Child Witness Research and Children's Rights

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This special issue is dedicated to the memory of Dr. Karen J. Saywitz, whose work inspired the field and who was much loved and admired by all who knew her.

Children's rights to be physically and psychologically secure often rest on their rights to be heard and have their voices respected. This is a crucial and often overlooked theme of research on children as witnesses. Children's safety, security, and ability to communicate accurate information, and to have that information fairly evaluated by adults, are vital considerations in forensic investigations and legal proceedings involving them. Yet the issue of children as witnesses is a source of intense debate, ethical dilemmas, and practical obstacles. Perhaps no one appreciated this in a more sophisticated way than Dr. Karen J. Saywitz, who was a professor of psychiatry and biobehavioral sciences at the University of California, Los Angeles. This special issue of the *International Journal on Child Maltreatment* is dedicated to the memory of

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Dr. Saywitz, a brilliant and prolific researcher who worked tirelessly both to improve child forensic interviewing via science and to alleviate children's suffering from (or following) trauma both in and outside of the legal arena. She was one of the first to investigate the issue of children as witnesses (Saywitz et al. 1990b, 1991) and to develop scientifically based, yet clinically sensitive, protocols for interviewing traumatized children (Saywitz et al. 1990a; Saywitz and Synder 1996).

In her honor, we focus in this special issue on children's right to be heard in child maltreatment investigations. The articles address two broad categories of research: (a) the accuracy of children's memory reports and (b) adults' perceptions of children's accuracy. Specifically, the studies examine ways to obtain accurate information from children during informal interviews by parents and formal interviews by authorities, and laypersons' and professionals' impressions and ultimate decisions with respect to legal cases involving children.

The issue of eyewitness memory is crucial, because children are often the only witnesses (and also the victims) of misconduct, such as child sexual abuse. Several studies in this special issue address the reliability of children as eyewitness reporters. In one of the papers, McWilliams and Goodman (2019) examine the accuracy of children's eyewitness reports pertaining to events that took place without the presence of a caregiver, as well as the effect of parental bias in subsequent conversations about the child's experiences. Conversations between parents and young children are important in the creation of autobiographical memories—that is, memories pertaining to specific events in one's life (Fivush 2010). Because parents are also typically the first to converse with and question their children about possible child sexual abuse, it is important to consider the role of a parent's approach when discussing the possibility of negative events having taken place in a child's life in the parent's absence. In a study by Dent (1982), interviewers who went into their conversation with a child having a strong idea of what had taken place received the most misinformation from the children compared with interviewers who had fewer preconceptions. However, in contrast to previous research, the results of McWilliams and Goodman's study indicate that parents' introduction of misinformation into conversations with children may not be as serious a tainting factor in children's ability later to accurately report information. Implications of this result, and possible explanations for its departure from previous research, are discussed.

Dr. Saywitz was attuned to the fact that, with many possible biases against children giving testimony in court, it is important for researchers to study how interviewers can help children provide the most accurate testimony possible while bolstering feelings of safety and receptivity between interviewers and children (Saywitz and Camparo 2014a). The study by Quas and Dickerson (2019) fits this approach well. They investigated the effects on children's memory productivity and accuracy of interviewers' backchannel verbal cues indicating that the interviewers were paying attention, thus offering implicit encouragement, while the children were speaking. The verbal cues were presented steadily throughout the interview, as recommended by Saywitz et al. (2018), irrespective of what the children said. Previous studies have explored interviewers' use of implicit encouragement and its effects on the accuracy of children's memories ("Cleveland, Quas, & Lyon, 2018). However, little is known about the effects of implicit encouragement on children's memories of negative events, or about whether such nonverbal cues merely encourage increased detail in the same

manner as active listening. Additionally, the effects of implicit encouragement on children compared with adolescents needed examination, because adolescents can be quite reticent when it comes to sharing personal information. In the Quas and Dickerson study, 8- to 14-year-olds engaged in the Trier Social Stress Test (adapted for children), a negative experience designed to be moderately stressful and to elicit anxiety (Kirschbaum et al. 1993; Yim et al. 2010a, b). A week later, the children were randomly assigned to an implicit encouragement versus non-implicit encouragement interview condition. As the authors expected, participants interviewed with implicit encouragement provided more information and greater accuracy of detail. Furthermore, older children provided more information than younger children. This line of research illuminates a path, started by Dr. Saywitz, to improving the quality of children's testimony.

Another concern with respect to child witnesses is the reliability or unreliability of their eyewitness identifications, especially after a substantial amount of time has passed since experiencing or witnessing an incident. If, after a delay, children cannot identify an adult with whom they interacted, the integrity of a legal investigation is compromised. The study by Peter-Hagene et al. (2019) examined, after a 1-year delay, the accuracy of children's identifications in the context of an interviewer's socio-emotional support and the children's working memory capacity. Results of this study were mixed: Children performed about as well as expected in terms of their identification accuracy. However, socio-emotional support was not a significant influence. The reason for the lack of a significant socio-emotional support effect was perhaps due to the long delay or the nature of the memory task. In studies with relatively short delays, interviewer social support is positively related to children's memory accuracy, especially their resistance to false suggestions (Saywitz et al. 2019).

The second half of this special issue concerns adults' views of children's (and adults') allegations of child sexual abuse. Within the legal context, just as important as, if not more important than, child victims' accuracy are decisions about children made by prospective jurors as well as by professionals, such as family court officials, clinicians, and attorneys (Melton 1981; Wigmore 1909). Even if children's testimony is both factually accurate and delivered with prowess, adults' preexisting beliefs might bias them against believing children's reports. An example is race-related bias. Unfortunately, such bias can cloud adult judgment. Because racial biases are well documented in American society, they might result in discounting minority children's suffering and credibility in child sexual abuse cases. The study by Alley et al. (2019) examined how the *Jezebel stereotype*, that is, the belief that Black women are more promiscuous and libidinous than White women (Collins 2009; Harris-Perry 2011; Pilgrim 2002), affects both the media's portrayals of Black women and adults' views about child sexual abuse. Previous studies have suggested that belief in the Jezebel stereotype is correlated with judging Black child victims of sexual abuse as more culpable than White child victims for their own victimization (Alley 2009; see also Bottoms et al. 2004). The study reported here suggests that the Jezebel stereotype is active in adults' judgments of Black child sexual abuse victims, specifically in judging Black children as more responsible than White children for sexual abuse. Furthermore, a relation was revealed between watching media involving Black female artists performing sexually and reduced ratings of Black child victims' credibility, even for children as young as 6 years of age. Black children were viewed as less harmed by sexual abuse than White

children. These findings have tremendous social policy importance for the protection of Black children, who are disproportionately represented in child maltreatment cases (U.S. Department of Health and Human Services 2017).

Previous research has demonstrated that children's emotional expressiveness affects adults', even professional adults', perceptions of children's credibility as reporters of victimization (Ask and Landström 2010; Castelli and Goodman 2014). This research suggests that to be heard and taken seriously, children must not only deliver convincing and accurate testimony, but also display facial expressions and exude emotion cues in accordance with professionals' opinions. The study in this special issue by Kostopoulos et al. (2019) examined two categories of Norwegian professionals' (defense attorneys' and clinical psychologists') beliefs about children as witnesses. Although most defense attorneys and clinical psychologists agreed with current research about children as witnesses, many of them indicated that they were unsure about their opinions, suggesting that their opinions of the reliability of children's testimony may be swayed by other factors in the case. The authors hypothesized that, in line with previous research, defense lawyers would be more conservative about the credibility of young witnesses, a result that was replicated in this study. Lastly, this study found that a large proportion of court professionals still believe false information about the reliability and credibility of children's testimony. The implications of this last result in particular are significant in terms of children's rights in the courtroom, because the findings imply that educating court professionals about the latest (internally and externally valid) research pertaining to children's ability to give accurate testimony is of importance.

Clearly, the opinions of family court professionals matter, as they pertain both to the outcomes of custody cases and to public perceptions of allegations of child sexual abuse in custody disputes (Saywitz et al. 2010). However, beliefs about children are not the only beliefs that can sway case outcomes. Beliefs about parents' tendencies to falsely convince their children of the other parents' abusive or negative behavior—known as parental alienation (PA)—may also come into play in custody disputes, whether its presence is explicitly outlined in laws or is simply an underlying current in the courtroom.

Family court professionals' opinions about PA can vary depending on the laws of the country. For instance, in the USA, there is no formal recognition of PA in the courts, whereas in Brazil, PA is statutorily recognized. The potential divergence in how courts understand and treat custody cases when allegations of child sexual abuse arise may have important implications for case outcomes, because PA can be used by the accused parent against their accuser as a denial against claims of child sexual abuse.

The study by Goldfarb et al. (2019) compared the opinions of family court professionals from the USA and Brazil using hypothetical scenarios in which the researchers varied the accusing parent's gender, the level of hostility the parents showed toward each other, and/or the presence or absence of child sexual abuse allegations. Allegations of PA are even more complex when they interact with gender of the parent and claims of hostility or child abuse. It was originally argued that women are the primary perpetrators of alienation (Gardner 1992a, b), and this gender bias has led to family court professionals being more likely to identify a case as containing PA when the alleged alienator is the mother rather than the father (Priolo-Filho et al. 2019). However, when child sexual abuse is claimed in a custody case, fathers alleging that the mother has committed child sexual abuse are less likely to be believed than when the mother makes the same claim against

the father (O'Donohue et al. 2016; Smit et al. 2015; Stathopoulos 2013). In the Goldfarb et al. study, professionals from Brazil (compared with those from the USA) were more likely to find PA in cases with parental hostility and generally more likely to recommend interventions, with the exception of cases including child sexual abuse, for which US professionals were more likely than Brazilian professionals to recommend an intervention. The reason for this discrepancy in cases containing child sexual abuse is unclear. Goldfarb et al. (2019) postulate that PA is more widely accepted as a frequent occurrence in Brazil, which could lead to claims of child sexual abuse being dismissed as one parent attempting to alienate the other, a concerning trend if the allegations are accurate. Furthermore, all participants were more likely to encourage intervention against the mother when the father claimed alienation, although men are more likely than women to commit child sexual abuse (Finkelhor 1984).

The special issue ends with an especially illuminating and insightful commentary by Dr. Ross Thompson, a renowned researcher of socio-emotional development and prolific author of important articles on children's rights, child protection, and social policy for children. He places the articles in the broad context not only of children's universal rights but also of such important considerations as research ethics and children's well-being (Thompson 2019). His commentary takes "the whole child" into account when considering children's right to be heard and to live with physical and psychological safety, as did Dr. Saywitz and her colleagues in several landmark papers (Saywitz and Camparo 2014b; Saywitz et al. 2007).

Overall, this special issue of the *International Journal on Child Maltreatment* provides a sampling of some of the exciting research being conducted on children's reports and adults' views of those reports in child maltreatment cases. The special issue is dedicated to the memory of Dr. Karen J. Saywitz, whose extraordinary insights, benevolence, and friendship inspired and supported the contributing authors in the quest to end child maltreatment by assuring that children's rights are recognized and upheld.

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