitz, 1999). That is, older children may have a preference regarding whom they want to live with, yet they may not be mature enough to decide what is in their own best interest. Interestingly, in Romania, the courts are directed by policy to consider the opinions of children 11 years old and older on issues of divorce and adoption (Muntean & Roth, 2001). Some scholars argue that children who participate in the decision will be happier with the outcome (Butler, Scanlan, Robinson, Douglas, & Murch, 2002; Melton, 1999). Others disagree, arguing

that it is inappropriate to ask children to choose or favor one parent over the other. This could be especially detrimental to children who truly do not have a preference (Goodman et al., 1998).

While researchers are facing these basic questions, many other areas of controversy are emerging. For example, are gay and lesbian parents as well suited to raise children as heterosexual couples? Research by Patterson (2002) suggests that they are. When gay and lesbian couples break up, does the non-biological parent have the same obligations to provide for his/her children as heterosexual parents do? A recent decision by the California Supreme Court says they do—but this is an emerging area of law, one that is sure to be rife with controversy and questionable assumptions suitable for testing with psychological research.

### ***Termination of Parental Rights, Adoption, and Foster Care Issues***

In extreme circumstances, courts intervene to remove children from a family completely. For example, in some cases of child maltreatment, children are removed from their home and placed in the care of a temporary foster family, group home, or residential school. Specifically, in the United States, when abuse is initially reported, a social worker makes an immediate decision about whether it is safe for the child to remain at home, and this decision is reviewed within 48 hours by a family court judge (Gratch, 2002). When children are removed from a home, parents are given many opportunities to demonstrate their capability to be responsible parents. If they do not, their rights may be terminated, and the child can be adopted.

How do judges make decisions about what is best for a child in these cases? What assumptions do they make? What factors influence their decisions? In the United

States, as in other countries such as Spain (De Paul & Gonzalez, 2001), England (Rogers & Roche, 2001), Australia (Hatty & Hatty, 2001), Mexico (Estrada, 2001), Norway (Killen, 2001), and especially Japan (Kouno & Johnson, 2001), family preservation is the prevailing, but sometimes controversial, policy. That is, parental rights are held in very high esteem and protected when possible. In other countries such as Russia, family preservation and reunification are not given such high priority, even though foster group-home placements are often overcrowded and neglectful (Berrien et al., 2001). In the United States, when children are removed from their parents, it is generally assumed that children and their siblings are best placed together in the care of family members (which is known as kinship care). Although there is some empirical support for these assumptions, research also highlights failures in implementing plans based upon these assumptions. That is, although children in kinship care experience more stability and are more likely to visit with their birth parents than children in non-kinship care, children placed in kinship care do not receive as many services and their cases are not monitored as closely (Berrick, Barth, & Needell, 1994; for a review, see Goodman et al., 1998). Children in both types of care, however, are similar in terms of physical, developmental, and mental health (Leslie, Gordon, Meneken, Premji, Michelmore, & Ganger, 2005). Thus, research does not yet fully support policies that favor kinship care over other types of foster care.

In the United States, courts promote (and sometime require) either placement with siblings or sibling visitations (Lery, Shaw, & Magruder, 2005). The assumption that children are best placed with siblings is somewhat difficult to examine because children involved in the foster care system have biological siblings, legal siblings, half siblings,

and/or step siblings, some of whom they have never met and with whom they have no relationship (Shlonsky et al., 2005). Research by Smith (1996) finds that social workers believe placement with siblings provides children with social support, lessens their sense of loss, and results in fewer adjustment and behavioral problems. Yet they also believe that sibling placements are not optimal when siblings are not close in age, when one sibling needs special services, or when space is not available. More research is needed addressing the validity of these assumptions and the influence of a variety of factors that may be related to sibling placements such as the quality of attachments between siblings, the impact of separation from siblings, etc. (Shlonsky et al., 2005).

In the event that parents are found to be unwilling, unfit, and/or unable to care for their children (usually after children have been in foster care for an extended period of time), judges in the United States can terminate parental rights, which frees the child for adoption by another family. In such cases, the court assumes (and hopes) that mistreated children will be adopted and provided with a stable environment where they can feel loved and wanted. Support for this assumption depends on the standard against which adopted children's level of psychological adjustment is compared. When compared to non-adopted children who remain in foster care, adopted children are at less risk for psychological problems (Bohman & Sigvardsson, 1990; Triseliotis & Hill, 1990). In contrast, relative to non-adopted children who are living with at least one biological parent, adopted children (particularly boys and children in early or late adolescence) are at higher risk for psychological and behavioral problems (Miller, Fan, Christensen, Grotevant, & van Dulmen, 2000; Sharma, McGue, & Benson, 1996; Wierzbicki, 1992). Note, however, that care is needed in interpreting research in this

field, because many circumstances are confounded with adoption. For example, some research has used samples of adopted children that were composed of children who were adopted as infants as well as children who were adopted later in life after maltreatment experiences, without accounting for the effects of those confounded experiences.

Of course, many adopted children have few or no psychological adjustment difficulties (Haugaard, 1998; Miller, Fan, Christensen, Grotevant, & van Dulman, 2000), but some do. This is not surprising because adopted children experience unique identity concerns related to their adoptive status, concerns that are particularly salient to children as they mature and are better able to understand their status (for a review, see Wilson, 2004). These concerns may be particularly salient for certain subgroups of adopted children, for example, international or transracial adoptees. For example, Asian and South American children adopted by White parents exhibit more adjustment problems to the extent they wish they were White (Juffer, Stams, & van Ijzendoorn, 2004).

Thus, there is a growing body of research aimed at understanding the impact of various forms of foster care and adoption placements. Future work is needed to understand particular risk and protective factors related to children's long-term adjustment. This work will help inform policy that guides courts in making critical child placement decisions and guides researchers in developing and implementing interventions that can ensure the success of child placements.

### **Juvenile Justice**

Until this point, we have discussed situations in which children are innocent,

blameless parties to cases in the legal system. Next, we address situations in which children and adolescents come into contact with the legal system as offenders. How does the legal system handle these young offenders? What consideration is or should be given to their age and developmental capacity?

Historically, juvenile offenders in the United States have been handled in juvenile court or family court where juvenile judges consider the cases and where emphasis is placed on rehabilitation. This is in contrast to adult criminal court, where lay jurors often decide cases and where more emphasis is placed on punishment. Although the actual rate of juvenile crime in the United States has dropped in recent years, more and more juvenile offenders (as young as 14 years old) who commit serious crimes are being transferred to adult criminal courts (Heilbrun, Leheny, & Huneycutt, 1997). This is despite psychological research demonstrating that (a) youths who are 15 years old and younger are less competent to stand trial than young adults (Grisso et al., 2003), (b) adolescents are more easily coerced by others and have less capacity for decision-making than do young adults (Salekin, 2002; Steinberg & Scott, 2003; Woolard, 2002), (c) juvenile offenders respond well to rehabilitation when given appropriate reform services (Reppucci, Woolard, & Fried, 1999), and (d) most juvenile delinquency ends as the child gets older (Moffit, 1993).

The current trend of transferring juvenile offenders to adult court has serious ramifications for young offenders. Specifically, juveniles who are transferred to criminal court not only receive more severe sentences than juveniles tried in juvenile court (including life imprisonment, which is specifically prohibited by the U.N. Convention on the Rights of the Child), but they also receive longer sentences than comparable adult

offenders who are tried in criminal court for similar crimes (Rudman, Hartstone, Fagan, & Moore, 1986; Snyder & Sickmund, 1999).

These facts bring up a number of interesting issues that psychologists are beginning to address. First is the topic of competence. Does the legal system's assumptions about children's competence match their actual competence? As the studies cited above reveal, the answer is usually "no." Children are often less competent than courts and policies assume. Another issue is how adults, as potential jurors, will react to juvenile defendants (Crosby, Britner, Jodl, & Portwood, 1995; Stalans & Henry, 1994). All over the world, there are varying attitudes toward juvenile offenders. Some adults perceive juveniles to be "Superpredators" (Dilulio, 1995), or serious offenders who deserve punishment. In the United States (Mendel, 2000) and Canada (Spratt, 1996), such attitudes are fed by sensational media stories that mislead the public about the extent to which juveniles commit serious crimes. These views support harsh policies and laws aimed at punishing juvenile offenders (Levesque, 1996). Other studies suggest that the public perceives juvenile offenders to be "Wayward Youth" who have just strayed down the wrong path and who are capable of rehabilitation. These views support more lenient policies and laws that recognize the rehabilitation potential for juveniles. Are these attitudes linked to judgments made by jurors in cases involving juvenile defendants? Haegerich and Bottoms (2004) found that people who support a lenient, rehabilitative approach to juvenile offenders as opposed to a punishment-driven approach are more lenient in their judgments in a hypothetical case involving a juvenile defendant. They also found that an attorney in a case can shape the views of jurors on these issues, and, in turn, influence jurors' case judgments.

Currently, more and more researchers are turning to the many difficult issues that arise when children and adolescents commit crimes and enter the legal system. As a result, the next decade will provide a great deal of research that policy makers can consult when faced with these difficult circumstances.

### **Conclusion**

When children enter legal systems that were designed for adults, many issues and problems arise. Psychological researchers are well equipped to help governments, agencies, and policy makers understand these issues and accommodate the special needs of children and adolescents. As we have shown, psychologists do this by assuming a variety of roles. For example, psychologists (a) describe phenomena related to children and law (e.g., child maltreatment, memory for abuse); (b) test assumptions that the legal system makes about children and their capacities (e.g., that juveniles are competent to stand trial); (c) identify the causes and consequences of social problems involving children (e.g., child maltreatment, juvenile delinquency); (d) develop and/or evaluate interventions that are designed to benefit children (e.g., programs to prevent child maltreatment, special techniques like closed-circuit television to help children testify in court); (e) discover and evaluate practical techniques that can be used by police, social workers, and others on the “front line” of the legal system who encounter children (e.g., guidelines for conducting forensic interviews with children); and (f) advocate for scientifically supported legal and social policies. In all of these roles, psychologists can assist legal professionals and policy makers in improving and optimizing policies and laws relevant to children. We hope that our chapter sparks the

interest of psychologists and students who might use their talents in one or more of these roles.

### References

- Allainangers, P. (2005, July 28). Court convicts 62 people in France's worst child sex case. *The Herald* (Glasgow). p. 13. Retrieved October 21, 2005, from Lexis Nexis database.
- Amato, P. R., & Keith, B. (1991). Parental divorce and the well-being of children: A meta-analysis. *Psychological Bulletin*, 110, 26-46.
- American Lawyer/Court TV Video Library Service (1992). *Kentucky v. English Trial Story*. [Film]. (Available from Courtroom Television Network, 600 Third Avenue, New York, NY 10016).
- Azar, S. T., & Gehl, K. S. (1999). Physical abuse and neglect. In R. T. Ammerman & M. Hersen (Eds.), *Handbook of prescriptive treatments for children and adolescents* (pp.329-345). Boston: Allyn & Bacon.
- Bass, E., & Davis, L. (1988). *The courage to heal: A guide for women survivors of child sexual abuse*. New York: Harper & Row.
- Bauserman, R. (2002). Child adjustment in joint-custody versus sole-custody arrangements: A meta-analytic review. *Journal of Family Psychology*, 16, 91-102.
- Beitchman, J. H., Zucker, K. J., Hood, J. E., daCosta, G. A., Akman D., & Cassavia, E. (1992). A review of the long-term effects of child sexual abuse. *Child Abuse & Neglect*, 16, 101-118.
- Belsky, J. (1993). Etiology of child maltreatment: A developmental Eurocological analysis. *Psychological Bulletin*, 114, 413-434.
- Belsky, J., & Stratton, P. (2002). An ecological analysis of the etiology of child maltreatment. In K. D. Browne, H. Hanks, P. Stratton, & C. Hamilton (Eds.), *Early*

- prediction and prevention of child abuse: A handbook* (pp. 95-110). England: John Wiley & Sons.
- Berliner, L., & Elliott, D. M. (2002). Sexual abuse of children. In J. E. B. Myers, L. Berliner, J. Briere, C. T. Hendrix, C. Jenny, & T. A. Reid (Eds.), *The APSAC handbook on child maltreatment* (pp. 55-78). London: Sage.
- Berrick, J. D. (1988). Parental involvement in child abuse prevention training: What do they learn? *Child Abuse & Neglect*, 12, 543-553.
- Berrick, J. D., Barth, R. P., & Needell, B. (1994). A comparison of kinship foster homes and foster family homes. *Children and Youth Services Review*, 16, 35-63.
- Berrien, F. B., Safonova, T. Y., & Tsimbal, E. I. (2001). Russia. In B. M. Schwartz-Kenney, M. McCauley, & M. A. Epstein (Eds.), *Child abuse: A global view*. (pp. 195-207). Westport, CT: Greenwood Press.
- Bohman, M., & Sigvardsson, S. (1990). Outcome in adoption: Lessons from longitudinal studies. In Brodzinsky, D. M. & Schechter, M. D. (Eds.), *The psychology of adoption*. (pp.93-106). New York, NY: Oxford University Press.
- Bottoms, B. L. (1993). Individual differences in perceptions of child sexual assault victims. In G. S. Goodman & B. L. Bottoms (Eds.), *Child victims, child witnesses: Understanding and improving testimony* (pp 229-261). New York: Guilford.
- Bottoms, B. L., & Davis, S. L. (1997). The creation of satanic ritual abuse. *Journal of Social and Clinical Psychology*, 16, 112-132.
- Bottoms, B. L., Davis, S. L., & Epstein, M. A. (2004). Effects of victim and defendant race on jurors' decisions in child sexual abuse cases. *Journal of Applied Social Psychology*, 34, 1-33.

- Bottoms, B. L., & Goodman, G. S. (1994). Perceptions of children's credibility in sexual assault cases. *Journal of Applied Social Psychology, 24*, 702-732.
- Bottoms, B. L., Goodman, G. S., Schwartz-Kenney, B. M., & Thomas, S. F. (2002). Children's use of secrecy in the context of eyewitness reports. *Law and Human Behavior, 26*, 285-313.
- Bottoms, B. L., Quas, J. A., & Davis, S. L. (in press). The influence of interviewer-provided social support on children's suggestibility, memory, and disclosures. To appear in M.E. Pipe, M. Lamb, Y. Orbach, & A. C. Cedarborg (Eds.), *Child sexual abuse: Disclosure, delay and denial*. Mahwah, New Jersey: Erlbaum.
- Bottoms, B. L., Nielsen, M., Murray, R., & Filipas, H. (2003). Religion-related child physical abuse: Characteristics and psychological outcomes. *Journal of Aggression, Maltreatment & Trauma, 8*, 87-114.
- Bottoms, B. L., Nysse-Carris, K., Harris, L., & Tyda, K. (2003). Jurors' perceptions of adolescent sexual abuse victims who have intellectual disabilities. *Law & Human Behavior, 27*, 205-227.
- Bottoms, B. L., Perona, A. R., Sorenson, E., & Najdowski, C. J. (in press). Interviewing suspected victims of child maltreatment. In N. A. Jackson (Ed.), *Encyclopedia of domestic violence*, New York, NY: Routledge.
- Bottoms, B. L., Reppucci, N. D., Tweed, J. A., & Nysse-Carris, K. L. (2002). Children, psychology, and law: Reflections on past and future contributions to science and policy. In J. R. P. Ogloff (Ed.), *Taking psychology and law into the twenty-first century* (pp. 61-117). New York: Plenum.

- Bottoms, B. L., Rudnicki, A.G., & Epstein, M. A. (in press). A retrospective study of factors affecting the disclosure of childhood sexual and physical abuse. To appear in M.E. Pipe, M. Lamb, Y. Orbach, & Cedarborg, A. C. (Eds.), *Child sexual abuse: Disclosure, delay and denial*. Mahwah, New Jersey: Erlbaum.
- Bottoms, B. L., Shaver, P. R., & Goodman, G. S. (1996). An analysis of ritualistic child abuse allegations. *Law and Human Behavior, 20*, 1-34.
- Bottoms, B. L., Shaver, P. R., Goodman, G. S., & Qin, J. (1995). In the name of God: A profile of religion-related child abuse. *Journal of Social Issues, 51*, 85-111.
- Bow, J. N., & Quinnell, F. A. (2001). Psychologists' current practices and procedures in child custody evaluations: Five years after American Psychological Association guidelines. *Professional Psychology: Research and Practice, 32*, 261-268.
- Bradshaw, T. L., & Marks, A. E. (1990). Beyond a reasonable doubt: Factors that influence the legal disposition of child sexual abuse cases. *Crime & Delinquency, 36*, 276-285.
- Breakey, G., & Pratt, B. (1991). Healthy growth for Hawaii's healthy start: Toward a systematic statewide approach to the prevention of child abuse and neglect. *Zero to Three, 11*, 16-22.
- Briere, J. (1992). Studying delayed memories of childhood sexual abuse. *The Advisor (Publication of the American Professional Society of the Abuse of Children), 5*, 17-18.
- Bullis, R. K. (1991). The spiritual healing "defense" in criminal prosecutions for crimes against children. *Child Welfare, 70*, 541-555.

- Butler, I., Scanlan, L., Robinson, M., Douglas, G., & Murch, M. (2002). Children's involvement in their parents' divorce: Implications for practice. *Children & Society, 16*, 89-102.
- Carter, C. A., Bottoms, B. L., & Levine, M. (1996). Linguistic and socio-emotional influences on the accuracy of children's reports. *Law and Human Behavior, 20*, 335-358.
- Cashmore, J. (1995). *The evidence of children*. Sydney: Judicial Commission of New South Wales.
- Ceci, S. J., & Bruck, M. (Eds.). (1995). *Jeopardy in the courtroom: A scientific analysis of children's testimony*. Washington, DC, US: American Psychological Association.
- Cicchetti, D., & Manly, J. T. (2001). Editorial: Operationalizing child maltreatment: Developmental processes and outcomes. *Development and Psychopathology, 13*, 755-757.
- Cohen, T. (2001). Israel. In B. M. Schwartz-Kenney, M. McCauley, & M. A. Epstein (Eds.), *Child abuse: A global view*. (pp. 85-98). Westport, CT: Greenwood Press.
- Cordon, I. M., Pipe, M. E., Sayfan, L., Melinder, A., & Goodman, G. S. (2004). Memory for traumatic experiences in early childhood. *Developmental Review, 24*, 101-132.
- Creighton, S. (2002). Recognising changes in incidence and prevalence. In K. D. Browne, H. Hanks, P. Stratton, & C. Hamilton (Eds.), *Early prediction and prevention of child abuse: A handbook* (pp. 5-22). England: John Wiley & Sons.
- Crosby, C. A., Britner, P. A., Jodl, K. M., & Portwood, S. G. (1995). The juvenile death

- penalty and the eighth amendment. *Law and Human Behavior*, 19, 245-261.
- Crossman, A., Scullin, M. H., & Melnyk, L. (2004). Individual and developmental differences in suggestibility [Special Issue]. *Applied Cognitive Psychology*, 18, 941-1141.
- Davis, M. K., & Gidycz, C. A. (2000). Child sexual abuse prevention programs: A meta-analysis. *Journal of Clinical Child Psychology*, 29, 257-269.
- Davis, S. L. (1998). Social and scientific influences on the study of children's suggestibility: A historical perspective. *Child Maltreatment*, 3, 186-194.
- Davis, S. L., & Bottoms, B. L. (2002). Effects of social support on children's eyewitness reports: A test of the underlying mechanism. *Law and Human Behavior*, 26, 185-215.
- De Paúl, J., & González, O. (2001). Spain. In B. M. Schwartz-Kenney, M. McCauley, & M. A. Epstein (Eds.), *Child abuse: A global view*. (pp. 209-222). Westport, CT: Greenwood Press.
- de Silva, D. G. H. (2001). Sri Lanka. In B. M. Schwartz-Kenney, M. McCauley, & M. A. Epstein (Eds.), *Child abuse: A global view*. (pp. 209-222). Westport, CT: Greenwood Press.
- Depner, C. E. (2002). Child custody research at the crossroads: Issues for a new century. In B. L. Bottoms, M. B. Kovera, & B. D. McAuliff (Eds.), *Children, social science, and the law*, (pp. 153-175). New York: Cambridge University Press.
- Dilulio, J. J., Jr. (December 15, 1995). Moral poverty: The coming of the superpredators should scare us into wanting to get to the root causes of crime a lot faster. *Chicago Tribune*, Section 1, page 31.

- Dubowitz, H., & Black, M. (2002). Neglect of children's health. In J. E. B. Myers, L. Berliner, J. Briere, C. T. Hendrix, C. Jenny, & T. Reid (Eds.), *The APSAC handbook on child maltreatment* (pp. 269 - 291). Thousand Oaks, CA: Sage.
- Dukes, R. L., & Kean, R. B. (1989). An experimental study of gender and situation in the perception and reportage of child abuse. *Child Abuse & Neglect, 13*, 351-360.
- Eckenrode, J., Ganzel, B., Henderson, C. R., Smith, E., Olds, D. L., Powers, J., Cole, R., Kitzman, H., Sidora, K. (2000). Preventing child abuse and neglect with a program of nurse home visitation: The limiting effects of domestic violence. *Journal of American Medical Association, 284*, 1385-1391.
- Eisen, M. E., Goodman, G. S., Davis, S. L., & Qin, J. (1999). Individual differences in maltreated children's memory and suggestibility. In L. M. Williams (Ed.), *Trauma and memory* (pp. 31-46). Thousand Oaks, CA: Sage.
- Eisen, M. E., Quas, J. A., & Goodman, G. S. (Eds.). (2002). *Memory and suggestibility in the forensic interview*. Mahwah, New Jersey: Erlbaum.
- Else, P., Williams, R. C., Wilson, I., Watson, B., & Bradley, S. (1998). Healthy babies, healthy children: An early intervention/prevention program for Ontario. *Ontario Medical Review, July/August*, 20-21.
- English, D. J. (2005). Longitudinal studies of child abuse and neglect (LONGSCAN) [Special issue]. *Child Abuse & Neglect, 29*(5).
- Epstein, M. A., & Bottoms, B. L. (2002). Explaining the forgetting and recovery of abuse and trauma memories: Possible mechanisms. *Child Maltreatment, 7*, 210-225.

- Erickson, M. F., & Egeland, B. (2002). Child neglect. In J. E. B. Myers, L. Berliner, J. Briere, C. T. Hendrix, C. Jenny, & T. A. Reid (Eds.), *The APSAC handbook on child maltreatment* (pp. 55-78). London: Sage.
- Estrada, A. (2001). Mexico. In B. M. Schwartz-Kenney, M. McCauley, & M. A. Epstein (Eds.), *Child abuse: A global view*. (pp. 145-159). Westport, CT: Greenwood Press.
- Finkelhor, D., Asdigian, N., & Dziuba-Leatherman, J. (1995). The effectiveness of victimization prevention instruction: An evaluation of children's responses to actual threats and assaults. *Child Abuse & Neglect, 19*, 141-153.
- Finkelhor, D., & Dziuba-Leatherman, J. (1995). Victimization prevention programs: A national survey of children's exposure and reactions. *Child Abuse & Neglect, 19*, 129-139.
- Finkelhor, D., & Jones, L. M. (2001). *Decline in sexual abuse cases. Bulletin*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
- Finkelhor, D., & Jones, L. M. (2004). *Sexual abuse decline in the 1990s: Evidence for possible causes. Bulletin*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
- Fredrickson, R. (1992). *Repressed memories: A journey to recovery from sexual abuse*. New York: Simon & Schuster.
- Freud, S. (1966). *Introductory lectures on psycho-analysis*. New York: Norton. (Original work published 1920).

- Friedrich, W. N., & Boriskin, J. A. (1978). Primary prevention of child abuse: Focus on the special child. *Hospital and Community Psychiatry, 29*, 248-251.
- Gabora, N. J., Spanos, N. P., & Joab, A. (1993). The effects of complainant age and expert psychological testimony in a simulated child sexual abuse trial. *Law and Human Behavior, 17*, 103-119.
- Galatzer-Levy, R. M., & Kraus, L. (1999). *The scientific basis of child custody decisions*. New York: Wiley & Sons.
- Gershoff, E. T. (2002). Corporal punishment by parents and associated child behaviors and experiences: A meta-analytic and theoretical review. *Psychological Bulletin, 128*, 539-579.
- Golding, J. M., Fryman, H. M., Marsil, D. F., & Yozwiak, J. A. (2003). Big girls don't cry: The effect of child witness demeanor on juror decisions in a child sexual abuse trial. *Child Abuse & Neglect, 27*, 1311-1321.
- Golding, J. M., Sanchez, R. P., & Sego, S. A. (1999). The effect of multiple childhood sexual assaults on mock-jurors' perceptions of repressed memories. *Behavioral Sciences and the Law, 17*, 483-493.
- Golding, J. M., Stewart, T. L., Yozwiak, J. A., Djidali, Y., & Sanchez, R. P. (2000). The impact of DNA evidence in a child sexual assault trial. *Child Maltreatment, 5*, 373-383.
- Goodman, G. S. (1984). Children's testimony in historical perspective. *Journal of Social Issues, 40*, 9-31.
- Goodman, G. S., & Bottoms, B. L. (1993). *Child victims, child witnesses: Understanding and improving testimony*. New York: Guilford Press.

- Goodman, G. S., Bottoms, B. L., Redlich, A., Shaver, P. R., & Diviak, K. (1998). Correlates of multiple forms of victimization in religion-related child abuse cases. *Journal of Aggression, Maltreatment, and Trauma, 2*, 273-295. [Reprinted in B. B. R. Rossman & M. S. Rosenberg (Eds.) (1998). *Multiple victimization of children: Conceptual, developmental, research, and treatment issues* (pp. 273-295). Binghamton, NY: Haworth.]
- Goodman, G. S., Emery, R., & Haugaard, J. (1998). Developmental psychology and law: Divorce, child maltreatment, foster care, and adoption. In I. Siegel & A. Renninger (Eds.), *Child psychology in practice* (pp. 775-876), in W. Damon (Series Ed.), *Handbook of child psychology* (Vol. 4), NY: Wiley.
- Goodman, G. S., Ghetti, S., Quas, J. A., Edelstein, R. S., Alexander, K. W., Redlich, A. D., Cordon, I. M., & Jones, D. P. (2003). A prospective study of memory for child sexual abuse: New findings relevant to the repressed-memory controversy. *Psychological Science, 14*, 113-118.
- Goodman, G. S., Quas, J. A., Batterman-Faunce, J. M., Riddlesberger, M. M., & Kuhn, G. (1997). Children's reactions to and memory for a stressful event: Influences of age, anatomical dolls, knowledge, and parental attachment. *Applied Developmental Science, 1*, 54-75.
- Goodman, G. S., & Reed, R. S. (1986). Age differences in eyewitness testimony. *Law and Human Behavior, 10*, 317-332.
- Goodman, G. S., Tobey, A. E., Batterman-Faunce, J. M., Orcutt, H., Thomas, S.,

- Shapiro, C., & Sachsenmaier, T. (1998). Face-to-face confrontation: Effects of closed-circuit technology on children's eyewitness testimony and jurors' decisions. *Law & Human Behavior, 22*, 165-203.
- Gothard, S., & Ivker, N. A. C. (2000). The evolving law of alleged delayed memories of childhood sexual abuse. *Child Maltreatment, 5*, 176-189.
- Gratch, M. (2002). National Court Appointed Special Advocate Association Volunteer Training Curriculum: Volunteer Manual 2<sup>nd</sup> Edition. (Available from National CASA Association, 100 W. Harrison North Tower Suite 500 Seattle WA 98119)
- Grisso, T., Steinberg, L., Woolard, J., Cauffman, E., Scott, E., Graham, S., Lexcen, F., Reppucci, D. N., & Schwartz, R. (2003). Juveniles' competence to stand trial: A comparison of adolescents' and adults' capacities as trial defendants. *Law and Human Behavior, 27*, 333-363.
- Grych, J. H., & Fincham, F. D. (1999). The adjustment of children from divorced families: Implications of empirical research for clinical intervention. In R. M. Galatzer-Levy, & L. Kraus (Eds.), *The scientific basis of child custody decisions* (pp. 32-57). New York: Wiley & Sons.
- Haegerich, T., & Bottoms, B. L. (2004, Mar.) Jurors' perceptions of juvenile defendants: The effect of stereotypes pre- and post-deliberation. Presentation at the biennial meeting of the American Psychology/Law Society, Austin, TX.
- Haegerich, T. M., & Bottoms, B. L. (2000). Empathy and jurors' decisions in patricide trials involving child sexual assault allegations. *Law & Human Behavior, 24*, 421-448.

- Hart, S. N., Brassard, M. R., Binggeli, N. F., & Davidson, H. A. (2002). Psychological Maltreatment. In J. E. B. Myers, L. Berliner, J. Briere, C. T. Hendrix, C. Jenny, & T. A. Reid (Eds.), *The APSAC handbook on child maltreatment* (pp. 79-104). London: Sage.
- Hatty, S. E., & Hatty, J. (2001). Australia. In B. M. Schwartz-Kenney, M. McCauley, & M. A. Epstein (Eds.), *Child abuse: A global view*. (pp. 1-15). Westport, CT: Greenwood Press.
- Haugaard, J. J. (1998). Is adoption a risk factor for the development of adjustment problems? *Child Psychology Review, 18*, 47-69.
- Heilbrun, K., Leheny, L. T., & Huneycutt, D. (1997). A national survey of U.S. statutes on juvenile transfer: Implications for policy and practice. *Behavioral Sciences and the Law, 15*, 125-149.
- Hetherington, E. M. (1993). An overview of the Virginia Longitudinal Study of Divorce and Remarriage with a focus on early adolescence. *Journal of Family Psychology, 7*, 39-56.
- Hobbs, C., & Wynne, J. (2002). Predicting sexual child abuse and neglect. In K. D. Browne, H. Hanks, P. Stratton, & C. Hamilton (Eds.), *Early prediction and prevention of child abuse: A handbook* (pp. 95-110). England: John Wiley & Sons.
- Holmes, D. S. (1990). The evidence for repression: An examination of sixty years of research. In J. L. Singer (Ed.), *Repression and dissociation: Implications for personality, psychopathology, and health* (pp. 85-102). Chicago: University of Chicago Press.

