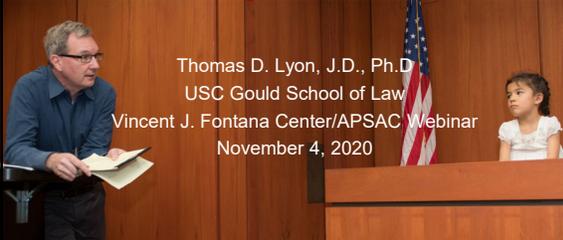


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USC Child Interviewing Lab

Interviewing the Child who is Recanting Sexual Abuse



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Vincent J. Fontana Center/APSAC Webinar
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What we'll do

- Understanding reluctance and recantation
 - Family pressures
 - Need for an early, detailed, videotaped interview
- Interviewing the recanting child
 - Ask about prior disclosures
 - Ask about interactions with family members
 - Ask about child's desires and feelings

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Rates of non-disclosure and recantation

- Most adult survey respondents reporting sexual abuse never disclosed as child (London et al., 2008; McElvaney, 2015)
- Children seen at hospital with genital gonorrhoea without prior suspicion of abuse: < 50% initially disclose abuse (Lyon, 2007)
- High rates of disclosure in forensic samples attributable to fact that most sexual abuse is discovered *because the child discloses*.
- 23% of sexually abused children in substantiated cases seen in dependency court recanted (Malloy, Lyon, & Quas, 2007)
- Recantation underestimated because recants undermine substantiation (Elliott & Briere, 1993)

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What increases recantation



Filial Dependency and Recantation of Child Sexual Abuse Allegations
LINDSAY C. MALLOY, M.A., THOMAS D. LYON, J.D., PH.D., and JODI A. QUAS, PH.D.

ABSTRACT
Children's continuing accounts regarding the process by which child sexual abuse victims distance their experience, particularly the extent to which and the reasons why some children, some having disclosed abuse, later retract their allegations. This study examined the processes and predictors of recantation amongst 577 parent-child sexual abuse victims. *Substantiated* cases (n = 227) were securely recontacted for additional cases resulting in dependency court filings and/or other involvement (199) and 2007. Recantation (i.e., denial of abuse) was observed in 23% of substantiated cases. Cases were also coded for characteristics of the child, family, and abuse. Results: A 30% recantation rate was observed. Multivariate analyses revealed that dependency court involvement, whether abuse victims were more vulnerable to familial social influences (i.e., younger children, those obtained by covert means and who lacked support from the nonoffending caregiver, were more likely to recant), an abusive caregiver, and recantation resulted from parental inclusion of case involving allegations, was not reported. **Disclosures:** These data provide new insight on the process by which children retract allegations and have implications for research concerning the stability of child sexual abuse allegations and treatment in dependency court. *J. Am. Acad. Child Adolesc. Psychiatry*, 2007, 46(2):161-170. **Key Words:** recantation, child sexual abuse, disclosure.

During the past 2 decades, an impressive body of research has emerged concerning the effects of contextual influences on children's memory and reporting (see Bruck and Ceci, 2000; Finkelhor and Browne, 1985), particularly regarding sexual abuse. This research has largely emphasized how legal, medical, and mental health professionals can elicit children's event reports via interview and interview bias. Much less attention has focused on the influence of other individuals, most notably those implicated by children's statements, on children's disclosure of traumatic experiences. For example, little is known about the process by which children distance child sexual abuse (CSA) against known and trusted caregivers, including the phenomenon of recantation, in which children declare that they retract CSA allegations. Research on recantation has emphasized recantation rates which vary considerably across studies, and has rarely examined the processes underlying

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Malloy et al., 2007

- 257 substantiated cases of child sexual abuse in dependency court
- Recantation higher when
 - Child under 10 (see also Gordon & Jaudes, 1996; Gries et al., 1996; Keary & Fitzpatrick, 1994)
 - Mother unsupportive (typically, said she didn't believe the allegations) (see also Elliot & Briere, 1994)
 - Accusation against father-figure
- Recantation evidence of a false allegation?
 - Recantation rates *not lower* when there was other evidence of abuse (which should be the case if many recantations are false allegations of abuse)

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Familial influences on recantation

Brief Report

Familial Influences on Recantation in Substantiated Child Sexual Abuse Cases

Lindsay C. Malloy¹, Allison P. Mugno¹, Jillian R. Rivard², Thomas D. Lyon¹, and Jodi A. Quas⁴

Abstract
The underlying reasons for recantation in children's disclosure of child sexual abuse (CSA) have been debated in recent years. In the present study, we examined the largest sample of substantiated CSA cases involving recantations to date (n = 58 cases). We specifically searched those cases to 58 nonrecanters on key variables found to predict recantation in prior research (i.e., child age, alleged parent figure perpetrator, and caregiver unsupportiveness). Bivariate analyses revealed that children were less likely to recant when they were (1) initially removed from home postdisclosure and (2) initially separated from siblings postdisclosure. Multivariate analyses revealed that children were less likely to recant when family members (other than the nonoffending caregiver) expressed belief in the children's allegations and more likely to recant when family members (other than the nonoffending caregiver) expressed disbelief in the allegations and when visitations with the alleged perpetrator were recommended at their first hearing. Results have implications for understanding the complex ways in which social processes may motivate some children to retract previous reports of sexual abuse.

Keywords
child sexual abuse, recantation, disclosure

Interventions to reduce harm caused by child maltreatment studies involving samples with the "least certain diagnoses" of

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Malloy et al., 2016

- 57 cases of recantation matched with 57 non-recantation.
- Matched on factors predicting recantation in Malloy et al., 2007.
- Recantation higher when
 - Other members of the family expressed disbelief
 - Visitation with suspect recommended
 - Child remained in the home (but this had no effect if one controlled for the other factors)



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Expert testimony on recantation scientifically supported?

- Yes. More than 40 states (Lyon et al., in press).
- No. New Jersey Supreme Court in JLG (2018).
- But lower courts reviewing JLG (in California and Missouri) have thus far rejected JLG.
- Response to JLG (and the experts it relied on):
 - Google “bepress lyon” and download peer reviewed article no. 80.



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Discussion

- All of the factors suggest that family pressure contributes to recantation
 - Younger children are closer to their family (no peer support)
 - Father figures are closer to the child and closer to others in the family
 - Remaining in the home and maintaining contact with the suspect allows pressures to continue
- Recantation risk highlights the need for an early, detailed, videotaped interview with the child
 - If one can capture a convincing narrative then a recantation won't undermine the case



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Overview of the Ten-step Interview

- Interview instructions (Steps 1-5)
 - Teaches child how an interview is different than other child-adult interactions
- Narrative practice rapport building (Step 6)
 - Helps you and the child practice open-ended questions and narrative responses
- Allegation phase (Step 7)
 - Introduces the reason for investigation without leading the child
- Open-ended followups (Steps 8-10)
 - Avoids suggestion or shutting the child down



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Interviewing the recanting child



- And what has Dad said to you about what happened?



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Focus on prior disclosures

- Instead of “tell me everything that happened,”
 - Tell me everything *that you said* to X
 - What did X *say to you*
 - What did you think when you told X
- Children will either
 - Repeat the allegations, and provide context allowing you to assess the report
 - Deny the allegations, which proves the child is currently untruthful (unless the disclosure recipient is lying)



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How disclosure history hints at truth

- More credible
 - Child disclosed to friend first
 - Child didn't know it would lead to a report
- Less credible
 - Child didn't disclose until after repeated undocumented questioning



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What did you say to your counselor? [disclosure recipient] (Jessica, 13)

Q: Ok, so what did you say to your counselor?
A: That my dad. That my dad kissed me.
Q: Ok, so you said that your dad kissed you?
A: Mm-hmm (yes).
Q: Ok, and what did your counselor say when you told, when you said that?
A: That she was gonna tell her boss, and then I'm like no 'cause I trusted you, and well like no, I'm gonna still tell her, and then I'm like, wait like, I was like, why did I tell you? And then she got mad, and that's all.



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What did you say to your counselor, again? [disclosure recipient] (Jessica, 13)

Q: Oh. Ok, so I just wanna go back a little bit, ok? So I wanna go back to when we were talking about what you told your counselor when you first told her, ok? So it's really important that I know everything that you said to her. So tell me everything that you said when you told your counselor about what happened.
A: When I told her about like the things that happened.
Q: So what things did you tell her?



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What did you say to your counselor, again? [disclosure recipient] (Jessica, 13)

A: I told her that he, that my dad kissed me and that he touched me where he doesn't supposed to, and I told her to not, like to not tell no one, and then she was like oh, Imma tell my boss, and I'm like no, please don't, and then she was like I will, and then the next, then like the next time I met her, like the next time like I saw her, she said that she told her already, and I'm like I trusted you, so like I don't know why you told her.



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Monica (9) Case History

- The mother and father Ivan were drinking and playing a 'question' game in which they asked each other questions...[T]he father told her that she needed to be tougher when disciplining the children then told her that the child Monica knows how he disciplines her, which prompted the mother to wake the sleeping child and asked her what the father meant by the comment that she knows how he disciplines her...



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Monica (9) Case History

- [T]he mother reported that it was then that the child Monica told her that Ivan was touching her private parts...
- [T]he mother reported that once she told the father Ivan that she was calling 9-1-1 and reporting the abuse, he fled the home on foot and had not been apprehended.



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Monica (9) recantation

Q: Tell me more about dad did something bad.

A: That he did like watching some sexy stuff, and he did that to me, but when I tell them over there the other police station, then it was not sure it was just a dream, **I was thinking it was not a dream, but it was, and then that's why we can go together, me and my dad.**



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Everything that happened when you told your Mom (Monica 9)

Q: I heard that you told your mom, tell me everything that happened when you told your mom.

A: I told her that some of the bad things to me and then my mom said really? And then, and then I said to her that they put here to my butt and I didn't like it, and then he, they, my mom said that, oh, that she said that it was your dad? And I said no, and then my dad, my mom told my dad, and then my dad said no. My mom think she, he was lying, and then when my dad got mad, they was fighting a lot, and then my mom called the police...



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Follow up questions about her "dream"

Q: When there was the peepee to the butt, what did you feel? What did your body feel?

A: Like hurting and I feel like it was bleeding, but it wasn't. I feel like it was white and some white stuff come out in the peepee of a guy.

Q: Tell me more about that.

A: And then I feel like disgusting, and then that I just run away, and then I run away, but they got me fast, and they did it more and more.

Q: So I know earlier you said that you were saying to stop but he wouldn't. What did he say?

A: That he said don't tell me to your mom, and stay calm, it will not hurt, just stay quiet, but it hurted. And then, and then he said, I said to stop, stop, but then he was finished doing it, now he go to the bathroom (mk) to take a shower.



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Ask about conversations with interested adults

- What has X said about Y
 - E.g. Your Mom about your Dad
 - Your Mom about what you said
 - Your Mom about what has happened
- Children will often disclose influences on their reports



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What has your Dad said about what has happened (Monica 9)

Q: And what has Dad said to you about what happened?

A: He said that it's ok, like if you said it was me that I did it, it was not true. Only because you she drunk, I didn't dream nothing, but you did.

Q: So he, could you say that part again?

A: That I didn't dream nothing, but you did. That's why you was, that's why you said it was me.



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Ask about child's motives

- How do you feel about everything that has happened?
- What do you want to happen now?
- Where do you want to live until you are a grown-up?
- Children will often explain their motive for recanting



For more information

- Google "bepress lyon" for reprints of the Ten-step interview, other practitioner guides, and articles.
- You can reach me at tlyon@law.usc.edu

Selected References

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