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Courtroom Discussions about Children's Sexual Abuse: An Examination of Prior Conversations about Disclosures, Non-Disclosures and Perpetrator Statements to Children about Abuse

Stacia N. Stolzenberg
Claremont Graduate University

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by

Stacia N. Stolzenberg

Claremont Graduate University

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APPROVAL OF THE REVIEW COMMITTEE

This dissertation has been duly read, reviewed, and critiqued by the Committee listed below, which hereby approves the manuscript of Stacia Stolzenberg as fulfilling the scope and quality requirements for meriting the degree of Doctor of Philosophy in Applied Developmental Psychology.

Kathy Pezdek
Claremont Graduate University
Professor of Psychology

Tiffany Berry
Claremont Graduate University
Research Associate Professor of Psychology

Mark Costanzo
Claremont McKenna College
Professor of Psychology

Tom Lyon
University of Southern California
Gould School of Law
Judge Edward J. and Ruey L. Guirado Chair in Law and Psychology

Abstract

Courtroom Discussions about Children's Sexual Abuse: An Examination of Prior Conversations

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Stacia N. Stolzenberg

Claremont Graduate University: 2012

This study explored the content of courtroom conversations about children's prior

discussions regarding sexual abuse. Sixty felony child abuse trial transcripts including child

testimony and reviewing court opinions were collected from the Court of Appeal and from court

reporters. Information was obtained from under Section 288 of the California Penal code (sexual

abuse of a child under 14 years of age) filed in Los Angeles County from 1997 to 2001. For this

study, transcript testimony was transcribed, extracted for the necessary information, coded,

assessed for reliability, and analyzed. The findings indicate that conversations about children's

prior disclosure conversations, non-disclosure conversations, and conversations with perpetrators

are present in nearly all cases of alleged child sexual abuse, although they only represent about

8% of questions asked of children. These courtroom conversations appear to mimic effects found

throughout other child testimony research: children are often limited in their responsiveness

unless open ended questions are asked and they rarely provide detailed content unless prompted

to do so. The findings revealed that overt accusations, references to children's motives for telling

or not telling, and conversations with the perpetrator about abuse were infrequently discussed by

attorneys when interviewing child witnesses about their alleged sexual abuse during trial

testimony. This was surprising as these topics are often discussed in the empirical literature as

important factors to consider when assessing children's credibility. In the present study, children

were often asked about what they disclosed generally, what was said during abusive acts, and what was (or was not) disclosed during specific prior conversations. Further, our results reflect that children's ultimate credibility assessment, as assessed by the outcome of the trial, related to the presence of non-disclosure questions and not the presence of disclosure questions or conversations between the perpetrator and child; cases without non-disclosure questions consistently resulted in a conviction. This study provided a first step in assessing the content of courtroom conversations about children's prior discussions about sexual abuse. Implications and future directions for research are discussed.

Dedication

- For those who supported me along the way and for those who experienced a lack of support

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Courtroom Discussions about Children's Sexual Abuse: An Examination of Prior Conversations about Disclosures, Non-Disclosures and Perpetrator Statements to Children about Abuse

The 2009 report of the U.S. Department of Health and Human Services' Administration for Children and Families' (ACF) reported that an estimated 76,000 children experienced child sexual abuse that year alone (U.S. Department of Health and Human Services, 2010). Many researchers agree that because these are only substantiated reports of sexual abuse, rates are realistically much higher in the United States (Kuehnle & Sparta, 2006). Finkelhor and colleagues (1997) estimate that roughly 5.7% of the overall U.S. population experiences childhood sexual abuse. Children whose sexual abuse is reported to authorities must deal with both the emotional consequences of their victimization as well as the potentially traumatizing effects of their involvement in criminal proceedings (Goodman et al., 1992).

Unique to cases of childhood sexual abuse, a victim's testimony is usually the only evidence for the criminal proceedings, placing additional importance on the accuracy of children's reports. Child sexual abuse is often hard to prove for a variety of reasons. First, physical evidence is often lacking or non-existent. This occurs because there are often delays in physical examinations due to delayed reporting, and when injuries do occur healing can be rapid (Bays & Chadwick, 1993). Even when examinations occur close in time to an abusive act, evidence is often lacking due to the fact that physical compliance may be inherent in the victimization process. Second, there are no standard psychological symptoms that are specific only to sexual abuse exposure. Even when symptomology is present, it can often be representative of multiple causes, not merely sexual abuse (London et al., 2005; Poole & Lindsay, 1998). Further, sexual abuse usually occurs in isolation, without any witnesses except the victim; there are often no sources to corroborate children's allegations. These dynamics, unique

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to cases of sexual abuse, often mean that children's accounts of what transpired will be the primary evidence against alleged perpetrators.

However, before children ever reach courtroom proceedings, they must first disclose their sexual abuse, likely many times. Children will often not disclose abuse immediately, with a one-third of children delaying disclosure for at least a year (Sas & Cunningham, 1995). According to London and colleagues (2007) when children finally do reveal abuse it is often incremental over time, a process that sometimes includes outright denials and recantations of prior disclosures. In child sexual abuse cases, the goal of criminal proceedings is to assess the credibility of children's eyewitness testimony to determine what transpired, allowing the court to make appropriate decisions about what should happen next. However, no research to date has examined the prevalence of discussions on children's prior conversations about abuse in court, how questions are asked, and how children respond, possibly relating to the outcome of the case. This study focuses on courtroom conversations surrounding children disclosures, missed opportunities to disclosure (referred to as non-disclosure), and prior conversations with perpetrators about abuse. There were two aims of this study: (a) to examine the content of courtroom questioning about children's prior discussions regarding sexual abuse (disclosures, non-disclosures, and perpetrator conversations with children) and (b) to examine whether what occurred during courtroom questioning related to case factors, such as the outcome of the trial. Two bodies of empirical research are relevant to the present study: first, what is known about the dynamics of sexual abuse and children's disclosures of these acts and second, what is known about courtroom conversations involving child witnesses with regard, when possible, to victims of sexual abuse.

Dynamics of Sexual Abuse and Children's Disclosures

Disclosure patterns with child victims of sexual abuse are unlike those of many other

crimes. Child victims often experience a complex disclosure process, marked by numerous facilitating and inhibiting factors. The most prominent factors are often the relationship between the child victim and the perpetrator, how this relationship may overtly or subtly convince the child to maintain secrecy, and how this frequently allows perpetrators to coerce children into multiple acts of abuse instead of a singular abusive act.

Unlike many other crimes, in sexual abuse cases the perpetrator is often someone close to the child, if not a family member or someone in a caretaking role. In a sample of 524 child victims of sexual abuse who testified in criminal court (all minors under the age of 18), by examining case files, Sas & Cunningham (1995) found that children knew the adults who perpetrated their abuse 92% of the time, meaning that strangers were responsible for only 8% of victimization. Not only did children often know their perpetrators, but also over one-third of the perpetrators were family members of the abused children. Further, over half of the abusers were in a position of authority or trust over the child (teacher, caregiver, coach, etc.…). This social proximity between child victims and perpetrators reflects the unique intent of perpetrators of sexual abuse: to select vulnerable victims, seduce them through grooming over time, and encourage or manipulate them to maintain silence about abuse.

Perpetrators manipulate victims of sexual abuse to avoid disclosure first through their selection of victims. Conte et al. (1989) interviewed 20 offenders of childhood sexual abuse to understand the process of selecting children for sexually abusive acts. The researchers developed a 69 question interview protocol to assess how offenders: selected victims, assessed the risk associated with victimization, proceeded in conducting abusive acts, maintained children's involvement and secrecy in abusive acts, and were discovered as abusers. Therapists who worked with the offenders in individual treatment administered the interviews. They found

that perpetrators acknowledged many victim selection factors that relate to preventing disclosure. For example, the majority of perpetrators reported selecting the most vulnerable children, even suggesting that they preferred younger children because they might be less likely to talk about what transpired. Further, nearly all perpetrators preferred children who were quieter, withdrawn, or especially compliant, as they thought these children might be easier to manipulate into acts of abuse and later secrecy about the abuse. In addition, some perpetrators reported having so much confidence in the vulnerability of their victims that they never anticipated getting caught for their crimes because they selected victims who they thought would not disclose the abuse to others. Perpetrators of child sexual abuse thus attempt to influence their victims to prevent disclosure and one primary methods of doing so is by selecting victims who the perpetrator perceives to be vulnerable.

Perpetrators have other methods to encourage their victims to maintain secrecy such as grooming. Grooming is defined as the process by which a child is befriended to gain the child's trust so the child will acquiesce to abusive acts (Craven, Brown & Gilchrist, 2006; Leclerc, Proulx & Beauregard, 2009). To examine the process of how offenders groom children for abuse, Kaufman and colleagues (1998) interviewed over 200 offenders of child sexual abuse. Participants were given self-report measures to assess their modus operandi, asking questions about how perpetrators targeted or selected victims and methods by which they gained victims' trust, compliance, and silence. Results revealed that desensitization to abusive acts was the most frequent method of gaining compliance for abuse, with over half of the offenders reporting this as a method they utilized, suggesting that perpetrators often make only gradual shifts from appropriate to inappropriate touching. This demonstrates a systematic progression in physical and verbal contact towards sexually abusive behavior. According to what offenders reported,

gradual progression in inappropriate sexual behavior allows them to self-protect, as they can assess the risk of the child disclosing continuously and determine whether anyone is suspicious before sexual behavior intensifies or increases in frequency. Offenders also reported intentionally grooming their victims in the hopes that once sexual acts are attempted, the child will feel a sense of loyalty to the perpetrators and will therefore keep the interactions a secret. This demonstrates that before abuse ever begins, children are already being influenced by the perpetrator to avoid disclosing about sexual abuse.

Elliott, Browne and Kilcoyne (1995) found that influencing children to keep quiet about abuse is not only done through grooming, but also through overt conversations and sometimes threats. The researchers interviewed nearly one hundred offenders of child sexual abuse and found that once abuse had begun, nearly half of offenders referred to serious consequences of disclosing in their conversations with children. Threats could be indirect, where nearly half of all perpetrators used reinforcements to encourage secrecy through giving gifts or other forms of bribery. Examples of these indirect threats might include telling a child that they would no longer be loved if they disclose or offering them a bribe to signify the importance of the secret that they shared together. Elliott and colleagues also found that nearly one-fourth of perpetrators report that they sometimes utilize more overt threats, such as suggesting that if children "tell," a host of negative family or personal outcomes might occur for the child. For example, perpetrators may make statements that place the pressure and responsibility on the child, such as if the child discloses the abuse to anyone, the 'family might split up,' 'mom might be mad,' or the perpetrators might go to jail. These conversations about maintaining secrecy attempt to shift the sense of responsibility away from the perpetrator onto the child – the child is therefore responsible for any negative outcomes associated with abuse, as it is their telling that will cause

negative consequences. This focus on 'keeping the secret' is a powerful method of manipulation; it shifts the perceived blame away from the perpetrator towards the child. When children feel pressure or motivation to keep their abuse a secret, this may lead to delayed disclosures.

Research suggests that children frequently delay disclosure of sexual abuse. Sas and Cunningham (1995) conducted interviews with 135 children (under the age of 18) who experienced sexual abuse, after the criminal prosecution of offenders was completed. Their findings suggest that only one-third of children disclosed their abuse to someone after being sexually abused for the first time prior to a second abusive act occurring. In contrast, two-thirds of children delayed their disclosure to after multiple acts of abuse have occurred, with one-third of victims delaying their disclosure more than a year. Sas and Cunningham also reported that with respect to the factors that predict delayed disclosure, the closer the relationship between the perpetrator and the victim, the longer the delay was in the child disclosing abuse to another individual with these children being significantly more likely to wait more than a year to disclose. These findings suggest that children frequently delay their disclosures of sexual abuse and delayed disclosure is related to the relationship children have with perpetrators.

Smith and colleagues (2000) also examined the prevalence of delayed disclosure. Instead of examining disclosure patterns from reported cases of sexual abuse, they surveyed adults from a general population, including both participants who had reported and not reported their abuse. This study was conducted as a telephone survey, embedded within a larger research project. Out of nearly 3,000 people sampled, nearly 10% reported experiencing sexual abuse as a child. These participants were asked follow-up questions about their abuse and disclosures of abuse. About 50% of victims reported waiting at least five years to tell anyone about the abuse and the

remaining 50% of victims often waited at least a year after the abuse concluded to disclose. These findings relating to delayed- and non-disclosure reflect that many children do feel an obligation to keep their abuse a secret and that perpetrator's attempts to coerce their victims into silence are often effective.

The relationship between the perpetrator and victim is also predictive of whether children will later recant their reports of sexual abuse once an initial disclosure occurs. Malloy, Lyon & Quas (2007) examined over 200 case files from sexual abuse cases in a large urban county to examine recantation rates by examining all forensic, social service, medical, police, and psychological reports available for each case. Interviews were defined as any interaction between the child and another individual where there was an attempt made to discuss the sexual abuse. Children participated in between one to 14 interviews as documented in their case files. The researchers found that 23% of children with a substantiated report of abuse later recanted their prior allegation. Further, those with a filial relationship with the perpetrator were significantly more likely to recant the substantiated reports of abuse. Multivariate analyses indicated that additional factors also predicted recantation rates relating to familial adult influence. For example, younger children, those abused by a parent, and those who lacked support from a non-offender caregiver were more likely to recant their abuse. This research signifies the power of perpetrator pressure in influencing some children's willingness to disclose and maintain consistent reports of sexual abuse. Further, this research suggests that other individuals (such as non-offending caregivers) might significantly impact the way children disclose abuse.

Research suggests that family dynamics with individuals other than the perpetrator can greatly influence how children disclose abuse. Sas and Cunningham's (1995) examined children's disclosures of abuse through interviews with 135 children, all under the age of 18 at

the time that their court case alleging sexual abuse was prosecuted. They found that many children reported delaying disclosure for numerous reasons relating to family dynamics. Children were asked directly about their reasons for delaying their disclosures and frequency of each response was calculated. Common reasons reported from most to least frequent were: (a) fear of harm to self or others, (b) fear of being rejected by a non-abusive caregiver, (c) concern for family and thinking that non- or delaying disclosure might protect family, (d) fear that their disclosure would not be believed, (e) concern that bad consequences will harm the perpetrator, (f) inability to trust anyone to disclose to, and (g) wanting to protect other children, including siblings, from abuse. This research suggests that familial factors may influence children of abuse in multiple ways: (a) children might be reluctant to initially disclose abuse, and (b) how those closest to the child process and react to children's initial disclosures might possibly impact how children will continue to discuss their abuse during future abuse related conversations.

After a child has initially disclosed abuse, how others might train or convince children to be intentionally dishonest is a concern for children's credibility in court. Lyon, Malloy, Quas and Talwar (2008) investigated how individuals encourage children to be dishonest in two primary ways: false denials of true events and false allegations of untrue events. Maltreated children were questioned about a laboratory play session with free recall, repeated yes—no questions, and highly suggestive questions during multiple post-event interviews. The coaching in this study was extensive; the investigator provided a strong rationale for false stories, practiced responses with children, and practiced a cover story when applicable. Coaching, both when adults encouraged false denials of true events and false allegations of untrue events, had consistent and robust impacts on children's accuracy across all question types. These findings suggest that coaching can significantly impact children's accounts of what transpires.

Quas and colleagues (2007) also assessed whether others can influence children to report false allegations of events that did not occur. Four- to 7-year-olds participated in a play session where some children were innocuously touched. Two weeks later when the children returned for a post-event interview, some children who had not been touched were instructed to lie and report that they had been touched. During the post-event interview, children who were instructed to lie generally maintained the lie. However, they were not consistent during repeated questioning, as measured by inconsistency in recall of details. Surprisingly, children who were touched and repeatedly interviewed were less consistent than children who lied about being touched. These findings suggest that although coaching may make children inconsistent as witnesses, they may appear more consistent than children who actually experience abuse. From this study as well as the study by Lyon and colleagues (2008), it is clear that children's accounts of events can be significantly impacted when adults attempt to coach them.

Adults who discuss children's prior abuse do not always intentionally influence children's accounts of what transpired; merely discussing previous experiences can alter the associated memory, possibly because what is discussed may become incorporated into the original memory for what occurred. Source monitoring errors occur when individuals incorporate new information about an event into their memory for the target event, but then mistake the new information with the target event (Lindsay, 1990; Lindsay & Johnson, 1989), a phenomenon often associated with discussions about previous experiences.

Roberts and Powell (2001) found that children's memories of a particular incident could be strengthened when exposed to information consistent with their experience by promoting accurate recall, however the reverse is true for when children encounter information that is inconsistent with their experience. When children receive inconsistent information, it can be

confusing and they may remember the content of a conversation about an experience as part of the original event. Research also indicates that source-monitoring errors become less common as children develop, suggesting that young children are most susceptible (Foley, Johnson & Raye, 1983; Parker, 1995). Source-monitoring errors may be especially problematic for child witnesses involved in sexual abuse cases who often have many disclosure conversations before reaching the courtroom (Sas & Cunningham, 1995). It is possible that courtroom conversations about specific prior disclosure conversations may be particularly challenging for child witnesses, who may have had many interviews and multiple instances of abuse to discern between. However, there is no current research examining how often children in court are asked about prior conversations about prior experiences, or how well children can discriminate between prior conversations about an experience, as independent from the experience itself.

There are many relevant conclusions from the body of research on the dynamics of sexual abuse in relation to children's disclosures. Primarily, children are susceptible to those around them both through the relationships they have and conversations that occur about abuse. These influences on children's accounts of what transpired can be overt, as with coaching, or inadvertent through the dynamics present during disclosures and the relationships children have with those they disclose to. It is unclear how frequently these sources of influence are discussed during children's testimony; little is known about whether how and what a child discloses relates to trial outcome or other case factors. Determining how prior abuse conversations are discussed in court can lead to better understanding of how children's credibility is assessed.

Child Witnesses in the Courtroom

As discussed, victims of sexual abuse are particularly likely to be subjected to pressures to disclose, not-disclose, or conceal information, and their honesty is often at issue in legal

contexts because of the dynamics of sexual abuse (Lyon, Malloy, Quas & Talwar, 2008; Malloy, Lyon & Quas, 2007; Brennan, 1994). However, there are also concerns about how courtroom proceedings occur and how these dynamics within the courtroom impact children's ability to defend themselves against direct-, redirect- and cross-examination. Courtroom proceedings and children's disclosures in court can directly impact assessments of children's credibility as eyewitnesses.

Multiple studies have reported that questioning during courtroom proceedings such as direct- and cross-examination place demands on a developing child that can impact their desire and ability to give complete and accurate narratives about their experience, and sometimes do so intentionally. For example, Zajac and Hayne (2003) found that after 4- and 5-year-olds experienced an event and were cross-examined about what transpired, children were inconsistent in their responses to the same repeated questions, reporting different answers. Further, according to a guide written by Wellman (1904) for attorneys to cross-examine witnesses successfully, attorneys often intentionally word questions so the accusations they make against eyewitnesses are veiled, as an intentional defense strategy to undermine the credibility of witnesses. In addition, more contemporary guides written for attorneys by Myers (1988) suggest that when interviewing child witnesses about abuse, there are multiple methods of making children look less credible: attorneys can set up a pattern of agreement and subtly shift the topic in hopes that the child will maintain their assenting baseline, or they may ask direct questions that conceal the ultimate form of attack on the child's credibility such as "That's not quite what happened, is it?" Through utilizing these methods of manipulation, attorneys can hope to "lock the witness into a position that is inconsistent" by "painting the child into a corner" (p. 4). This information

suggests that the courtroom context may reduce children's accuracy intentionally, in attempts to influence the perception of credibility.

A primary concern with children's testimony is that the answers given by child witnesses during official interviews are unreliable, and this may be due at least in part to factors relating to how children are questioned. There is risk that the questions asked by attorneys interviewing children may suggestively influence children. For example, researchers express concern that children are subjected to questioning that is complex, developmentally inappropriate, repetitive, and deliberately designed to confuse and create inconsistencies (Brennan, 1995; Davies & Seymour, 1998; Korkman et al., 2007). These concerns have led researchers to question the developmental appropriateness of forensic interviewing and how it might impact children's ability to answer questions in ways that capitalizes on their ability to give accurate and full accounts of what transpired.

Korkman and colleagues (2007) assessed the developmental appropriateness of forensic questioning in young children. They examined 43 forensic interviews with 3- to 8-year-olds in cases of suspected child sexual abuse. The interviews were with mental health professionals working with children, and thus, the researchers hypothesized that the interviews would utilize age-appropriate language being as these professionals might be more sensitive to the needs of young children than attorneys. However, results indicated that the language used by interviewers included (a) long and complex sentences during 10% of question-answer pairs, (b) multiple questions before the child was allowed to answer 8.2% of the time, and (c) unclear references to persons and situations 6% of the time during question-answer pairs. All of these question-answer pairs were associated with significantly fewer details given by the child in their responses. These

findings suggest that complex and developmentally inappropriate questions during interviews impacts children's abilities to give complete and accurate accounts of abuse.

Davies and Seymour (1998) assessed how attorneys ask child victims questions in courtroom investigations by examining 26 transcripts of alleged sexual abuse. Their assessment of testimony questioning focused on whether questions were open-or closed-ended. Open questions were defined as questions that had no limits on the range of answers; closed questions implied a limited range of answer. Whereas prosecuting attorneys asked open questions nearly 30% of the time, defense attorneys asked open questions only 10% of the time. The results indicated that prosecuting attorneys were more likely to ask open questions more often than defense attorneys, but that both rarely asked open ended questions compared to closed ended questions. The results of this study suggest that attorneys rarely encourage children to give elaborative responses in court.

Additional research has begun to assess how children respond to direct- and cross-examination. Zajac, Gross & Hayne (2003) analyzed transcripts of cross-examinations for 21 cases involving child complainants (5-13 years old), to compare the questioning of the defense versus prosecution. They found that the type of question asked (i.e., leading, closed), differed between prosecution and defense. Prosecuting attorneys asked appropriate questions (defined as not leading, complex, or grammatically confusing) over 50% of the time whereas defense attorneys asked appropriate questions only 20% of the time. These effects of question type did not vary by age of the child, suggesting that attorneys did not take developmental considerations into account when interviewing children. In this study, children showed more uncertainty, misunderstanding, and compliance with inappropriate questions (closed, leading, complex, grammatically confusing). In addition, 76% of children in the study made changes to one or

more of their earlier statements under cross-examination whereas no children made changes to their earlier statements in response to direct or re-direct examination. These findings suggest that children were exposed to potentially damaging questions, especially during cross-examination.

Evans, Lyon and Lee (2009) empirically assessed how complex questioning, and differences between prosecution and defense examination, impacted children's responses in court and their perceived credibility in 46 child sexual abuse transcripts. The authors used a computer software program to assess the complexity of questions asked; the software assesses each sentence by parsing nouns and verb phrases creating a visual tree – each time a sentence is parsed, it creates a layer and each word in the sentence creates a branch in the visual tree. The number of layers in each sentence provides a measure of sentence complexity. They reported that the complexity of defense attorney's questions accurately predicted the trial verdict 82.6% of the time, using hierarchical logistic regression. Surprisingly, higher rates of complex questions during cross-examination were twice as likely in trials that resulted in not guilty than guilty verdicts. This finding also took into account how children responded to complex questioning during cross-examination; when complex questioning resulted in a child responding "I don't know," or "no" with elaboration on why they said "no," a conviction verdict was significantly more likely to occur than if the child merely replied "yes" or "no". These findings suggest that children's ability to understand and resist defense attorney's complex questions might influence how jurors' form perspectives of children's credibility. Further, when children express uncertainty answering questions by responding "I don't know," this might be perceived by jurors as a sign that the children are cognizant of their own limitations, instead of merely acquiescing or submitting to prosecutor influence, thus strengthening their credibility. This research suggests

that the extent to which attorney questions encourage and elicit elaborative responses can impact how children's credibility is assessed.

In her dissertation that was later published as a book, Taylor (2007) assessed how defense attorneys structure the content of their questions and how this might influence children's credibility. The author conducted an assessment of case studies of child sexual abuse trials by analyzing transcripts of courtroom proceedings. By conducting content analyses on the transcripts, Taylor reported that defense attorneys based their cross-examination on motives and means by which children may be dishonest or inaccurate in all of the transcripts analyzed. She found that defense attorneys structure their case theories by suggesting that children are motivated by a combination of the following to distort or create accusations: mental health problems, desire for revenge (problems the child may have with the accused), 'bad' or 'mad' child narrative (relating to the child's temperament, collusion, poor behaviors of the child in general), sexual history (promiscuity or sexual awareness through experience), or creativity (exposure to sexual content through literature, TV, media). However, the combination of motives and means varied significantly by each of the few transcripts she assessed. Further, Taylor noted that in the majority of transcripts observed, defense attorneys suggested that children act in accordance with other individuals, or are influenced significantly by conversations with others, to either create or distort allegations. This may arise in courtroom questioning by focusing on: caregivers or family members who support children (suggesting that the child was coached), non-supportive caregivers or family members (suggesting that the child is obviously lying if the child is not supported), and absence of an outcry or delaying a disclosure (taken to mean that the child is fabricating the account or has been coached into disclosing). In Taylor's analysis of courtroom cases alleging sexual abuse there was no systematic analysis of

attorney's questions, children's responses, or how these factors relate to case level factors (such as the outcome of the trial). It is currently unclear whether these motives or means may arise systematically across a variety of children's testimony, and whether factors about the case or questioning style will relate to case outcome.

In addition to empirical research, guides written for instructing attorneys on interviewing child witnesses note the importance of discussing the dynamics of sexual abuse. In a recent report by Long, Wilkinson and Kays (2012), the authors suggest that in cases of child sexual abuse, attorneys have often ignored the importance and relevance of children's prior grooming by perpetrators and prevalence of delaying disclosure. The authors urge attorneys to "discern, understand, and explain the victim's reasons for delaying or deciding not to disclose their abuse … a judge or jury confused by the delay or lack of disclosure may require an explanation in order to hold an offender accountable" (p. 75). They suggest that by understanding these dynamics, prosecutors can explain and present relevant evidence, so judges and juries can understand the dynamics as well. However, this guide suggests that courtroom testimony is often insensitive to these dynamics, often ignoring what is known about how children experience and disclose abuse. No research to date has examined how attorneys discuss topics of disclosure, non-disclosure, and prior conversations with perpetrators in cases alleging sexual abuse systematically.

Present Study

Child victims of sexual abuse are particularly likely to be subjected to pressures to disclose, not-disclose, or conceal information, and their honesty is often at issue in legal contexts (Lyon, Malloy, Quas & Talwar, 2008; Malloy, Lyon & Quas, 2007; Brennan, 1994). There are also concerns about how dynamics within the courtroom might relate to the different dynamics

of sexual abuse, possibly influencing the outcome of the case. Given the importance of accurate victim disclosures for criminal proceedings, specifically with regards to children alleging sexual abuse, it is necessary to determine how prior conversations about abuse are discussed when examining child witnesses. This study explored the content of these conversations including the questions asked of children and how children respond to courtroom questions about disclosure.

Assessing how attorneys discuss prior conversations about abuse is important for two reasons. First, researchers argue for scientific investigations to provide complete and accurate accounts of children's ability as eyewitnesses to guard against overly negative or overly optimistic views of children's abilities. This is important because accurate assessments of credibility allow courts to make appropriate legal decisions in cases involving children (Goodman & Melinder, 2007). Second, it appears as though many assumptions stand with regards to how courtroom conversations occur about children's prior discussions regarding sexual abuse (Long et al., 2012; Taylor, 2007). However, it is currently unclear how the dynamics of abuse are discussed in court; no one has assessed how attorneys mention children's prior disclosures, non-disclosures, and conversations with perpetrators about abuse. By assessing how dynamics of sexual abuse are discussed in court, researchers can begin to have insight into what generates convictions and acquittals, and how the process might be changed to better assess credibility. After all, the goal of criminal proceedings in child sexual abuse cases should be an equitable balance between meeting the needs of the victimized child while maintaining a thorough investigation of the child's credibility, allowing courts to make informed decisions that will impact the victims, their families, and alleged perpetrators.

This study assessed the content of courtroom exchanges about prior abuse conversations in children's testimony for sexual abuse cases. This occurred through an assessment of

transcripts from recently closed court cases alleging childhood sexual abuse in Los Angeles country. This study explored the frequency of specific courtroom conversations, as well as how these conversations, child characteristics and external sources of influence relate to the outcome in cases of sexual abuse. Two research questions were asked: (a) What does courtroom questioning about prior conversations regarding abuse look like (frequency, question type, child's response, content of questions), and (b) How do case factors (relationship between the perpetrator and child, number of instances of abuse, resulted in acquittal or conviction) and courtroom questioning (frequency of question type, overt accusations of coaching, child's response, etc…) relate to one another? As this study was exploratory, no hypotheses were defined regarding predicted effects; the goal was to systematically examine the role of children's prior conversations about abuse in court for cases alleging sexual abuse.

Methods

The data used for this study were part of several large studies conducted by Dr. Thomas Lyon at the University of Southern California Law School. Two hundred and seventy-two felony child abuse trial transcripts including child testimony, final arguments, and reviewing court opinions were collected from the Court of Appeal and from court reporters. Information was obtained from all felony sexual abuse charges under Section 288 of the California Penal code (sexual abuse of a child under 14 years of age) filed in Los Angeles County from 1997 to 2001. For this study, transcript testimony was extracted for the necessary information, coded, assessed for reliability, and analyzed.

Transcripts Selection

This was an archival data study that did not make use of any human subjects. Sixty transcripts from felony sexual abuse court cases held in Los Angeles County, California were

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used. Of the 309 felony child sexual abuse cases that went to trial in Los Angeles between 1997 and 2001, victim testimony was available for 243 cases. In 223 of these cases, at least one victim who testified was under 18 at the time. The present study sampled 60 transcripts including cases that resulted in both acquittals and convictions of defendants. Children were on average, 11 years in age at the time of their trial testimony (SD =2.31); however, their age ranged from 6 years in age to 16 years in age. Cases were matched on the following factors in the following order: (a) result of the trial, (b) the age of the child testifying and (c) the number of witnesses involved in the case. Transcripts were matched on age because many factors (such as language ability) covary with age. The number of witnesses was important to consider because it can often be an indication of the strength of the case; fewer witnesses often signifies a weaker case. Only trial testimony, and not pre-trial testimony, was used for this study.

Transcript Extraction

Before the transcripts were coded for content, information was extracted from them. This study only assessed courtroom conversations about prior disclosures or conversations; therefore, much of the information discussed in direct-, cross-, and redirect- examination was irrelevant. Before the transcripts were coded, the relevant question and answer pairings throughout the testimony were extracted for each participant and placed in a separate file. This was done systematically, using a computer program written for word and excel by a computer programmer using a macro written specifically for this project. A macro is a series of commands and functions that are stored in Microsoft programs to perform a series of repeated tasks as to automate the task systematically. Anytime the words 'say', 'ask', 'tell' (or derivatives of these words) were used in testimony, the associated question and answer pairing was placed in the extracted file with the associated line numbers. These words were chosen, as they signify

anytime that either an attorney or child discusses a previous conversation or disclosure during trial proceedings. Keywords were also chosen based on an informal reading of all transcripts, determining that these words captured discussions of conversation. Anytime a keyword was flagged in either an attorney's question or a child's response, the computer coding process extracted the question-answer pair and placed it in the associated file to be coded. For example, if a question and answered pair was to state the following: "Q. Did he tell you to say that? A. No, I said it because it is true" this was extracted as a question-answer pair because the attorney used the word 'tell'. In this example, both the question and the answer with their corresponding line numbers were extracted and placed in the excel file. This extraction occurred for any question and answer pairs where the attorney, the child, or they both use a keyword.

Coding Protocol Training

Two trained research assistants in Dr. Lyon's Lab at the University of Southern California took the extracted transcript files and coded them according to a developed coding scheme. The coding instructions, guidelines for coding, and the coding scheme in completion are provided in the *Appendix*. For each question and answer pairing that had a keyword flagged ('say,' 'ask,' 'tell') the coders followed the coding protocol developed.

Before coding the extracted transcripts for this study, the two research assistants were trained to use the coding protocol. They were given the same set of 10 sample transcripts. First, there was an explanatory coding session where the two research assistants went through the coding scheme step by step with the primary investigator. This gave them a general familiarity with the coding scheme before coding any sample transcripts. Next, the two research assistants worked on the first sample transcript using the coding protocol and for roughly four to ten work hours (or however long it took to code the sample file). After both research assistants completed

coding the first sample case file, they met as a team with the primary investigator to discuss any questions, comments, or concerns give that specific case file and the coding protocol. This process was iterative, and continued until all ten sample case files were coded. After each sample case was coded, the team met to discuss how coding occurred and what questions arose. Reliability analyses were calculated on these ten sample transcripts before the research assistants began coding case files for this study. To read a comprehensive explanation of the reliability analyses, please see the *Reliability Analyses* section below.

Reliability Assessment

All coded responses were analyzed for reliability. It was important to show that subjective coding distinctions could be comprehended and applied by those other than the coding developer, to make the coding scheme valid and reliable (Krippendorff, 1987). For this reason, 20% of the case files to be coded were coded by both research assistants so item by item reliability assessments could be conducted. After the first 20% of case files were coded by both research assistants, a Cohen's Kappa was calculated for each variable in the coding scheme to determine the amount of inter-rater reliability. After this process, any variable that did not meet adequate inter-rater reliability (.80 or higher) was revised or additional training on that variable occurred until the reliability was acceptable. In addition, if more than 20% of responses at this point were coded as 'other –specify' for any variable, additional categories for that variable were added and the coders recoded those items on the first ten-percent of cases. After this iterative process was completed, the coding scheme was formalized and no additional changes were made.

Transcript Coding

The first step in coding was to determine which question-answer pairs were eligible to be coded. As already noted, this study assessed any reference to a prior conversation that the child

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may have had before courtroom testimony (indicating that a proportion of these would be about disclosures and non-disclosures). An example of an ineligible reference would be competency questions at the beginning of the child's testimony. For example, 'can you tell me if lies are good or bad?' would not refer to a prior conversation, but was still extracted due to a keyword of 'tell'. In addition, a reference to something that was just stated in court was ineligible. For example, an attorney may have asked a question about clarifying something just said, 'but you just told us a moment ago that you felt sad?' and this would not reference a prior conversation, making it ineligible. Anytime that a keyword was used to indirectly ask a question (instead of as a reference to a prior conversation) this was also ineligible. For example, if an attorney asked 'can you tell us how old you are?' this was ineligible because 'tell' was only used as an indirect means of asking a direct question. Any question-answer pair that was interrupted by another attorney or judge, or was inaudible and then repeated was not coded; the follow-up or repeated question-answer pair was coded instead. The research assistants first read through the extracted transcripts to determine which question-answer pairs were ineligible.

Once the research assistants identified the eligible question-answer pairs, they then followed the coding protocol by coding each question-answer pair across the relevant variables for that pairing. Although they coded from the extracted transcript files, they also had access to the child's full testimony. The full testimony file was used as a reference if any question-answer pairing did not make sense out of context. If this was the case, and a research assistant could not code a statement without the background context, they were instructed to go back to the original file and read preceding the extracted question-answer pair. It is important to note that for all items in the coding scheme, anytime a question-answer pair, question, or answer did not fit the coding scheme directly, the research assistants were instructed to code an item or pairing as

'other – specify' and a string variable was added to place the raw text in the data file. This allowed for easy revisions to the coding scheme throughout the coding process.

The coding scheme focused first on determining background information about each extracted question-answer pair: Who asked the question? What type of question was asked? What type of response was given? During what part of the testimony did this happen (direct-, cross-, or redirect-examination)? What keyword was present and was it in the attorney's question, child's response, or both? When did this prior conversation occur (before abuse began, during abuse, after abuse, etc…)? Given that the goal was coding courtroom conversations about prior disclosures, the prior conversational partner (a child disclosing to their mother) was noted in the coding scheme, as well as whom the victim in question was because although it was expected that the majority of courtroom questions referred to the child as the primary victim, there were cases where multiple children were abused by a single perpetrator.

After the background information about each question-answer pair was coded, the research assistants coded for the content of the conversation. This discriminated between courtroom conversations about: disclosures, non-disclosures, conversations during abuse, other conversations the child had, and perpetrator statements about abuse. Depending upon how this item was coded for a question-answer pair, the coders may have then coded follow-up variables for the question-answer pair. For example, a question that merely referred to a tangential conversation the child had before courtroom testimony had no follow-up questions, but if it referred to a disclosure or non-disclosure there were follow-up questions.

The coding process noted whether the courtroom conversation referred to the timing, frequency, and motivation for either disclosing or not disclosing. In addition, the extent of the disclosure was coded. For example, an attorney might have asked the child if they 'told the

entire story,' 'told the truth,' or only 'told about a specific instance' of abuse. This was noted in the coding guidelines. If the child was directly asked about lying in court or not telling the whole truth under the 'extent of the disclosure' variable, a follow-up variable assessing means of lying will be coded. For example, did the attorney mention that the child had prior sexual exposure or experience? Conversations in court about prior disclosures or non-disclosures were also coded for whether there was an overt reference to coaching or suggestive influence. For example, the research assistant coded if the child was asked in court if they were 'told to say something' about their abuse during their prior disclosures. If this occurred, the research assistants also coded for any mentioned motives the other conversational partner might have for coaching the child. For example, did the attorney state that the child's mother was mad at the perpetrator after asking what the mom asked the child to say? These coded responses allowed for an assessment of how courtroom discussions about disclosures and non-disclosures might relate to children's responses in court and case factors such as the outcome of the trial.

Results

There were two aims of this study: (a) to examine the content of courtroom questioning about children's prior discussions regarding sexual abuse (disclosures, non-disclosures, and perpetrator conversations with children) and (b) to examine whether what occurred during courtroom questioning related to case factors, such as the outcome of the trial. To answer the first question, it was necessary to examine the frequency of conversations in court about: (a) perpetrator statements to children regarding abuse, (b) disclosure, and (c) non-disclosure conversations in court. In addition, it was necessary to examine how questions were asked and how children responded. Then the content of conversations about interactions with the perpetrator, disclosure, and non-disclosure were examined. These results are presented first. To

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answer the second research question, the variables used to answer the first research question were examined in relation to case factors such as the relationship between the perpetrator and child, whether there were one or multiple instances of abuse, and the outcome of the trial. These results are presented second.

First Aim: Examining Courtroom Questioning about Conversations with Perpetrators, and Disclosure and Non-Disclosure Conversations

How frequently are these topics discussed in courtroom conversations?

The purpose of the first analysis was to examine all questions asked within each transcript to determine how often attorneys and children discussed the following during children's testimony in cases of sexual abuse: (a) perpetrator statements to children during, or about abuse, (b) disclosure, and (c) non-disclosure. In this study, disclosure and non-disclosure were treated as discrete categories; non-disclosure questions included conversations about delayed disclosure, or any question that focused on a child's missed opportunity to tell. First, the number of attorney questions and child answers regarding these topics was totaled for each part of the child's testimony (direct-, cross-, redirect-examination). These conversations are henceforth referred to as question-answer pairs: one question asked by an attorney and the following answer given by a child was treated as one question-answer pair. Then the number of total questions asked during direct-, cross-, and re-direct-examination (and re-cross-, further redirect-examination, etc…) was calculated per child. Firstly, proportions were created assessing how frequently courtroom questioning focused on interactions with the perpetrator, disclosure, and non-disclosure overall (throughout the entire transcript) and by type of attorney (how often defense and prosecuting attorneys asked about disclosure and non-disclosure).

Across all transcripts there were 2554 question-answer pairs coded that utilized the words "say," "ask," or "tell". Of these question-answer pairs, 45% were about disclosure, 14% were about non-disclosure, 26% were about conversations between the child and perpetrator, 14% were about conversations not regarding abuse, and 1% were about conversations between two other parties not involving the child. There were 85 question-answer pairs in which children spontaneously elaborated and brought up disclosure or non-disclosure without the attorney having first asked a question about these topics; for all analyses these 85 instances were eliminated from the dataset because they could qualitatively differ from all other response and the sample was not sufficiently large to analyze separately for analyses conducted at the question level. In addition, all conversations not about abuse or about conversations between two other conversational partners not involving the child were excluded from all analyses. Therefore the sample used for all analyses was 2085 question-answer pairs regarding conversations with the child and perpetrator, children's disclosure and children's non-disclosure. Please see Table 1 for these summary statistics.

Questions in court about what was said between the perpetrator and child were present in 56 of the 60 transcripts; over 93% of cases of child abuse include at least one question-answer pair about conversations children had with their alleged perpetrators. Disclosure questions were present in 58 of the 60 transcripts; over 96% of cases of child abuse include at least one question-answer pair about disclosure during children's testimony. Non-Disclosure questions were present in 52 out of the 60 transcripts; over 86% of cases of child abuse include at least one question-answer pair about disclosing during children's testimony. On average, of all questions asked of children during testimony, the proportion of question-answer pairs about each content area was: 3% about conversations between perpetrators and children (SD =.03; M number of

questions in transcript = 11, SD = 9.49), 4% about disclosure conversations (SD = .04; *M*

number of questions in transcript = 18, SD = 15.90), and 1% about non-disclosure (SD=.01; *M*

number of questions in transcript = 6, SD = 6.34). Therefore, prior conversations with the

perpetrator, or about children's disclosure and non-disclosures represent 8% of children's

testimony overall. The rest of the analyses presented will focus on this 8% of children's

testimony. To provide an overall reference point, mean number of questions in each transcript

will be presented when applicable (in addition to percentages), given that many subcategories

within disclosure, non-disclosure, and conversations with perpetrators are discussed.

How were questions asked?

The purpose of the second analysis was to determine how attorneys ask questions about

prior conversations regarding abuse when examining child witnesses in sexual abuse cases.

Question type was coded into three standard categories: option posing, leading, and open.

Option posing questions include yes/no, forced choice, and statement questions; they can either

be answered yes or no (yes/no and statement), suggest a set of given options (forced choice), or

present the question as a statement, not a question. Leading questions include tag and negative

term questions; they are often viewed as directing a respondent's reply towards a specific

response. 'Wh' questions include all questions starting with a "wh" or "how"; these questions

often encourage respondents to provide more information than the other two question types. This

information, including examples of each question type, is summarized in Table 2. Option posing

questions were by far the most prominent question category; 69% of all questions were from this

category alone (*M* number of questions in transcript = 24, SD = 16.36). 'Wh' questions were the

next largest proportion with 21% of questions representing this category (*M* number of questions

in transcript = 7, SD = 5.82). Leading questions were the least prevalent, representing only 10%

of questions asked (*M* number of questions in transcript = 4, SD =4.60). These results suggest that the large majority of questions were not overtly leading but also did not encourage children to provide elaborative responses; instead, most questions encourage children to give simple, minimally sufficient responses.

Although examining whether questions begin with a "Wh" or "How" statement is usually indicative of whether the question is an invitation for the conversational partner to give an elaborative response, not all "Wh" questions encourage elaboration. For example, the question "Where were you when you told your mom?" only encourages the child to provide a brief and direct answer. For this reason, another variable coded for whether information gathered from the question-answer pair was an invitation to elaborate. This variable was coded dichotomously, for example the question "Where were you when you told?" would not be considered an invitation to give an elaborative response but the question "What did you say when you told?" would be considered an invitation to give an elaborative response. Of the 435 questions that were coded as "Wh" questions, 96% of these were also coded as an invitation for the child to elaborate; only 4% were not coded as inviting an elaborative response. Therefore, 21% of questions asked of children (of the 8% examined) were truly open ended (*M* number of questions in transcript = 7, SD =5.63).

There was a significant difference in how frequently attorneys ask each category of question across the three content areas (conversations between children and perpetrators, disclosure conversations, non-disclosure conversations), χ^2 (4, N = 2085) = 47.53, *p* < .001. Attorneys were most likely to ask "Wh" questions when inquiring about what was said between the perpetrator and child about abuse (27%; *M* number of questions in transcript = 3, SD = 2.08). In comparison, attorneys were most likely to ask option posing questions when inquiring about

non-disclosure (77%; *M* number of questions in transcript = 6, SD = 6.58). Finally, attorneys were most likely to ask leading questions when discussing disclosure (13%; *M* number of questions in transcript = 2, SD = 4.37).

Prosecution and defense attorneys were significantly different in how frequently they asked each question type, χ^2 (2, N = 2083) = 162.27, *p* < .001. Prosecutors were significantly more likely to ask "Wh" questions (28%; *M* number of questions in transcript = 5, SD = 4.24) than defense attorneys (12%; *M* number of questions in transcript = 2, SD = 3.47) whereas defense attorneys were significantly more likely to ask leading questions (18%; *M* number of questions in transcript = 3, SD = 3.58) than prosecuting attorneys (4%; *M* number of questions in transcript = 1, SD = 2.34). Both prosecuting (68%; *M* number of questions in transcript = 11, SD = 10.32) and defense attorneys (defense 70%; *M* number of questions in transcript = 11, SD = 10.97) were similar in how frequently they asked option posing questions.

These findings suggest that while prosecuting attorneys are providing children with opportunities to give elaborative responses more often than defense attorneys, and are significantly less likely to ask leading questions, both types of attorneys are still encouraging children to give forced choices or limited responses nearly 70% of the time (of the 8% of question-answer pairs examined).

How do children respond to questions?

The purpose of the third analysis was to assess how children responded to attorneys' questions about prior disclosures and non-disclosures. Children's responses fell into the following three categories: uncertain responses (seeking clarification, expressing misunderstanding), non-elaborative responses (yes without elaboration, no without elaboration, and forced choice option in response to a forced choice question) and elaborative responses (yes

with elaboration, no with elaboration, gives response to open question). This information, including examples of each response type, is summarized in Table 3. Question responses were analyzed in relation to the three main question types: option posing, leading, and "Wh".

Hierarchical binary logistic regression analyses were used to test the effect of question type on response, controlling for age of the child. These data are presented in Tables 4 and 5. Two regression analyses were conducted to assess two separate dependent variables: a) uncertain responses compared to certain responses (containing both non-elaborative and elaborative responses) and b) non-elaborative responses compared to elaborative responses.

The relationship between question type and uncertain versus certain responses was examined first. As expected age was related to unresponsive versus responsive answers; the average age for giving unresponsive answers was younger (M=10.45, SD=2.50) than that for responsive answers (M=11.64, SD=2.11). t(2085) = -4.35, $p < .001$. In addition, without controlling for age, "Wh" questions were more likely to be associated with an uncertain response (7%) than option posing (4%) or leading questions (3%), χ^2 (2, N = 2085) = 10.80, $p = .01$. The age of the child was unrelated to whether the question was "wh" [$t(2085) = -.91, p = .07$], leading [t(2085) =.99, $p = .69$] or option posing [$t(2085) = .12, p = .12$]. Pairwise comparisons between categories of question type (while controlling for age of the child) showed that the proportion of responsive answers was higher for leading questions and option posing questions when compared to the reference group of "Wh" questions (all two-tailed $p < .001$). "Wh" questions had the highest proportion of unresponsive answers. These results are presented in Table 4.

The relationship between question type and elaborative and non-elaborative responses was examined second. As expected age was related to answer type; the average age for giving

non-elaborative answers was younger (M=11.47, SD=2.19) than that for responsive answers

(M=11.95, SD=1.98). t(2085) = -4.93, p < .001. In addition, "Wh" questions were more likely to

be associated with an elaborative response (96%) than option posing (23%) or leading questions

(14%), χ^2 (2, N = 2085) = 774.53 p < .001. The age of the child was unrelated to whether the

question was "Wh" [t(2085) = -.91, p = .07], leading [t(2085) =.99, p = .69] or option posing

[t(2085) = .12, p = .12]. Pairwise comparisons between categories of question type (while

controlling for age of the child) showed that the proportion of elaborative answers was

significantly lower for leading questions and option posing questions when compared to the

reference group, "Wh" questions (all two-tailed p < .001). Please see Table 5 for these results.

There was a significant difference in how frequently children gave each type of response

across the three content areas (conversations between children and perpetrators, disclosure

conversations, non-disclosure conversations), χ^2 (4, N = 2085) = 84.28, p < .001. Children were

more likely to give elaborative responses when asked about what was said between them and

their alleged perpetrator (49%; M number of questions in transcript = 5, SD = 5.87) than when

asking about what they disclosed (31%; M number of questions in transcript = 5, SD = 4.69) or

did not disclose to other individuals (12%; M number of questions in transcript = 1, SD = 1.21).

In comparison, children were more likely to give non-elaborative responses when asked about

non-disclosure (72%; M number of questions in transcript = 4, SD = 4.98) than when asking

about disclosure (65%; M number of questions in transcript = 10, SD = 9.67) or conversations

with alleged perpetrators (48%; M number of questions in transcript = 5, SD = 6.72). Finally,

children were more likely to give uncertain responses when asked about disclosures (5%; M

number of questions in transcript = 1, SD = 2.03) or non-disclosures (4%; M number of

questions in transcript < 1, SD = 1.56) than when asked about conversations with perpetrators

(3%; *M* number of questions in transcript < 1, SD = 1.93). These findings suggest that children are most willing elaborate when asked about conversations they had with the perpetrator, and may have more difficulty providing detailed responses when asked about non-disclosure and disclosure, with non-disclosure being the most difficult of the three.

In addition, children gave different answers depending on who asked the question χ^2 (2, N = 2085) = 34.20, *p* < .001. Children were more likely to give an elaborative response to questions asked by prosecuting attorneys (40%; *M* number of questions in transcript = 7, SD = 7.43) than defense attorneys (28%; *M* number of questions in transcript = 5, SD = 4.57). This suggests that while children are often giving non-elaborative responses to both attorneys, they do so less often when asked a question by prosecuting attorneys. Although children are unresponsive more often to "Wh" questions, this is still quite rare, suggesting that the benefits of "Wh" questions (encouraging children to elaborate) still outweigh the risks of non-responsiveness).

From these findings it is clear that children often give non-elaborative responses unless overtly encouraged to elaborate, and they are most often encouraged to do so by prosecuting attorneys. In addition, children's age is related to how they respond; younger children were more likely to give non-elaborative and non-responsive answers than older children.

What is the content of questions asked about conversations with perpetrators?

This next set of analyses assessed the content of courtroom conversations about discussions between children and their alleged perpetrators. From the literature on disclosure and non-disclosure, these conversations may have significant impacts on how and when children will disclose abuse. By examining how attorneys discuss these prior conversations in court, researchers can begin to understand how these interactions between the child and the perpetrator

are used when assessing children's credibility. Questions about conversations with perpetrators were present in over 96% of cases examined.

When attorneys asked children about their prior conversations with perpetrators, they more often ask about the abuse itself (84%; *M* number of questions in transcript = 9, SD = 8.58), and are less likely to ask about statements perpetrators made about abuse to children (14%; *M* number of questions in transcript = 2, SD = 1.68), or characteristics of the perpetrator (3%; *M* number of questions in transcript < 1, SD = .95). Questions about the abuse itself refer to conversations during abusive acts; for example, an attorney might ask, "What did he tell you to do?" as a means of discovering what the child remembers and reports about what abusive acts occurred. In comparison, questions about statements the perpetrator made regarding abuse refer to conversations after abusive acts have occurred; for example, an attorney might ask "Did he ask you not to tell your mother about this?" Conversations about the perpetrator characteristics ask children to recall what they remember about their alleged perpetrator; for example, an attorney might ask "Do you remember what he was wearing when he said that to you?"

The questions that focused on prior conversations between the child and the perpetrator mentioned the following content areas, listed in order from most to least frequent: inquiring about what the perpetrator said or did not say (65%; *M* number of questions in transcript = 8, SD = 7.60), asking the child if they protested or did not protest the abuse (19%; *M* number of questions in transcript = 3, SD = 4.21), and asking the child what they said to the perpetrator (2%; *M* number of questions in transcript < 1, SD = .76). For questions about these prior conversations with the perpetrator, they asked about what the perpetrator did (or did not) say to the child with the following frequency: giving the child instructions for abusive acts (14%; *M* number of questions in transcript = 2, SD = 1.50), overtly threatening the child to not tell (7%; *M*

number of questions in transcript = 1, SD = .96), asking the child to "keep the secret" (2%; *M*

number of questions in transcript < 1, SD = 1.23), and giving the child bribes or money (< 1.0%;

M number of questions in transcript < 1, SD = 1.42). The remaining questions did not ask

specifically about one of these content areas, but instead asked more generally what the

perpetrator said. Many of them referred to what happened just prior to an abusive act beginning,

for example, "Do you remember what happened after you were watching TV? What did he ask

you next?"

Finally, there was no significant relationship between the age of the child and whether

children were asked about conversations with perpetrators, *r*(60) = .14, p =.38.

From these findings, it is clear that attorneys often bring up questions about children's

conversations with perpetrators, and most frequently inquire about what the child remembers

having been said by the perpetrator during abusive acts. Rarely do attorneys overtly ask about

threats perpetrators make, or overt conversations between children and perpetrators about

keeping abuse a secret.

What is the content of questions asked about disclosure and non-disclosure?

Questions about disclosure and non-disclosure included a variety of content areas

including: elements of timing, motives for telling or not telling, the extent of the disclosure

(asking about what the child told generally, asked if they told about certain aspects of abuse) and

whether accusations of coaching or suggestive influence were overt. For all question-answer

pairs about disclosure and non-disclosure, each content area was the main focus of the attorney's

question in the following frequency: extent of disclosure or non-disclosure (54% of eligible

questions using key words; *M* number of questions in transcript = 12, SD = 11.94; present in

97% of cases examined), timing (33% of eligible questions using key words; *M* number of

questions in transcript = 7, SD = 5.32; present in 90% of cases examined), overt accusations (8% of eligible questions using key words; M number of questions in transcript = 2, SD = 2.17; present in 23% of cases examined), and motives (5% of eligible questions using key words; M number of questions in transcript = 1, SD = .58; present in 47% of cases examined). A Graphical representation of these values is presented in *Figure 1*. For each of these content areas, differences between disclosure and non-disclosure are discussed. All differences were assessed using Chi-Square and not hierarchical binary logistic regression due to small sample sizes in sub-categories for each content area.

Before examining the content of disclosure and non-disclosure conversation, it is important to note that the conversational recipients most often referred to in questions about disclosure and non-disclosure. Disclosure and non-disclosure recipients were categorized as the following: mother, father, siblings, other family members, friends, school professionals (teachers, principals, coaches, etc…), attorneys, other professionals (therapists, nurses, doctors, social workers, etc…), police professionals (police, detectives, sketch artists, etc…), and unspecified (not a specific recipient; ex. "Did you tell anyone?"). Both disclosure and non-disclosure conversations, as referred to in court, were most frequently held with mothers (26% disclosure, M number of questions in transcript = 4; 25% non-disclosure, M number of questions in transcript = 2) and police professionals (31% disclosure, M number of questions in transcript = 5, SD = 3.43; 22% non-disclosure, M number of questions in transcript = 1, SD = .82). Non-disclosure conversations were significantly different from disclosure conversations in that they often referred to an undisclosed recipient, χ^2 (9, N = 1466) = 79.88, $p < .001$. To see the descriptive data on conversational partners for disclosure and non-disclosure conversations in court across all categories, please see Table 6.

Questions about timing. Timing was coded as either a reference to a specific prior conversation, a bounded timing reference or an unbounded timing reference. Specific timing references referred to a precise prior conversation, ex. "That first day when you told your mom about him touching you, did you tell her about the incident in the bathtub?" A bounded timing reference referred to timing with regards to some margin such as the sequencing of multiple disclosures, or a reference to a first or last disclosure. An example of a bounded timing reference would be "Did you tell your mom before or after you told your sister? Unbounded timing references referred vaguely to timing: they asked a) generally about whether the child "ever" or "never" told disclosure recipients, or b) if the child delayed their disclosure, ex. "You didn't tell about the abuse for a while?" Overall, the frequency of timing references for disclosure and non-disclosure conversations was as follows: specific timing references (43%; *M* number of questions in transcript = 3, SD = 2.28), bounded timing references (29%; *M* number of questions in transcript = 2, SD = 1.54) and unbounded timing references (28%; *M* number of questions in transcript = 2, SD = 1.76). There was a significant different between disclosure and non-disclosure questions with regards to timing, χ^2 (2, N = 480) = 74.09, *p* < .001; disclosure questions were more likely to have a specific or bounded timing reference whereas non-disclosure questions were more likely to have an unbounded timing reference. These data are presented in Table 7.

For disclosure and non-disclosure conversations in court that referred to timing, it was also necessary to determine whether these questions ask about specific details the child disclosed (or chose not to disclosure) or specific details of the disclosure context (such as where the child was when disclosing). There was no differences between conversations about disclosure and non-disclosure with regards to how often they discussed specific details of what was disclosed,

χ^2 (1, N = 480) = 0.27 p = .61, or whether there was a specific reference to the disclosure context,

χ^2 (1, N = 480) = 0.01, p = .91; therefore, in the analyses that follow, all timing questions are examined with disclosure and non-disclosure question-answer pairs considered together.

Specific details during disclosure and non-disclosure conversations are examined first. For questions that did refer to timing (those discussed in this section), 33% of questions asked about specific content being disclosed (*M* number of questions in transcript = 3, SD = 2.45). Children's responses were effected by timing questions that asked about specific details of what was disclosed, χ^2 (2, N = 480) = 8.31, p = .02. When children were asked about specific details of what they did or did not disclose, their responses were more likely to be non-elaborative than elaborative (74% non-elaborative, *M* number of questions in transcript = 1, SD = .53; 21% elaborative, *M* number of questions in transcript < 1, SD = .24; 7% unresponsive, *M* number of questions in transcript < 1, SD = .64) compared to when they were not asked specifically about details of what they said (60% non-elaborative, *M* number of questions in transcript = 3, SD = 2.67; 34% elaborative, *M* number of questions in transcript = 2, SD = 1.20; 6% unresponsive; *M* number of questions in transcript < 1, SD = .59).

Specific details about the disclosure or non-disclosure context are examined second. Of questions that ask about disclosure or non-disclosure and had a specific timing reference, 16% also refer to specific details about the disclosure context (*M* number of questions in transcript = 1, SD = 1.85). For example, the question "When you were talking to your mom that day, what did you tell her?" would instead ask "When you were talking to your mom that day when you first told her, were you in the living room of your house?" There was no relationship between references to disclosure context and children's responses, χ^2 (2, N = 352) = 0.76, p = .78.

In addition, there was no relationship between the age of the child and whether the child was asked specific timing references, $r(1464) = .02$, p =.72 or about specific details they disclosed during specific prior episodes of disclosing, $r(1464) = .02$, p =.72. A graphical representation of the overall content of timing questions is presented in *Figure 2*.

These findings suggest that attorneys often ask children about specific prior disclosure and non-disclosure conversations. In addition, in one-third of questions that refer to timing (32% of the 8% examined), attorneys also ask about specific content that was disclosed.

Questions about motives for telling or not-telling. The coding scheme assessed whether during discussion about disclosure or non-disclosure, children reported reasons for having told or not told about their abuse. Coded "motives" for telling or not-telling included: fear, shame/embarrassment, helplessness, concern for others, concern for the perpetrator, concern about family fall-out of disclosing, didn't think they would be believed, didn't think it was a "big deal", didn't think the abuse was wrong or needed to be told, heard that others had disclosed, or they were asked directly if they had been abused by another individual. Motives for disclosing or not disclosing were infrequently discussed in courtroom conversations. Over 95% of courtroom question-answer pairs did not discuss motives for telling or not telling (97% of disclosure conversations *M* number of questions in transcript = 16, SD = 15.43; 88% of non-disclosure conversations, *M* number of questions in transcript = 5, SD = 5.78).

Questions asked about disclosure and non-disclosure differed with regards to how they referenced motives χ^2 (12, N = 71) = 29.46, $p = .01$. The descriptive data for motive categories and frequency for disclosure and non-disclosure conversations is presented in Table 8. For disclosure conversations that did discuss motives for telling, children's often reported telling because of fear (30%; *M* number of questions in transcript < 1, SD = .50), because someone else

had told (17%; *M* number of questions in transcript < 1, SD = .73), or because they had been asked directly by someone about being abused (17%; *M* number of questions in transcript < 1, SD = .24). In comparison, children often reported not-telling because of fear (52%; *M* number of questions in transcript < 1, SD = 1.32) and because of embarrassment or shame (29%; *M* number of questions in transcript < 1, SD = .46). However, it is important to note that motives for telling or not-telling were infrequent throughout courtroom conversations, only representing 5% of the 8% of question-answer pairs examined in this study.

In addition, there was no relationship between the age of the child and whether the child was asked about motives for disclosing or not-disclosing, $r(1464) = .02$, p =.72.

These results suggest that attorneys infrequently inquire about children's motives for disclosing or not disclosing abuse (around 5% of the time when they ask about disclosure and non-disclosure). Most often when children are asked about why they told or did not tell about their abuse, they report fear as their motivation.

Questions about the extent of disclosure. As stated previously, when attorney's asked children about disclosure and non-disclosure, roughly half of the questions focused on the extent of the disclosure or non-disclosure. The extent of disclosures and non-disclosures were coded as follows: (a) children were asked if they told the truth (ex. Did you tell your mom the truth?), (b) asked if they told the whole story (ex. Did you tell your mom everything?), (c) asked whether they told about a specific aspect of abuse (ex. Did you tell your mom about how he took your clothes off?), (d) asked what they told generally (ex. Did you tell your mom about the abuse?) or (e) asked if they lied (ex. Did you lie to your mom?). It is important to note that while the "specific aspects" of abuse within this category is similar to the "specific details" sub-category in the previous timing section, the two concepts are parallel; the main distinction is the focus of the

question and whether it was on what the child disclosed more generally (the extent of the disclosure), or if it referenced timing in any concrete way (timing). These questions coded under "extent of disclosure" had no reference to timing, but asked more generally what the child disclosed.

Questions asked about disclosure and non-disclosure differed with regards to how they referenced the extent of disclosures χ^2 (4, N = 800) = 12.01, p = .02. The descriptive data for extent categories and frequency for disclosure and non-disclosure conversations is presented in Table 9. For both disclosure and non-disclosure conversations attorneys discussed what the child told generally over 68% of the time (M number of questions in transcript = 8, SD = 7.32). Disclosure conversations were more likely than non-disclosure to ask about if the child told the truth, the whole story, or a lie. In comparison, non-disclosure conversations were more likely to ask about whether the child disclosed specific aspects of abuse.

There was no relationship between the age of the child and whether the child was asked about motives for disclosing or not-disclosing, r(1464) = .04, p =.10.

These results suggest that children are often asked generally about the extent of their prior disclosures or missed opportunities to disclose. Infrequently do attorneys refer to bribes, conversations about keeping abuse a "secret," whether children told the whole story or if children told the truth.

Questions about overt accusations of coaching. The coding scheme assess whether each question asked by an attorney mentioned any overt accusations of coaching; did attorneys ask directly if children had been "told to say something" by another individual? Of note is that non-disclosure conversations did not apply to this category of coding because only during children's disclosure could someone try to coach them or tell them what to say. In 10% of the questions

asked of children about disclosures, attorneys asked overtly if children were told to say something specifically about their abuse by an adult to whom they had disclosed their abuse (M number of questions in transcript = 2, SD = 2.57). This occurred in 14 out of the 60 transcripts; roughly 23% of transcripts contained overt accusations that children may have been asked to say something about their abuse.

In only one question across all transcripts did an attorney present a motive for another individual possibly asking the child to say something specific about abuse; in this instance the defense attorney mentioned that the adult might have wanted revenge against the alleged perpetrator in the same question where they asked if this adult told the child to say anything specific and the child responded "no". In only four question-answer pairs did an attorney mention a means by which the child could have gained information about sexual activity; in three questions they suggested that sexual education provided a context for fabricating abuse and in one question they stated that exposure to sexual activities (through pornography) could have allowed the child to fabricate abuse. It is important to note that this study may have missed in court conversations about sexual exposure if they did not explicitly used the keywords "say," "ask," or "tell."

In addition, there was a significant relationship between the age of the child and whether the child was asked overtly about being coached, $r(1464) = -.19$, p < .001; attorneys asked younger children more frequently whether they had been told what to say.

These results suggest that attorneys infrequently ask children overtly if they were coached or suggestively influenced (less than 10% of the time). It may be that attorneys are asking subtly about coaching, only mentioning it within other interviews (such as with disclosure recipients), discussing it in their final argument, or making other accusations against children.

Second Aim: Examining How Case Factors Relate to Courtroom Questioning

For the next set of analyses, children's responses were re-coded into a summary variable for each child. The percentage of time each child gave elaborative responses was created as a summary variable. This allowed for children's responses to be considered at the case level instead of only the question level. There was no significant relationship between how often the child gave elaborative responses and their age at the case level, $r(60) = -.20, p =.13$. All analyses through this section were conducted at the case level.

The effect of the relationship between the child and the perpetrator

The relationship between perpetrators and children was coded as parental figure (parents, foster parents, step-parents, parents' intimate partners, and adoptive parents), other relatives (aunts, uncles, and siblings), acquaintances (coaches, teachers, and family friends) and strangers. This information is presented in Table 10. In this sample, 9% of alleged perpetrators were strangers, 43% were acquaintances, 23% were other relatives, and 26% were parental figures.

None of the in court conversation factors were significantly related to the relationship between the perpetrator and the child. There was no relationship between the presence of disclosure questions, χ^2 (3, N = 60) = 1.22, $p = .75$, the presence of non-disclosure questions, χ^2 (3, N = 60) = 0.21, $p = .98$, or the presence of conversations with perpetrators, χ^2 (3, N = 60) = 1.44, $p = .70$, and the relationship between the perpetrator and child. Further, the relationship between the perpetrator and child was unrelated to the proportion of disclosure [$r(60) = -.22, p =.10$], non-disclosure [$r(60) = .23, p =.08$], and conversation with perpetrator questions [$r(60) = = .04, p =.77$].

Overt conversations about children being coached was unrelated to the relationship between the perpetrator and child witness, χ^2 (3, N = 60) = 3.58, $p = .31$; attorneys were not

more likely to ask children with parents as alleged perpetrators about being coached than children who were alleging abuse against strangers or acquaintance or relative. Further, there was no significant relationship between which attorney made overt mentions of potential coaching and the relationship between the perpetrator and child χ^2 (9, N = 54) = 0.70, p = .87.

Further, there was no significant correlation between how close the child and perpetrator were and the percentage of time children gave elaborative responses to courtroom questioning about disclosure or non-disclosure, $r(60)$ = -.11, p =.42. In addition, there was no relationship between the age of the child and the relationship to the perpetrator, $r(60)$ = .05, p =.72.

From these findings it is clear that attorneys do not alter their questioning based on the relationship between the child and the perpetrator.

The effect of a single versus multiple instances of abuse

Each case file was coded to determine whether children experienced repeated or singular episodes of abuse. This variable was coded dichotomously; children either experienced one or multiple instances of abuse. Within this sample, 37% child witnesses experienced one episode of abuse; 63% of child witnesses experience multiple episodes of abuse.

The number of instances alleged was significantly related to both the presence, χ^2 (1, N = 60) = 7.40, p = .01, and proportion of conversations with the perpetrator discussed in court [$r(60)$ = .35, p =.01]. Although only 4 out of 60 cases did not contain prior conversations between the perpetrator and child, all of these cases were alleging only one instance of abuse and not multiple. These data are presented in Table 11.

None of the conversation factors about disclosure and non-disclosure were related to the number of instances of abuse. The presence of disclosure questions, χ^2 (1, N = 60) = 0.15, p = .69, and the presence of non-disclosure questions, χ^2 (1, N = 60) = 2.65, p = .11, were

unrelated to the number of instances. Further, frequency of abuse episodes was unrelated to the proportion of disclosure, $r(60) = .04$, $p > .05$, and non-disclosure, $r(60) = -.12$, $p > .05$, questions.

Overt conversations about children being coached was unrelated to how many instances of abuse were alleged, χ^2 (1, N = 60) = 0.52, $p = .47$; attorneys were not more likely to ask children alleging multiple instances of abuse about being coached than children who claimed to be abused only one time. Further, there was no significant relationship between which attorneys made overt mentions of potential coaching and the relationship between the perpetrator and child, χ^2 (6, N = 60) = 2.65, $p = .61$.

There was no significant correlation between the number of instances of abuse and the percentage of time children gave elaborative responses to courtroom questioning about disclosure or non-disclosure, $r(60) = .06$, $p = .96$, nor was there a significant relationship between the age of the child and the number of instances of abuse, $r(60) = -.08$, $p = .54$.

From these data, it is clear that attorneys do not alter their questioning based on the number of instances alleged with one exception; in cases where only one instance of abuse was alleged, attorneys did not ask about children's prior conversations with perpetrators.

The effect of trial outcome, acquittal or conviction

Each case file was coded to determine the outcome of the trial; only cases resulting in acquittals (N = 29) and convictions (N = 31) were selected. Whereas cases with non-disclosure questions were equally likely to be associated with acquittal (54%) as conviction verdicts (46%), cases without non-disclosure questions were significantly more likely to result in a conviction (87%) than an acquittal (13%), χ^2 (1, N = 60) = 4.75, $p = .03$. These data are presented in Table 12.

It was also important to assess whether who discussed non-disclosure, the prosecutor versus the defense attorney, related to the case verdict. In trials where the prosecution only (58%) or both attorneys (60%) discussed non-disclosure, cases were significantly more likely to result in an acquittal. However, when neither attorney (87%) or the defense attorney (75%) discussed non-disclosure, these cases were significantly more likely to result in a conviction, χ^2 (3, N = 60) = 7.90, p = .048. Of note is that when initiation patterns were examined, prosecutors addressed non-disclosure in direct-examination 79% of the time when non-disclosure conversations were present in discussed; the defense only initiated discussing non-disclosure 19% of the time in cross-examination when prosecution had not already discussed it in direct (a remaining 2% of cases had discussions of non-disclosure discussed by the prosecution for the first time in re-direct).

No effects regarding case outcome (acquittal or conviction) were observed when examining disclosure questions χ^2 (1, N = 60) = .002, p= .96, or conversations with perpetrators, χ^2 (1, N = 60) = .05, p= .95. Further, in over 83% of the cases both prosecuting and defense attorneys asked questions about disclosure to child witnesses, suggesting no significant differences between who discussed disclosure and case verdict, χ^2 (3, N = 60) = 3.17, p = .96.

Whether an attorney overtly asked about coaching was unrelated to the trial outcome, χ^2 (1, N = 60) = .57 p = .45. Of the 14 cases where overt questioning about coaching occurred, 8 of these cases resulted in an acquittal and 6 resulted in a conviction. Further, there was no significant correlation between the outcome of the trial and the percentage of time children gave elaborative responses to courtroom questioning about disclosure or non-disclosure, r(60) = -.04,

p >.05. Finally, there was no relationship between the age of the child and the outcome of the trial, *r*(60) = -.06, *p* =.61.

Together, these results suggest that in sexual abuse cases, the presence of non-disclosure conversations in courtroom investigations of child witnesses relates to the trial verdict; cases in which non-disclosure is not discussed are significantly more likely to result in convictions. This was not the case for conversations about disclosure or statements perpetrators made to children. This finding highlights the potential importance of non-disclosure conversations when investigating children's accounts of sexual abuse in court.

Discussion

This study provided a first step in assessing how question-answer pairs in court discuss children's prior discussions about sexual abuse. The two aims of the present study were to (a) assess what courtroom conversations about children's prior sexual abuse discussions 'look' like and (b) to assess how case factors and courtroom conversation factors relate to one another. The present findings suggest that roughly 5% of all testimony focuses on disclosure and non-disclosure (4% on disclosure, 1% on non-disclosure) and an additional 3% focus on prior conversations between children and their alleged perpetrators. Further, nearly all cases mentioned all three topics while examining child witnesses in court. This finding takes research a step forward by suggesting that prior disclosures, non-disclosure, and conversations between children and perpetrators are topics often discussed during examination of child witnesses when assessing children's credibility in cases of alleged sexual abuse.

Of specific interest in this study was how questions about prior discussions regarding sexual abuse were discussed and how children responded. Similar to other research on direct- and cross-examination (Brennan, 1995; Davies & Seymour, 1998; Korkman et al., 2007),

children were often presented with questions that did not encourage them to provide additional content but instead encouraged them to select a specific response (such as yes, no, or an option in response to a forced-choice question). The most frequent question type was option posing, giving specific response options to children nearly 70% of the time. In addition, children most often gave non-elaborative responses, unless asked a "Wh" question which occurred in only about 20% of question-answer pairs. It is evident in this study that children were not often encouraged to provide content beyond assenting, dissenting or giving a force choice, nor did they often choose to do so without encouragement.

Of note is that the majority of questions on prior conversations referenced the extent of what was (or was not) disclosed and not the timing, motives or source of disclosure or non-disclosure information (overt accusations of coaching). Most disclosure and non-disclosure questions referred generally to what the child told during prior conversations. An example of a general question about the extent of a disclosure might have asked "Did you tell your mom?" or "You didn't tell your sister?" In only 5% of question-answer pairs and 47% of cases were children's motives for disclosing or not disclosing discussed. This is surprisingly low given the abundance of empirical research assessing how children have varying motives for telling and not telling about sexual abuse (Elliott, Browne & Kilcoyne, 1995; Sas & Cunningham, 1995; Smith et al., 2000). In addition, children's prior conversations with perpetrators were present in nearly all cases but most of the questions focused on what the perpetrator said during abusive acts, and not what the perpetrator and child said about the abuse that occurred (keeping it a secret, bribery to not disclose, etc…). Given that questions about disclosure, non-disclosure and prior conversations with perpetrators were present in nearly all transcripts, it is clear that although attorneys find these to be important topics when assessing children's credibility, they are

infrequently asking about children's timing for disclosures, motives for telling, or opportunities for being suggestively influenced.

In addition, overt accusations that children were coached or suggestively influenced were present in question-answer pairs about disclosure and non-disclosure only 10% of the time and in only 23% of the cases examined. The small percent of questions with overt accusations suggests that many attacks made against children's credibility (with regards to being coached or suggestively influenced) are potentially veiled, indirect, or not present in testimony and are only present during final arguments or interviews with other witnesses (such as parents and siblings). This relates to suggestions of Wellman (1904) and Long et al. (2012) that for attorneys to be successful, they must intentionally word questions so that the accusations they make against eyewitnesses are veiled, as an intentional defense strategy to undermine the credibility of witnesses. Given that courtroom questioning is often developmentally inappropriate, containing complex questioning that is known to be especially challenging for children to comprehend and respond to (Brennan 1995; Zajac & Hayne, 2003), the small percent of overt accusations found in the present study implies that subtler forms of accusations may be occurring, or that attorneys do not ask question of children about suggestive influence, rather they question them about consistencies and inconsistencies in their reports to suggest that children lack credibility.

In assessing what courtroom conversations about disclosures and non-disclosures look like, a new finding about timing has emerged. With the exception of asking generally about the extent of a child's disclosure, attorneys most often ask the timing of their disclosures and non-disclosures; 33% of questions examined about disclosure and non-disclosure referenced timing. Of these question-answer pairs, many referred to either a specific prior disclosure or a bounded episode such as the sequencing of a disclosure, for example, "Did you tell your mom before your

sister?" This effect is of note because it calls into question children's abilities to remember what they discussed during prior conversations. This question is complicated by the fact that many of question-answer pairs with timing references also referred to either specific content that was disclosed or specific details of the disclosure context. It is clear that the question "On August 27th, the day after school, did you tell your mom that 'he kissed me at the water park?'" is more cognitively demanding from a source monitoring perspective than the question "On August 27th, the day after school, did you tell your mom about the abuse?" However, very little is known about memory for conversations with both adults and child populations. Researchers have even called the study of memory for conversations the "orphan child of child of witness memory research" (Davis & Friedman, 2007, p.3). When researchers have examined memory for conversations in the context of courtroom hearsay, they have explored adult's ability to remember conversations with children (Bruck, Ceci, & Fancoeur, 1999; Warren & Woodall, 1999). While basic memory research can offer a rich source of hypotheses regarding the determinants of memory for conversation in the domain of children's testimony accuracy, more research is necessary to explore the many complexities governing processing and memory for conversation within this context, especially to assess how adding different layers (specific prior episode, specific content of what was said, specific disclosure context references) of complexity may place additional demands on the child's ability to comprehend and give accurate responses.

In the present study, children's ultimate credibility assessment (the outcome of the trial) related to the presence of non-disclosure questions and not the presence of disclosure questions or conversations between the perpetrator and child. In cases resulting in acquittals, children and attorneys were significantly more likely to have question-answer pairs about children's prior non-disclosures whereas in cases resulting in convictions, they were significantly less likely to

have question-answer pairs about non-disclosure. Further, it mattered which attorney discussed non-disclosure. When the defense or no attorney discussed non-disclosure, cases were more likely to result in a conviction, however, when the prosecution or both attorneys discussed non-disclosure, cases were more likely to result in an acquittal. This finding suggests that previous non-disclosure conversations may be of concern when assessing the credibility of a child witness because it is these conversations in court that related to the outcome of the trial.

This effect may be explained by a legal term known as "removing the sting" (Ohler v. United States, 2000; p. 758). "Removing the sting" refers to a common method for parties to introduce potentially damaging issues in direct rather than wait for them to be raised on cross-examination, thus reducing their impact by minimizing the likelihood that the jury will think that they concealed the information because they believed it was damaging. We suspect that prosecutors might introduce issues involving non-disclosure for this reason. This is supported by our findings on who initiated non-disclosure conversations; over 70% of non-disclosure conversations were initiated by the prosecution in direct-examination, possibly in hopes of "removing the sting". However, when this occurs, their attempts may not have been effective as their case was more likely to have resulted in an acquittal. When the prosecuting attorney did not feel like there were serious concerns regarding children's non-disclosures and therefore they did not discuss it at all, the defense discussing a child's non-disclosure (or the absence of discussions about non-disclosure) was associated with conviction outcomes.

The finding that there was a relationship between the presence of non-disclosure conversations and trial verdict was surprising given that the majority of children delay their disclosures until multiples instances of abuse have occurred (Sas & Cunningham, 1995). More research is needed to assess if children's non-disclosures are critical in attorney's arguments

against child witnesses in sexual abuse cases. Future research should focus on how themes of non-disclosure emerge across trial testimony as well as final arguments to determine the relationship between non-disclosure conversations in court and trial verdict. This would allow researchers to obtain information regarding whether accusations against children's credibility are woven throughout direct- and cross-examination as well as in final arguments.

This analysis would be incomplete without a discussion of age. In the present sample there were few significant factors relating to age. Two age effects resulted. First, attorneys were more likely to ask younger children overtly if they were coached or suggestively influenced. Second, younger children gave unresponsiveness and non-elaborative responses more often than older children. It appears that attorneys were not sensitive to the age of the child with respect to the kinds of questions they are asking for conversations about disclosure, non-disclosure, or statements made by perpetrators. It is of note that it is unclear from this study if younger children were less likely to give elaborative responses because of their reservations about talking, an inability to understand what is being asked, or both. More research is needed to assess how children's age may be related to their responsiveness and, ultimately, the outcome of their trial.

One last finding of note regards conversational partners. When interviewing child witnesses in court about their allegations of sexual abuse, attorneys most often ask children about their conversations with perpetrators, mothers, and police officers. These findings suggest that when assessing children's credibility, these disclosure recipients are of most interest to attorneys. However, from this research, it is unclear whether these disclosure recipients are asked about with the highest frequency because attorneys had concerns that mothers, defendants and police officers coached or influence children's testimony, or because these recipients are the most frequency conversational partners for children before appearing in court. Additional research is

needed to assess how disclosure recipients are discussed in court and how thisfactor relates to the ultimate credibility of child eyewitnesses in sexual abuse cases.

There are several limitations to this research. First, all observed relationships are correlational in nature and not causal. While we can conclude that there is a relationship between the presence of non-disclosure questions and the outcome of the trial, we cannot draw any conclusions about the direction of this relationship (or others like it). For example, it is unclear if attorneys bring up non-disclosure because there are potential credibility issues with their child's testimony and this influences the relationship to the case verdict, or if by merely bringing up non-disclosure jurors' perceptions are altered. However, either interpretation is significant because it suggests the importance of non-disclosure issues.

Second, while examining children's testimony provides a first step in assessing the content of courtroom conversations about children's sexual abuse disclosures, non-disclosures and conversations with perpetrators, it is an incomplete perspective. Ideally, information should be gathered from all case evidence, including opening/closing arguments as well as hearsay testimony from other child victims, parents of children and police professionals involved with the case.

Finally, while 60 cases is a sufficient sample size to assess the relationships reported in this dissertation, the sample size was no sufficient to conduct hierarchical binary logistic regressions for subcategories about disclosure and non-disclosure separately. This because only 8% of questions asked of children regarded the variables of interest in the present study. Having a larger sample size in future research would allow for more advanced statistical models that incorporates multiple control variables simultaneously.

This study provided a first step in assessing the frequency and content of courtroom conversations about children's prior discussions about sexual abuse. The findings indicate that conversations about children's prior disclosure, non-disclosures, and conversations with perpetrators are present in nearly all cases of alleged child sexual abuse, although they only represent about 8% of questions asked of children, this suggests that while attorneys are likely to bring up these content areas, they are unlikely to discuss them at length. Additional research is needed to examine the role of discussing children's prior conversations about abuse in court and how they might influence children's credibility to determine how best to handle child cases of sexual abuse given the prevalence. After all, the goal of criminal proceedings in child sexual abuse cases should be an equitable balance between meeting the needs of the victimized child while maintaining a thorough investigation of the child's credibility, allowing courts to make informed decisions that will impact the victims, their families, and perpetrators.

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Table 1

Summary Statistics for Question-Answer Pairs Coded

	Overall		Included in Analyses	
	Percent	Number of Questions	Percent	Number of Questions
Disclosure	44.5%	1137	53.4%	1113
Non-Disclosure	14.2%	363	16.9%	353
Conversations between the Child and Alleged Perpetrator	26.0%	664	29.7%	619
Conversations not about Abuse	14.3%	366		
Conversations between two other Conversational Partners	0.9%	24		
Total	100.0%	2554	100.0%	2085

Table 2

Attorney Question Type and Coding

Question Type	Question Example	Question Type Category
1. Yes/No Question	*Did you tell him you didn't like it?*	Option Posting
2. Yes/No with Implicit Question	*Do you remember?*	Option Posting
3. Forced Choice	*Did it hurt a lot or a little?*	Option Posting
4. Statement Question	*It was the first time you met?*	Option Posting
5. Tag Questions	*Now he is your uncle, isn't that right?*	Leading
6. Negative Term	*Isn't it true that you told your mother that you were scared of him?*	Leading
7. 'WH' Question	*Where were you before he took you in the bedroom?*	'Wh'
8. 'How' Question	*How did you feel when that happened?*	'Wh'

Table 3

Children's Responses to Attorney's Questions and Coding

Response Type	Response Example	Response Category
1. No Response	*Q. What happened?* *A.* Child remains silent	Uncertain Response
2. Seeks Clarification	*Q. Did you know that what was happening was wrong?* *A. I don't understand.*	Uncertain Response
3. Misunderstanding	*Q. Did your mom tell you to tell the police or not to tell the police?* *A. I told the police.*	Uncertain Response
4. Conflicting Response	*Q. Did you tell your dad what happened?* *A. Yes, I mean No.*	Uncertain Response
5. Yes Without Elaboration	*Q. Did you tell your dad what happened?* *A. Yes.*	Non-Elaborative Response
6. Says No With Elaboration	*Q. Did you tell him that you didn't like it?* *A. No, I didn't like what happened and that is why I told my mom later that day.*	Non-Elaborative Response
7. Gives Option when Responding to a Forced Choice Question	*Q. Did you tell the police or did your mom tell the police?* *A. She told the police.*	Non-Elaborative Response
8. Says Yes With Elaboration	*Q. Did you tell your mom that day?* *Yes, I told my mom that day because I was sad and I couldn't keep it in any longer.*	Elaborative Response
9. Says No With Elaboration	*Q. Did you tell him that you didn't like it?* *A. No, I didn't like what happened and that is why I told my mom later that day.*	Elaborative Response
10. Elaborative Response to an Open Question	*Q. What happened when he asked you to take your clothes off?* *A. I took my clothes off first, then he came over and told me what he wanted to do but I didn't like it so I asked him to stop.*	Elaborative Response

Table 4

Hierarchical binary logistic regression predicting children's responsive or unresponsive answers using question type and age.

Predictor	df	Final Model Wald	B	SE (B)	odds ratio
Age	1	25.27***	.24	.05	1.27***
Question Type	2	11.48**			
Option Posing	1	10.13***	.77	.24	2.15***
Leading	1	4.66*	.98	.46	2.67*
Constant	1	0.01	2.309	.54	0.94

*** p < .001, ** p < .01, * p< .05
Note: each question type is compared to the reference group ("Wh")

Table 5

Hierarchical binary logistic regression predicting children's elaborative or non-elaborative answers using question type and age.

Predictor	df	Final Model Wald	B	SE (B)	odds ratio
Age	1	27.48***	.16	.03	1.17***
Question Type	2	311.52***			
Option Posing	1	244.65***	-4.36	.25	0.07***
Leading	1	301.02***	-4.97	.32	0.01***
Constant	1	9.89*	1.29	.41	3.62*

*** $p < .001$, ** $p < .01$, * $p < .05$
Note: each question type is compared to the reference group ("Wh")

Table 6

Frequency and Percent of Disclosure and Non-Disclosure Recipients Discussed in Court

	Disclosure		Non-Disclosure		Overall	
	Frequency	Percent	Frequency	Percent	Frequency	Percent
Mom	285	25.6%	90	25.5%	375	25.6%
Dad	17	1.5%	6	1.7%	23	1.6%
Siblings	75	6.7%	24	6.8%	99	6.8%
Other Family	56	5.0%	15	21.1%	71	4.8%
Friends	62	5.6%	17	4.8%	79	5.4%
School Professionals	94	8.4%	7	0.5%	101	6.9%
Attorneys	49	4.4%	10	2.8%	59	4.0%
Other Professionals	19	1.7%	12	3.4%	31	2.1%
Police Professionals	342	30.7%	78	22.1%	420	28.6%
Unspecified	114	7.8%	94	26.6%	208	14.2%
Total						100%

***Significant effect for the model, χ^2 (9, N = 1466) = 79.81, *p* < .001.

Table 7

Disclosure and Non-Disclosure Timing References

	Disclosure		Non-Disclosure		Overall	
	Frequency	Percent	Frequency	Percent	Frequency	Percent
Unbounded Timing Reference	60	17.2%	73	55.7%	133	27.7%
Bounded Timing Reference	109	31.2%	31	23.7%	140	29.2%
Specific Timing Reference	180	51.6%	27	20.6%	207	43.1%
Total					480	100%

***Significant effect for the model, χ^2 (2, N = 480) = 74.09, *p* < .001.**

Table 8

Motives for Disclosure and Non-Disclosure

	Disclosure		Non-Disclosure		Overall	
	Frequency	Percent	Frequency	Percent	Frequency	Percent
Fear	9	31.0%	22	52.4%	31	43.7%
Shame/Embarrassment	3	10.3%	12	28.6%	15	21.1%
Helplessness	0	0%	1	2.4%	1	1.4%
Attachment to Perpetrator	1	3.4%	0	0%	1	1.4%
Concern for Someone Else	1	3.4%	1	2.4%	2	2.8%
Concern about Being Removed from Home	0	0%	1	2.4%	1	1.4%
Didn't Think They Would be Believed	0	0%	2	4.8%	2	2.8%
Didn't Think it was Wrong	3	10.3%	1	2.4%	4	5.6%
Thought it was Wrong	2	6.9%	0	0%	2	2.8%
Heard that Others had Disclosed	5	17.2%	0	0%	5	7.0%
Asked by Someone if They had been Abused	5	17.2%	0	0%	5	7.0%
Asked to Keep a Secret	0	0	2	4.8%	1	2.8%
Total						100%

***Significant effect for the model, χ^2 (12, N = 71) = 29.46, *p* = .01.

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Table 9

The Extent of Disclosures or Non-Disclosures: Frequencies and Percent of Questions Asked

	Disclosure		Non-Disclosure		Overall	
	Frequency	Percent	Frequency	Percent	Frequency	Percent
Asked if They Told the Truth	21	3.4%	1	0.6%	22	2.8%
Asked if they Told the Whole Story	20	3.2%	1	0.6%	21	2.6%
Asked Whether they Told about Specific Aspects of Abuse	142	22.9%	55	30.6%	197	24.6%
Asked what they Disclosed Generally	434	70.0%	123	68.3%	557	69.6%
Asked if they Lied	3	0.5%	0	0%	3	0.4%
Total					800	100%

***Significant effect for the model, χ^2 (4, N = 800) = 12.10, *p* = .02.**

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Table 10

Coding the Relationship Between Perpetrators and Children

Relationship	Coded As
Father	Parental Figure
Mother	Parental Figure
Foster Parent	Parental Figure
Step-Parent	Parental Figure
Adoptive Parent	Parental Figure
Parent's Intimate Partner	Parental Figure
Sibling	Other Relative
Aunt	Other Relative
Uncle	Other Relative
Cousin	Other Relative
Grandparent	Other Relative
Teacher	Acquaintance
Coach	Acquaintance
Teacher/School Official	Acquaintance
Family Friend	Acquaintance
Stranger	Stranger

Table 11

Number of Instances of Abuse and Conversations with Perpetrators

	One Instance		Multiple Instances		Overall	
	Frequency	Percent	Frequency	Percent	Frequency	Percent
No Discussion of Prior Conversations with Perpetrators	4	100.0%	0	0%	4	6.7%
Discussion of Conversations with Perpetrators	18	32.1%	38	67.9%	56	93.3%
Total					60	100%

***Significant effect for the model, χ^2 (1, N = 60) = 7.40, *p* < .01.**

Table 12

Discussion of Non-Disclosure and Outcome of Trial

	Acquittal		Conviction		Overall	
	Frequency	Percent	Frequency	Percent	Frequency	Percent
No Discussion Non-Disclosure	1	12.5%	7	87.5%	8	13.3%
Discussion of Non-Disclosure	28	53.8%	24	46.2%	52	86.7%
Total					60	100%

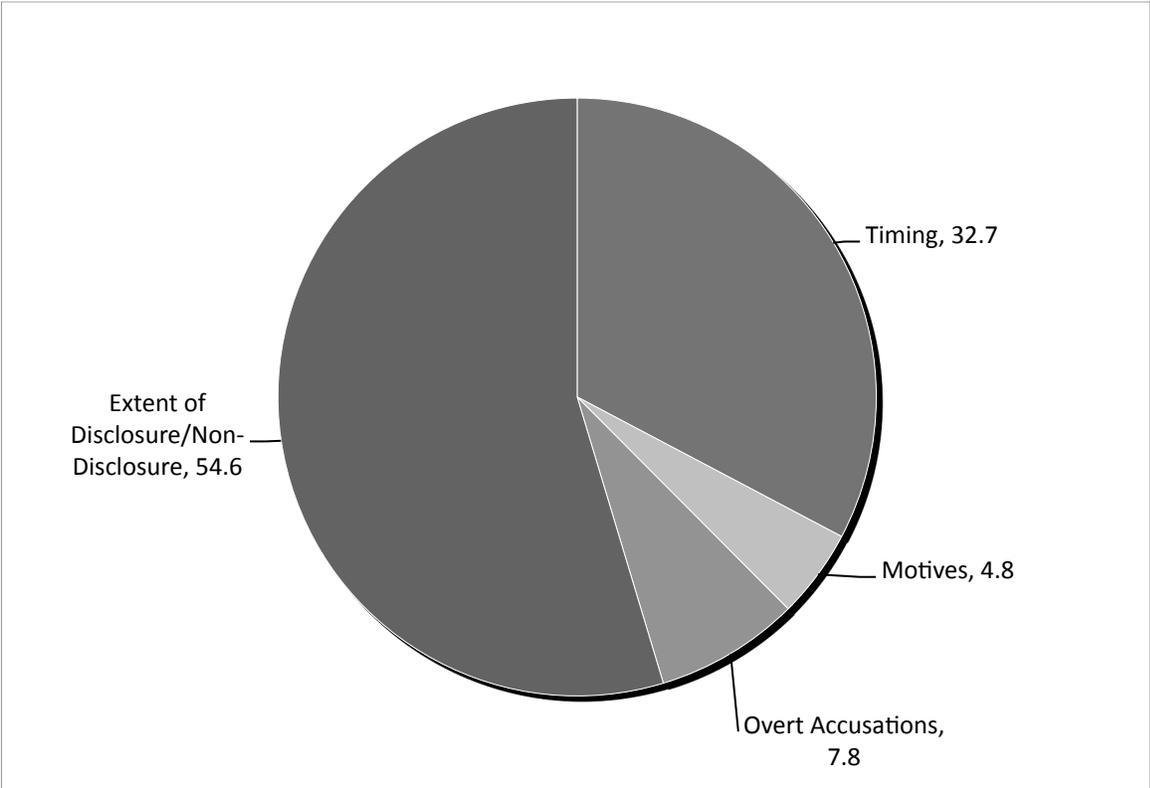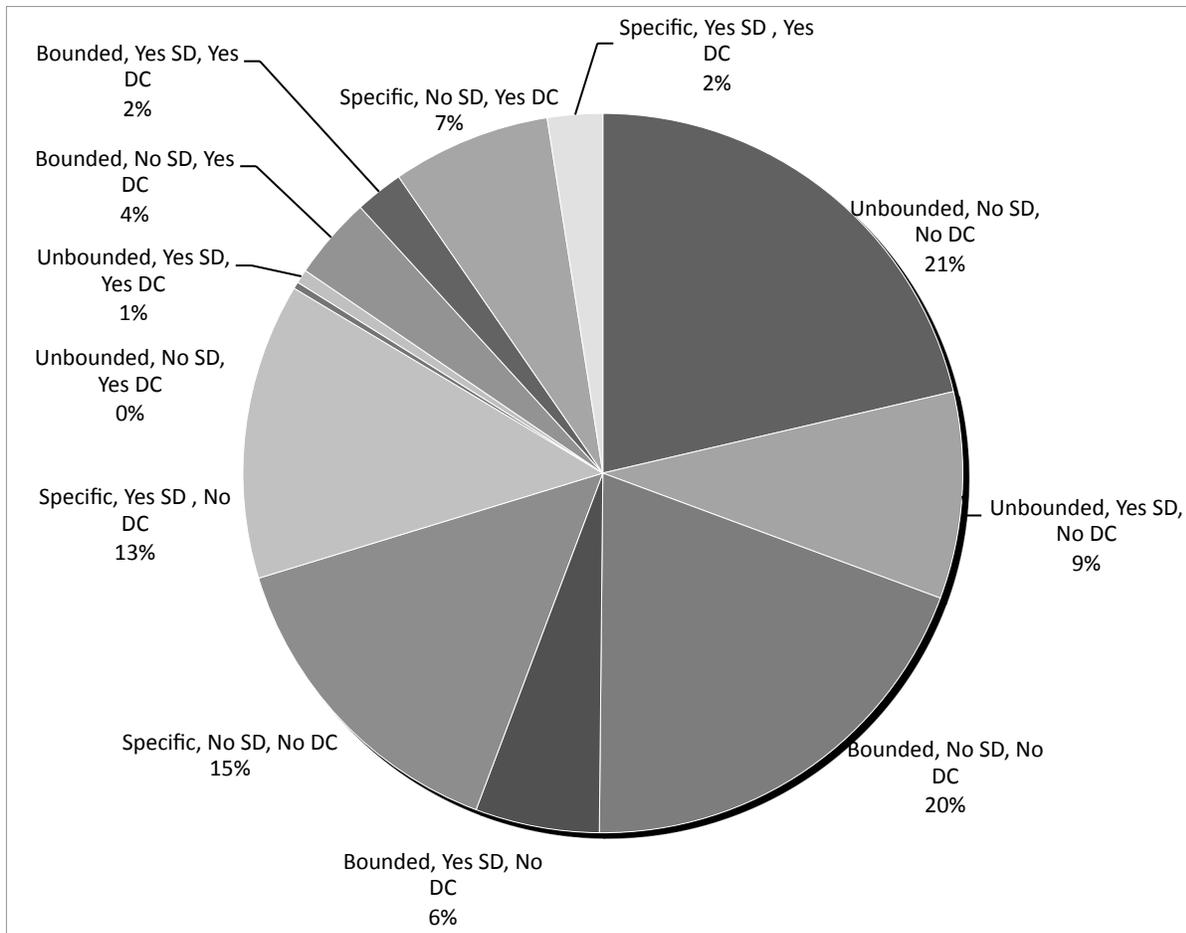***Significant effect for the model, χ^2 (1, N = 60) = 4.75, *p* = .03.**

Figure 1. Percent of Disclosure and Non-Disclosure Questions where each Content Area was the Primary Focus of the Attorney's Question.

Figure 2. Percent of Questions with an Unbounded, Bounded, or Specific Timing Reference that Discussed Specific Details of the Conversation (SD) and/or Specific Details of the Disclosure Context (DC) for the 33% of Disclosure and Non-Disclosure Questions that Referred to Timing.

Appendix: Coding Guide and Coding Scheme

Pre-Coding Instructions

1. Background about this project
   a. We are examining courtroom conversations between attorneys and children that reference previous conversations the child may have had. Some of these prior conversations involve a child preparing to come to court (talking with an attorney about what might happen in court), some occurred simultaneous with abusive acts (what a perpetrator might have said to the child), and many others are about a child disclosing abuse.
2. The format of the transcripts for this project
   a. We have decided to pull these courtroom interactions out of the full-length trial transcripts of testimony systematically, by looking for keywords that would indicate any reference to a conversation.
      i. Our keywords are 'say,' 'said,' 'ask,' 'asked,' 'tell,' and 'told'
   b. All of these relevant question-answer pairs in court have already been extracted from the full-length transcripts for you and placed in an excel file; one excel file was created for each child's testimony.
   c. The formatting in excel is fairly straightforward; each file is titled with the case number and the child's name. Once you open the file you will see that the first column is a line number for each attorney's question, the second column is the question itself, the third column is the line number of the child's associated response and the fourth column is the child's response.
3. What to code
   a. As already noted, we are interested in any reference to a prior conversation that the child may have had. This means that we would like you to ignore the competency questions at the beginning of each transcript.
      i. Competency questions = ineligible
   b. Also, ignore any "say/tell/ask" about something that was JUST said in court. This is not referencing a prior conversation, but instead just clarifying something that was already discussed in the present interview.
      i. Example of something to be excluded
         1. You just told us that you felt that, right?
      ii. Example of something to be included
         1. You told us just now that you don't remember but that isn't what you said to the police last year, right?
         2. This would be included because even though it is discussing something the child just said in court, it is also referencing a prior conversation
   c. Ignore anytime the flag words are used as a question
      i. Example: Can you tell us how old you were?
         1. The only reason "tell" is flagged is because it is being used as a way to structure the question in court
   d. Question/answer pairs in which either the question or the answer is inaudible should not be coded.

e. If a child asks a question seeking clarification or if the attorney repeats a reference previously made in an attempt to clarify something, ignore anything in the middle that only serves to clarify. Code only the original reference and/or final response of the question and answer pair.

f. If the attorney is interrupted in asking the question and the question is incomplete, any references made prior to the interruption or responses following it should be excluded.

g. For variables that have an "Other—Specify" or "Unknown—Specify" code, add a string variable next to the original variable that triggered the code (Ex. Types of Emotional States or Frames of Mind) and then specify what the reference was.

h. There may be some transcripts where the child is only interviewed about someone else's abuse experience – we will not code these transcripts at all. If a transcript discusses both the abuse of the child interviewed and other children, still code the transcript. Only exclude the file if it only discusses someone else's abuse.

4. To begin coding, preparation and how to find the right files

a. Step 1: Open the dataset
   i. You can find the dataset by going to _____

b. Step 2: Open the list of transcripts to-be-coded and see which ones have already been completed and determine which transcript is next to be coded
   i. You can find the list to-be-coded list in _____

c. Step 3: Open the associated full-length transcript
   i. You can find the transcripts by going to _____
   ii. Although you will not be coding directly from the full-length transcript, you may need it for reference while coding from the extracted excel file. For example, anytime that you are going to code something as "ambiguous" or "irrelevant," we would first like you to go back to the full-length transcript and read from (at least) five previous transcript lines above to see if there is contextual information missing due to the extraction process. If this is the case, you may gain additional information that will allow you to code the content of the question-answer pair accurately by reading from the original document
      1. You will need to code 4 variables directly from the full-length transcript. These variables are at the beginning of the coding scheme and ask "what line number did the direct-, cross-, redirect-, re-cross-examination begin on?" This will require that you hit "control F" and search these words (cross-examination, direct-examiation, etc…) to find where they are in the transcript and then type in for the variable what line number they begin on) as well as a variable that asks for the total number of line-numbers in the entire transcript (you can find this by going to the end of the document and recording the last line number)

d. Step 4: Open the associated excel file that has the extracted question-answer pairs in court
   i. You can find the excel files by going to _____

e. Step 5: Begin using the coding instructions below by entering the associated values/information for each variable into SPSS for each question/response interaction
    i. Repeat this process until you are done with the excel file

Coding Instructions

1. Case ID number

2. Verdict type
    Do not code until after EVERYTHING else is coded

3. Age of child
    Age 5 through 18 (please place a 0 before single digit numbers)

4. Line number direct-examination starts on

5. Line number cross-examination starts on

6. Line number re-direct examination starts on

7. Line number re-cross-examination starts on

8. Total number of lines in the transcript

9. Line number question starts on
    Every excerpted courtroom question-answer pair is flagged either because of a keyword in the question or the response, what is the first line number for this question?

10. What key words were flagged in the attorney's question?
    These statements were extracted from the full transcript because a version of 'say,' 'ask,' or 'tell' was present in either the question or response. Were any of these words flagged in the attorney's question?
0 - no words were flagged
1 - Say
  • *Ex. Did he say that you should do that?*
2 - Tell
  • *Ex. Did he tell you to come here?*
3 - Ask
  • *Ex. What did he ask you to do?*
4 - Say and Tell
  • *Ex. When you said that she told you to come over, what did she mean?*
5 -Tell and Ask
  • *Ex. When you told your mom, did she ask you how many times it happened?*
6 - Say and Ask
  • *Ex. Did your dad say that we would ask you about this?*

7 - All of them
  • *Ex. Did anyone say that you should tell us about what he asked you to do?*

11. What key words were flagged in the child's response?
        These statements were extracted from the full transcript because a version of 'say,' 'ask,' or 'tell' was present in either the question or response. Were any of these words flagged in the child's response?
0 - no words were flagged
1 -Say
  • *Ex. I said that because it is true.*
2 - Tell
  • *Ex. I told my mom.*
3 - Ask
  • *Ex. I asked him to stop.*
4 - Say and Tell
  • *Ex. I was scared to tell her because he told me that I could say anything to anyone.*
5 - Tell and Ask
  • *Ex. When I told my mom she asked me when it started.*
6 - Say and Ask
  • *Ex. He would say that because I asked him to stop.*
7 - All of them
  • *Ex. I asked her what he had told her to say, because I knew he had told me to say nothing.*

12. What party was asking the current question?
1- Defense
2 - Prosecution

13. During what part of the trial was this question asked?
1 - Direct Examination
2 - Cross-Examination
3 - Redirect
4 - Recross
5 - Judge
6 - Other (specify in 13b)

13b _____ fill in the blank the other—specify from variable 13

14. What type of question was asked?
        Code from when the question actually starts and do not include any statements made before the question.
1 - Yes/No question
  • Can the question logically be answered with a yes or no?
  • *Ex. Did you tell him you didn't like it?*

2 - Yes/No question with implicit question
  • Question that is technically answerable yes or no, but implicitly asks for more information by embedding a question within a frame, such as "Do you remember?", "Do you know?," and "Can you tell us what he asked you …?"
  • *ex. Q: Do you remember what clothes he was wearing?*
  • *NOTE: If the embedded question is answerable yes or no, then code the question as a SIMPLE yes/no (e.g. Do you remember if it was cold outside?)*
3 - Forced Choice
  • Is the child forced to give an answer that is presented in the question?
  • *Ex. Did it hurt a lot or a little?*
4 - Tag Question
  • Does the question include a clause that suggests a certain response?
  • *Ex. Now Steve is your uncle, isn't that right?*
5 - Negative Term
  • Does the question begin with a negative term?
  • *Ex isn't it true that you told Mrs. Smith that you were scared of Steve?*
6 - 'WH' Question
  • Does the question ask 'who,' 'what,' 'where,' 'when' or 'why'?
  • *ex. Where were you before he took you into the bedroom? Why were you crying?*
7 - 'How' Question
  • Does the question ask how?
  • *Ex. How did you feel when that happened?*
8 - Statement Question
  • can the question also be understood as a statement? Is the attorney telling rather than asking? Is it a proper sentence if you drop the question mark?
  • *Ex. He made you sad? It was the first time you met?*

15. Was the question an invitation question?
        Was the question an invitation to tell more information? These will usually be open
questions that
        start with 'WH,' 'How,' or yes/no questions with implicit questions
0 - Not an invitation question
1- An invitation question
  • Is the question an open invitation to tell anything or everything?
  • *Ex. Can you tell me everything that happened that night?/What happened next?*
  • *How did he do that?*
  • *Can you tell me more about that?*

16. What is the content of the child's response?
0 - No response (NOR)
  • *ex. Child remains silent, lawyer either asks question again or continues*
1 - Uncertainty (UNC)
  • *ex. "I don't know," "I think so," "I don't think so," "I think that's right," "I'm not sure," "possibly"*
  • *code this as a string variable, anytime this happens as 16c*

2 - Seeks clarification (SCL)
- *ex. "I don't know what you mean ..."*

3 - Misunderstanding (MIS)
- *ex. Child responds inappropriately, indicating that they misunderstood the question*

4 - Says yes without elaboration (CWOE)
- *ex. The child says yes and nothing more*

5 - Says yes with elaboration (CWE)
- This means that the child provides additional content and does not just merely repeat what the attorney asks, they must provide new information in their response
- *ex. The child says "yes" to having conversed or experienced something and then provides more information*
- *Q. Did he tell you to say that? A. Yes, but I said it because it is true and I couldn't keep a secret anymore*

6 - Says no without elaboration (RWOE)
- *ex. The child says "no" and nothing more*

7 - Says no with elaboration (RWE)
- This means that the child provides additional content and does not just merely repeat what the attorney asks, they must provide new information in their response
- *ex. The child says "no" and then continues to explain*
- *Q. did he tell you to say that? A. No, but I said it because it is true and I couldn't keep a secret anymore*

8 - Spontaneous elaboration
- This would only occur if the question did not have a key word flagged and the response did, meaning that the question was ambiguous or about something else, and then in the response the child spontaneously initiated talking about a prior conversation or disclosure
- *Ex. Q: What happened? A: Well I didn't like how it felt and so later that night I told my brother about what had happened with our uncle and then he told our parents.*

9 – gives minimally sufficient response to an open question
- *Ex. What happened when he asked you to do _____?/ A. I took my clothes off.*

10 – gives elaborative response to an open question
- *Ex. What happened when he asked you to do _____? A. I took my clothes off first, then he came over and told me what he wanted me to do but I didn't want to so I asked him to stop.*

11 – child gives conflicting or multiple responses at the same time
- *Ex. Did you tell _____ that? / A. Yes, I mean No.*

12 – child gives one of two options in response to a forced choice question and does not elaborate
- *Ex. Did it feel good or bad? A. Bad*

13 – child gives on of two options in response to a forced choice question and elaborates
- *Ex. Did it feel good or bad? A. It felt bad and I didn't like what he was doing which is why I told my mom.*

14 - Other (OTH) Please write down how it does not fit in any of the previous categories in 16b

16b _____ fill in the blank the other—specify from variable 16

16c _____string variable for an uncertain response – please fill in the child's response

17. Was there content about this prior conversation in the question, the response, or both?
1 - the question only
- *Ex. Q. Do you remember telling us that he had told you not to tell anyone about him touching you or else you wouldn't be able to live at home anymore? A. Yes.*
2 – the answer only
- *Ex. Q. Can you tell me more? A. I told my mom because I was upset about what was happening and I didn't like him touching me.*
3- both
- *Ex. Q. What would he say to you after he would touch you? A. He would tell me that I shouldn't tell anyone about it because it was our secret.*

18. When did the referenced conversation occur?
>   The excerpt you are coding was extracted because it had one of the words 'say,' 'ask,' or 'tell' in either the question or response. This implies that either the attorney asked about a previous conversation, or the child's response referenced a previous conversation that the child had with someone else. When did this other conversation occur?
1 - Before abuse
- Are the attorney and child discussing a conversation the child had before abuse ever began?
- *Ex. Before you met Bob, your mom's old boyfriend, did your mom ever tell you anything about Bob?*
2 - During abusive act
- Is this in court conversation about a conversation that happened during an abusive act?
- *Ex. When you uncle would touch you, what would he say?*
3 - About abuse (after at least one time abuse occurred; during time abuse was ongoing)
- Is this in court conversation about a conversation that happened after abuse had begun but before it ended?
- *Ex. Last summer when all of this was happening, did he ever tell you not to say anything to anyone?*
4 - After abuse concluded
- Is this in court conversation about a conversation that happened after all abuse ended?
- *Ex. When you met with the detectives, what did you say to them?*
5 - Ambiguous
- Is there no specific timing reference for when the conversation occurred?
- *Ex. Have you ever told anyone that detail?*
6 - Unspecified
- You cannot tell when the conversation occurred, even when you go back to the transcript and read the five preceding lines of text.

19. Who was this conversation with? (This can be a hypothetical or real conversational partner)

(Aconversationalpartner/Bconversationalpartner/Cconversationalpartner)
        Who was the child talking with in this previous conversation?
1 - Mother
2 - Father
3 - Both parents
4 - Sibling
5 - Siblings plural
6 - Friend
7 - Friends plural
8 - Stepmother/Dad's girlfriend
9 - Stepfather/Mom's boyfriend
10 - Grandparent
11 - Teacher
12 - Teachers plural
13 - Police officer/Detective
14 - Police/detectives plural
15 - Attorney
16 – principal
17 – Defendant
18 - unspecified (anybody, anyone)
19 - Other (specify) in 19b
20 – social worker
21 – therapist
22 – other family member (still specify in 19b)

19b _____ fill in the blank the other—specify from variable 19

20. Who is victim in the conversation?
        In some court cases, there are multiple victims including the child testifying. In the extracted courtroom text about a prior conversation, who is the victim being discussed? Sometimes this might the child herself/himself, other times it might be referring to the child and another victim, sometimes just another victim.
1 - Child herself/himself
- *Ex. Did he ask you to do that?*
2 - Other victim (specify)
- *Did your mom ever tell you what was your uncle did to your sister?*
3 - Multiple victims including the child
- like the child and their sibling
- *ex. When he would touch you and your sister, would he tell you two anything specific?*
4 - Multiple victims not including the child (specify)
- *ex. How did your sisters tell you that your father was touching them?*

21. Positive/Negative Valence in Attorney Question
        Did the conversation between the child and attorney have any valenced words (either positive or negative)? These will also include ambiguous references to valence.

0 - No, testimony does not include a reference to valence or includes a neutral reference to Valence.
1 - Yes, testimony includes positive valence reference
   - *Ex.* Did you *like* what happened with him? Is that why you waited so long to tell anyone?
2 - Yes, testimony includes negative valence reference
   - *Ex.* Did you *dislike* what happened with him? Is that why you waited so long to tell anyone?/ Did it *hurt* you when he told you not to talk with your mom?
3 - Yes, testimony includes both positive and negative valence references
   - *Ex.* Did you *like* or *dislike* what he did?

21b. String variable for 21
_____ fill in the blank for what you coded as positive or negative
   - *Ex. Q. Did it hurt when he said that?*
   - You would place "hurt" in the 21b cell because that is what you coded as negative

22. If there was a valence reference in the question, did it reference anything?
0 - There was no valence reference
1 - The perpetrator
2 - The third party the child was having a conversation with (the conversational partner)
3 - About the content of what transpired (ex. Did it feel bad when …)
4 – about disclosing (I was scared to tell)
5 – Ambiguous
6 - Something else (other – specify) in 40b

22b _____ fill in the blank the other—specify from variable 22

23. Positive/Negative Valence in Child's Response
   Did the conversation between the child and attorney have any valenced words (either positive or negative) in the child's response?
0 - No, testimony does not include a reference to valence or includes a neutral reference to valence.
1 - Yes, testimony includes positive valence reference
   - *Ex.* I didn't tell anyone because I *liked* having my dad around.
2 - Yes, testimony includes negative valence reference
   - *Ex.* I told my mom because he was *hurting* me.
3 - Yes, testimony includes both positive and negative valence references
   - *Ex.* I was confused and that is why I waited to tell, because I *liked* having my dad around but he was *hurting* me.

23b. String variable for 23
_____ fill in the blank for what you coded as positive or negative
   - *Ex. A.it hurt when he did that.*
   - You would place "hurt" in the 21b cell because that is what you coded as negative

24. If there was a valence reference in the child's response, did it reference anything?
0 - There was no valence reference

1 - The perpetrator
2 - The third party the child was having a conversation with (the conversational partner)
3 - About the content of what transpired (ex. it felt bad when …)
4 – about disclosing (ex. I was scared to tell)
5 - Ambiguous
6 - Something else (other – specify) in 42b

24b _____ fill in the blank the other—specify from variable 24

25. What is the content of the conversation in question?
> The section of courtroom text you are coding was flagged because it references a
> previous conversation in some way. What was this previous conversation about?

1 - Disclosure/Whether the abuse happened or not (GO TO QUESTION 26-37)
- was the conversation about the child telling someone something relating to the abuse?
- *ex. When you told your mom, what did she say?/ Did you ever tell her what happened?*

2 - Non-disclosure: the child not telling about being abused (GO TO QUESTION 26-37)
- non-disclosure/delayed disclosure
- Is the courtroom conversation about the child not telling about abuse, or waiting a long time to tell about being abused?
- *ex. Why didn't you tell them?/ What were your reasons for not telling anyone about what happened?*

3 - Conversations the child had with someone else in anticipation of a disclosure (SKIP TO QUESTION 38-41)
- Sometimes children may have conversations with others about future disclosing conversations, like talking with a family member about an upcoming interview.
- *ex. And what did your teacher say that the police might ask you?/ Did your mom practice asking you questions that she said we might ask you?*

4 - The abuse itself (SKIP TO QUESTION 42-46)
- This includes conversations during abusive acts
- *ex. What did your uncle say when he would touch you?*

5 - Perp statements about abuse (SKIP TO QUESTION 42-46)
- *ex. warnings, threats, motives, usually after abusive acts*

6 - perp/child relationship
- *ex. biological/marriage*
- *no specific follow-up questions*

7 - the perpetrator characteristics
- *ex. Did you tell the police officer that he was taller than your brother…*
- *no specific follow-up questions*

9 - Ambiguous
- Sometimes conversations don't have a specific content. If you think this may be the case, please go back to the original transcript and read five lines about the courtroom interaction in question. If you still do not understand the content of the conversation, please code this content as ambiguous.

10 – Other; specify

11 – conversation NOT about abuse, just a conversation

25b _____ fill in the blank the other—specify from variable 20

DISCLOSURE/NON-DISCLOSURE/DELAYED-DISCLOSURE QUESTIONS/RESPONSES (these are follow-up questions, only if the content of the previous conversation was about disclosure or non-disclosure)

26. If content was disclosure or non-disclosure, did it discuss timing?
0 - No
1 - Timing as delayed
  • *Ex. why didn't you tell XXX right after it happened?*
2 - Timing as first disclosure ever
  • *Ex. when did you first tell someone that XXX*
3 - Timing as first disclosure to a specific person, but not first disclosure ever
  • *Ex. when did you first tell your Mom that he XXX*
4 - Timing as specific date/time
  • *Ex. when you told XXX, what month/season was it?*
5 - Timing as a specific instance
  • *Ex. so the time that your dad asked you about being touched, did ...?*
6 - Timing discussed as never, vague person reference
  • *ex. you never told anyone?*
7 - Timing discussed as never, specific person reference
  • *ex. you never told XXX?*
8 - Timing discussed as ever, vague person reference
  • *ex. did you ever tell anyone?*
9 - Timing discussed as ever, specific person reference
  • *ex. Did you ever tell XXX?*
10 - Timing as sequencing
  • *ex. did you tell X before you told Y?*
11 - Timing discussed as last disclosure

27. If content was disclosure or non-disclosure, was frequency discussed? (if there is a specific number associated, please type that number in as the next variable)
0 – No
1 – Yes, child was asked if they never told anyone
  • *ex. And you didn't ever tell her?*
2 - Yes, child was asked how often they told
  • *Ex. How many times did you and your sister talk about what was happening?*
3 - Yes, child was asked how many times they could have told but didn't
  • *Ex. How many times did you think about telling your parents before you did?/ How many times could you have told your sister but you didn't?*
4 – Child was asked if they told every time
  • *Ex. Did you tell your sister after every time he touched you?*

28. Frequency number associated with previous question. If there was a specific number mentioned, please state the number.
- *Ex. And that was the second time you and your sister talked about what happened?*
  - This would be coded as a 2 because the attorney references that it was the second conversation

29. If content was disclosure or delayed disclosure, were any of following motives for telling or delaying telling described? (Amotive/Bmotive/C motive)
0 - There was no discussion of a motive
1 - Fear
- *ex. Words like scared, afraid*
2 - Shame
- *ex. Words like bad, wrong, in relation to how the child could have felt*
3 - Embarrassed
- *ex. Didn't want anyone to know*
4 - Helplessness
- *ex. Did you feel like if you told someone that there was nothing you could do?*
5 - Attachment to the perpetrator
- *ex. Worrying that something bad might happen to the perpetrator if anyone found out*
6 - Concern for someone else
- *ex. Worrying that something bad might happen to someone else if anyone found out, like the child's siblings or family*
- *follow-up question below*
7 - Concern for the perpetrator
- *that the perpetrator would get punished, put in jail, etc…*
8 - Concern about being removed from the home
- foster care/not living with parents anymore, etc…
9 - Didn't think anyone would believe them
10 - Didn't think it was "wrong/a big deal"
11 – thought that it was wrong/a big deal
- *ex. I wanted to tell but it seemed like such a big deal*
12 - Heard that others had disclosed
13 - Asked by someone specifically if they had been abused
- *follow-up question below*
14 - Other (please specify) in 29b
15 – asked to keep a secret
16 – unspecified
- not necessarily that there was no motive, just that one wasn't explicitly stated
- ex. Q. Why didn't you tell the police that this happened? A. I didn't want to (you don't know why the child didn't want to tell)

29b _____ fill in the blank the other—specify from variable 29

29c String variable for 29

_____ fill in the blank for what you coded as a motive for disclosing or non/disclosing

- *Ex. A. I didn't want to tell anyone because I was worried that I might get in trouble*
- Place the conversational text into this variable so later we can see why it was coded as whatever category was selected.

30. If the motive for the child disclosing was concern for someone else, who was this someone else?
0 - The child did not express concern for anyone else
1 - Sibling/siblings
2 - A friend/friends
3 – A parent
4 - Family generally
5 - Other (please specify) in 25b

30b _____ fill in the blank the other—specify from variable 25

31. If the child was concerned for someone else, what is the reason they were concerned?
0 – there was no reason mentioned
1 – they were concerned that someone else was already being abused
- *Ex. A. I thought that if I told my mom, he might not touch my sister anymore.*
2 – potential for abuse; they were concerned that someone might start being abused
- *Ex. A. I was worried that if I didn't tell my teacher, he might do the same thing to my friend.*
3 – Other (please specify) in 26b
4 -- concerned that someone else might get hurt

31b _____ fill in the blank the other—specify from variable 26

32. If the child's motive for telling was that they were asked directly by someone else about abuse, why were they asked?
0 - Someone else asking the child about being abused was not the impetus for disclosing
1 - The third party witnessed the abuse
- *Ex. After your sister walked in on your uncle, did she ask you what was happening and is that why you told her about it?*
2 - Someone the child had told in confidence (friend, sibling) told a person in authority (teacher, parent)
- *Ex. So your mom asked you what had happened because your sister told her about it first?*
- For this variable, please also write in who the third party was that told the authority figure
3 - The third party discovered evidence
- *Ex. So your mom asked you what had happened after she noticed that you were bleeding?*
4 - The third party noticed a change in the child's behavior or demeanor
- *Ex. So your mom asked you what was happening because she said you seemed upset?*
5 - The third party knew that the perpetrator had abused other children

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- *Ex. Did your mom ask you about whether he touched you after she found out about him touching your sister too?*

6 – general suspicion of the perpetrator
- *Ex. Did your mom ask you about what happened with XXX because she didn't trust him?*

7 - Other (please specify) in 32b

8 – unspecified
- You know that someone found out, but not how or from whom
- Ex. Q. why did you tell your mom? A. because she asked me about it
   - You know that the child's disclosure occurred because a parent asked, but not why or how the parent knew
- Someone found out in a way that was undefined

32b _____ fill in the blank the other—specify from variable 32

33. Question asked what the disclosure was—was extent of disclosure described? (Acontent/Bcontent/Ccontent)

If the content of the courtroom interaction was discussing a prior disclosure, non-disclosure, or delayed disclosure, did the attorney inquire about any of the following?

0 - None/ not applicable

1 - asked by attorney if they told the truth
- When discussing this prior disclosure, did the attorney inquire if the child was telling the truth?
- *Ex. When you told your teacher about what you just told us, were you telling the truth?*

2 - asked by attorney if they told the whole story of what happened
- *Ex.When you were talking with her, did you tell her everything?/Did you tell her the whole story?*

3 - asked by the attorney if they kept anything a secret even though they told someone
- *Ex. When you were talking with your principal, did you keep what you just told us a secret?/ How come you didn't tell your dad about that specific time but you told him about everything else?*

4 - asked by the attorney about whether they told about a specific instance of abuse
- *Ex. Did you tell your dad about what happened on your birthday?/ when you talked with Brandy, did you tell her about the afternoon where your teacher kissed you?*

5- asked by attorney about whether they told about a specific aspect of abuse
- *Ex. Did you tell your dad about how he would kiss you?/ When you talked with Brandy, would you tell her about how he touched you, or did you just tell her that he kissed you?*

6 - asked by the attorney what they told when they disclosed, generally
- *Ex. When you talked with Brandy, what did you tell her about what happened?*

7 – asked by the attorney if they lied
- *Ex. Did you lie when you said that?*

34. If the content was about disclosure/non-disclosure, does the attorney ask if the child was told something specific regarding abuse/being abused by XXX (conversational partner)?

0 - No
1 - Yes, the attorney asks if the child was told to say something by the conversational partner
  - *Ex. Did your mom tell you to say that today?/ When you were talking with your uncle about your dad touching you, did he tell you what to say to the police?*

35. If yes to the previous question, does the attorney mention a motive for XXX to tell this child what happened/what to say?
> Does the attorney discuss a potential motive for someone else to tell the child what to say? Sometimes they may be insinuating coaching or suggestive influence, and when this happens, they may also describe a motive for someone to influence the child.

0 - There was no discussion of a motive
1 - XXX wanted revenge
  - *ex. Words like mad, angry, upset used in relation to how the conversational partner felt towards the perpetrator*
2 - XXX is mentally instable
  - *ex. Words like psychology, psychiatrist, delusion, hospital, counselor were used in relation to the child*
3 - XXX had negative interactions with the perpetrator
  - *ex. Did your knows that you he and her had been fighting?*
4 – Other; There was another motive discussed (please explain) in 35b

35b_____ fill in the blank the other—specify from variable 35

35c String variable for 35
_____ fill in the blank for what you coded as a motive
  - *Ex. A. Did your mom ever tell you about how her and your dad would fight?*
  - Place the conversational text into this variable so later we can see why it was coded as "negative interactions with the perpetrator" or whatever category was selected.

36. Did this question-answer pair discuss "means" by which the child could have fabricated abuse?
> We want to know if there was any reason mentioned that could explain how the child had the knowledge to possibly fabricate/lie/or alter the truth of what happened. Does the attorney or child bring up the child having seen sexual content in pornography or being told about sex in school? These could be means by which a child might have sexual knowledge if they were not actually abused.

0 – there was no discussion of any means
1 – the child's sexual history
  - *Ex. Before you ever were touched by your teacher, did you and your boyfriend have sex?*
2- sexual education in school
  - *Ex. Did your teacher ever talk about sex or the birds and the bees?*
3 – sexual exposure
  - *Ex. Did you ever see your parents having sex? Did your dad ever watch porn when you were around?*
4 – other specify

36b_____ fill in the blank the other—specify from variable 36

36c String variable for 36
_____ fill in the blank for what you coded as a means
- *Ex. A. Did your dad ever watch pornography while you were there?*
- Place the conversational text into this variable so later we can see why it was coded as category was selected.

37. If the content was about disclosure/non-disclosure, and the child was not the victim (or only victim discussed in the question), are any of the following mentioned? (Acontent/Bcontent/Ccontent)
> We are interested in coding the content of the conversation if the child was not the only victim discussed or not the victim in the question-answer pair in question. If the child was not the only victim/not the victim, what was the content of the question-answer pair in court?

0 - Nothing mentioned
1 - The child being questioned currently disclosed their abuse to the other victim
- *Ex. Once you found out that he had been touching your sister, when did you tell her that he had touched you too?*
2 - The other victim disclosed their abuse to the current child
- *Ex. When did she tell you that he had kissed her?*
3 - Both children disclosed to each other that they were abused
- *Ex. When did you and Sarah find out that he had been doing this to both of you?*
4 - The two individuals had a conversation about specific instances (or an instance) of abuse
- *Ex. What did you and Sarah talk about after that night in the bedroom?/ When did you and your sister tell your parents about what happened that day?*

CONVERSATIONS THE CHILD HAD WITH SOMEONE ELSE IN ANTICIPATION OF DISCLOSURE

38. If the content was about a conversation the child had with someone else, what was the content? (Acontent/Bcontent/Ccontent)
0 - There was no content
1 - The child was preparing to talk with a detective/police officer and was discussing what would happen during those interviews
- *Ex. Did you and your mom talk about what to say to the police?/ Did your sister tell you to say that to the police?*
2 - The child was preparing to talk with an attorney and was discussing what an attorney might ask
- *Ex. When you were talking with the police officer, did he tell you what the attorney's might ask you?*
3 - The child was preparing to enter court, and was discussing what would happen in court/what to expect
- *Ex. Did you and your attorney practice what you should say today in court?*

4 - The child was preparing to talk with someone else (not an attorney, detective/police, or courtroom conversation) about disclosing (please specify whom)
  • Please specify whom the child was preparing to talk with
5 – Never to tell anyone

39. If the content was about a conversation the child had with someone else, does the attorney ask if the child was told something specific regarding abuse/being abused by XXX (conversational partner)?
0 - No
1 - Yes, the attorney asks if the child was told to say something, generally, by the conversational partner
  • *Ex. Did your mom tell you what to say?/ did your attorney talk with you about what to say?*
2 - Yes, the attorney asks if the child was told to say something, specific, by the conversational partner
  • *Ex. Did your attorney tell you to say that?/ Did your sister ask you to tell us that?*

40. If yes to the previous question, does the attorney mention a motive for XXX to tell this child what happened/what to say?
  Does the attorney discuss a potential motive for someone else to tell the child what to say? Sometimes they may be insinuating coaching or suggestive influence, and when this happens, they may also describe a motive for someone to influence the child.
0 - There was no discussion of a motive
1 - XXX wanted revenge
  • *ex. Words like mad, angry, upset used in relation to how the conversational partner felt towards the perpetrator*
2 - XXX is mentally instable
  • *ex. Words like psychology, psychiatrist, delusion, hospital, counselor were used in relation to the child*
3 - XXX had negative interactions with the perpetrator
  • *ex. Did your knows that you he and her had been fighting?*
4 – Other; There was another motive discussed (please explain) in 35b
5 – There was a discussion of a motive, but nothing specific

40b_____ fill in the blank the other—specify from variable 35

40c String variable for 39
_____ fill in the blank for what you coded as a motive
  • *Ex. A. Did your mom ever tell you about how her and your dad would fight?*
  • Place the conversational text into this variable so later we can see why it was coded as "negative interactions with the perpetrator" or whatever category was selected.

41. Did this question-answer pair discuss "means" by which the child could have fabricated abuse?
  We want to know if there was any reason mentioned that could explain how the child had the knowledge to possibly fabricate/lie/or alter the truth of what happened. Does the

attorney or child bring up the child having seen sexual content in pornography or being told about sex in school? These could be means by which a child might have sexual knowledge if they were not actually abused.

0 – there was no discussion of any means

1 – the child's sexual history
- *Ex. Before you ever were touched by your teacher, did you and your boyfriend have sex?*

2- sexual education in school
- *Ex. Did your teacher ever talk about sex or the birds and the bees?*

3 – sexual exposure
- *Ex. Did you ever see your parents having sex? Did your dad ever watch porn when you were around?*

4 – other specify

41b_____ fill in the blank the other—specify from variable 36

41c String variable for 41
_____ fill in the blank for what you coded as a means
- *Ex. A. Did your dad ever watch pornography while you were there?*
- Place the conversational text into this variable so later we can see why it was coded as category was selected.

CONVERSATIONS DURING ABUSE ITSELF AND/OR PERP STATEMENTS ABOUT ABUSE

42. If content was the abuse itself, are any of the following mentioned? (Acontent/Bcontent/Ccontent)

0 - The content of the conversation was not abuse

1 – The child protested the abuse
- *Ex. Did you tell your uncle that you didn't like what your he was doing?*

2 - Child did not protest abuse
- *Ex. You didn't say anything telling him to stop?*

3 - Perpetrator did not say anything
- *Ex. he didn't say anything when he would touch you?*

4 - Perp said something
- *Ex. Did he say anything when he would touch you?*

5 – other; specify

6 – child said something
- Q. what would you say? A. I told my dad I was going to go throw up
  - You see in this example the child isn't asking for the abuse to stop or protesting in any way, they are just saying something while it is happening

42 b _____ fill in the blank from 40

43. If content was abuse, and the child was not the victim, are any of the following mentioned? (Acontent/Bcontent/Ccontent)

0 - None mentioned

1 - Whether the child saw a specific act occur

- *Ex. What happened when you saw him touching your sister that day?*

2 - Whether the child saw multiple acts of abuse

- *Ex. Did you see when he would kiss your sister?*

3 - Whether the child knew of, but had not seen, a specific act of abuse

- *Ex. So you knew that your uncle had kissed your sister that day at the beach, yes?*

4 - Whether the child knew of, but had not seen, abuse more generally

- *Ex. So you knew that your uncle had kissed your sister before, yes?*

44. If content was perpetrator's statement about abuse, were any of the following mentioned? (Acontent/Bcontent/Ccontent)

0 - Nothing was mentioned

1 - Child asked to keep a secret or not to tell anyone

- *Ex. Did your dad tell you to keep that a secret?/ Did your teacher tell you not to tell anyone?*

2 - Child threatened by perpetrator

- *Ex. Did he tell you that your family would get hurt if you told anyone?*

3 - Child given bribe to not tell

- *Ex. Would he give you anything when he would ask you not to tell your mom?*

4 - Child given money to not tell

- *Ex. Would he give you money when he would ask you not to tell your mom?*

5 – other; specify

- Specify in 37b

44b _____ fill in the blank the motive from variable 37

45. If the child was threatened, given a bribe or money not to tell, were these forms of influence trying to keep the child silent or to accomplish abusive acts?

0 – No form of influence was mentioned

1 – The threat/bribe/or money occurred to keep the child silent or to suppress that abuse was occurring

- Ex. Q. And why would he give you money?/ A. He said that it was to keep me quiet.

2 – The threat/bribe/or money occurred to accomplish abuse

- Ex. Q. And when he would give you those presents, would he give you any reason about why he got them for you?/ A. He told me that he wanted to thank me for kissing him because he liked it when we would kiss.

3 – Other; specify

- Specify in 38b

4 – child was given instructions by the perpetrator

45b _____ fill in the blank the motive from variable 37

46. If content was perpetrator's statement about abuse, was frequency mentioned?

0 - No

1 - Yes, attorney asked how often perpetrator talks with child about abuse

- *Ex. How many times did he ask you not to tell?/ how many times did he talk with you about why he was touching you?*