

The State of the Debate About Children's Disclosure Patterns in Child Sexual Abuse Cases

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ABSTRACT

In current research studies about the disclosure patterns of sexually abused children, experts agree that most victims delay disclosure for years, often until adulthood. Researchers disagree about disclosure rates and recantation rates among children during formal interviews. Studies of children who had not previously disclosed but are known through corroborative evidence to have been sexually abused show lower rates of disclosure than do studies of children who had disclosed prior to the formal interview. Gradual disclosures among children are common, and more than a single interview may be necessary in some cases. Prior disclosure, level of support by non-offending parents, developmental level, and relationship to perpetrator affect children's rates of disclosure and their disclosure patterns. More research is necessary to clarify children's post-disclosure recantation rates and predictors.

tion or the loss of parental rights on the other.

Science can be a tremendous asset to judges in understanding and interpreting the behavior of victims of child sexual abuse, since their behavior can often seem counterintuitive. It is essential that judges consider children's disclosure patterns in light of current research in order to have the greatest chance to evaluate the facts

INTRODUCTION

Cases involving child sexual abuse (CSA) are among the most heartbreaking cases a judge hears, for both emotional and legal reasons. How does the court evaluate the testimony of the young child who says it never happened, the child who discloses months after the alleged event, the girl who recants after visitation with family members, or the boy with an IQ of 51 who cannot clearly articulate how the alleged abuse occurred?

Proving child sexual abuse in the absence of physical evidence or testimony of an eyewitness is difficult. Children recant, child development issues intervene, and cognitive limitations raise questions, while the testimony of the adult perpetrator does not waiver. Indeed, although errors in either direction can have devastating consequences, finding the truth in CSA cases seems too often impossible. Decision makers confront the twin specters of leaving inarticulate children unprotected from further traumatic sexual abuse on the one hand, and subjecting innocent caregivers to criminal prosecu-

and find the truth. Children's disclosure patterns are crucial because physical findings are diagnostic of child sexual abuse in 10% or fewer cases (Frasier & Makaroff, this issue). Sexual abuse, especially when there is no penetration, rarely results in physical trauma. Even when there has been sexual penetration, the capacity for rapid healing of the genital anatomy inhibits the detection of evidence (The National Research Council, 1993, p. 72). Therefore, children's statements are central both to the prosecution of the crime of child sexual abuse and the protection of children from further abuse.

This review is intended to update criminal, juvenile, and domestic relations court judges who preside

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over CSA cases about current areas of agreement and disagreement among scientific researchers about the disclosure patterns of CSA victims. A major volume on abuse disclosure patterns is scheduled for publication in 2006 (Pipe, Lamb, Orbach, & Cederborg, in press). It contains chapters by researchers from differing perspectives that we have drawn upon for this article (London, Bruck, Ceci, & Shuman, in press; Lyon, in press). Unfortunately for those charged with making decisions about children's welfare, no single school of researchers has the last word on these controversial issues.

Brief History

Many scholarly papers about children's disclosure patterns either begin with a discussion of Roland Summit's Child Sexual Abuse Accommodation Syndrome (CSAAS) or structure their arguments around his model of children's behavior in these cases (London, Bruck, Ceci, & Shuman, 2005; Lyon, 2002; Lyon, in press; Summit, 1983). Summit argued that children often deny being sexually abused, even when they are directly asked, and that disclosing children often subsequently recant their allegations. He based the accommodation syndrome primarily on cases of intrafamilial child sexual abuse (incest) rather than extrafamilial child sexual abuse.

Although Summit's "syndrome" has been litigated with a variety of outcomes in many courts, it may have become so controversial that it obscures rather than clarifies the issues at hand. Judges should bear in mind that for almost a century before Summit published his influential paper, there was statistical evidence that children often delay disclosure or remain completely silent about sexual victimization. Indeed, this prior literature was so extensive that a major psychological journal rejected Summit's accommodation syndrome paper before it found publication elsewhere because, the reviewers argued, it contributed nothing new (Lyon, in press; Olafson, 2002). There have also been a number of studies documenting children's disclosure patterns in otherwise corroborated child sexual abuse cases since the 1983 publication of Summit's paper (Lyon, in press). Examining children's disclosure patterns one category at a time, without organizing them around Summit's now-controversial accommodation syndrome, may clarify and simplify the issues.

The Issues

What are the disclosure and non-disclosure patterns among children known to have been sexually abused? There are several issues:

- Do most child victims delay reporting sexual abuse, sometimes until adulthood?
- If directly asked, do most child victims disclose sexual abuse?
- If directly asked, do some CSA victims initially fail to disclose or deny being abused, so that more than one formal interview becomes necessary?
- How common is incremental abuse disclosure, from partial and fragmentary accounts to full disclosure over time?
- Once children have disclosed sexual abuse, do a high percentage of known victims subsequently recant or retract their disclosures?
- Are there factors such as gender, developmental level, culture, degree of abuse severity, parental support, and relationship to perpetrator that influence disclosure patterns among CSA victims?

Sources of Information

The two most reliable sources of information about disclosure patterns in CSA victims are:

- Retrospective surveys of adults who report having been sexually abused during childhood; and
- Research about children's statements during evaluation and treatment in cases with corroborative evidence that is independent of children's statements, such as videotapes of the actual abuse, physical findings, sexually transmitted diseases, and offender confession.

Both sources are imperfect. Cases that have independent corroboration may be unrepresentative of sexual abuse cases in general. Retrospective surveys depend on human memory over time, so that under-reporting, over-reporting, and inaccurate reporting may occur.

Nevertheless, cases with independent corroboration and retrospective surveys are superior to the other sources sometimes used in literature reviews. For example, studies that claim substantiation or conviction rates as "independent" corroboration may significantly inflate the percentages of actually abused children who disclose their victimization during formal questioning. This is because substantiation, prosecution, and

conviction depend so heavily at all decision stages on children's statements. To argue that substantiation rates that depend upon children's disclosures proves that most children make disclosures when interviewed is to argue in a circle (Lyon, in press).

The definitions of key terms also affect research outcomes, but researchers do not always specify their operational definitions. "Child sexual abuse" can include a wide variety of behaviors, from non-contact exposure to genital fondling to violent genital, oral, and anal rape. In this article, we focus primarily on contact child sexual abuse. "Disclosure" also has a variety of meanings. We define disclosure to mean a clear verbal statement that at least one abusive act took place, although a disclosure need not be a complete report of everything that happened. Our definition does not include suggestive doll play and other fragmentary "partial disclosures" that, when included in research studies, artificially inflate children's "disclosure" rates (e.g. Dubowitz, Black, & Harrington, 1992).

"Non-disclosure" can also vary in meaning depending on whether it refers to a child's non-disclosure during a single or initial interview or a child's non-disclosure maintained over six or more interviews. Children questioned only once show higher "non-disclosure" rates than do children questioned several times, so that studies such as that by Sorenson & Snow (1991) that show very high initial non-disclosure rates have an eventual disclosure rate of over 90%.

Child Sexual Abuse Disclosures Delayed Until Adulthood

There appears to be a consensus among researchers that most child sexual abuse victims delay disclosing, often until adulthood. A number of well-designed retrospective surveys now show that the great majority of victims delay disclosing contact child sexual abuse during childhood (Finkelhor, Hotaling, Lewis, & Smith, 1990; Smith et al., 2000). These surveys also indicate that even when adults recall having told someone about the abuse, the majority of these cases were not then reported to the authorities. In one survey, 28% of respondents stated that they had disclosed to no one before telling the telephone interviewer about the child sexual abuse (Smith et al., 2000); another survey found that 42% of men and 33% of women first told anyone

about having been sexually abused as children when asked during the retrospective telephone interview (Finkelhor et al., 1990).

London and colleagues (2005) summarize the retrospective literature by noting that the results of 10 retrospective surveys indicate that only one-third of adults who suffered child sexual abuse revealed the abuse to anyone during childhood. The study concludes that "approximately 60%-70% of adults do not recall ever disclosing their abuse as children, and only a small minority of participants (10%-18%) recalled that their cases were reported to the authorities" (London et al., 2005, p. 203). Although London and colleagues note the research limitations inherent in adult retrospective literature, they also write, "Given the differences in methodology, definitions of abuse, and sample characteristics, the general consistency of these findings across these studies is noteworthy" (London et al., 2005, p. 201; but see Poole & Dickinson, 2005).

Judges and other fact finders can only adjudicate those cases that come to their attention, and a child's prior disclosure to a caregiver or friend constitutes the most common means by which child sexual abuse comes to the attention of the authorities and thus to the courts (Lyon, in press). Therefore, because it appears that most people delay disclosing until adulthood, children who decide to tell someone about being sexually abused and whose cases therefore come to court are not representative of sexually abused children in general. In other words, child protection authorities and the judiciary are likely to see only a minority of those children who are actually being sexually abused. There are, of course, some sexual abuse cases that are reported for reasons other than a child's prior disclosure, such as children's sexualized behaviors, physical findings, and other external evidence. This review article focuses on the disclosure patterns and behaviors among both groups of sexually abused children, those who had previously disclosed and a smaller number of those who came into the system in some other way.

Child Sexual Abuse Disclosures Delayed within Childhood

There appears to be agreement among researchers from diverse perspectives that "when children do disclose, it often takes them a long time to do so" (London

et al., 2005, p. 204). In a study of 399 children aged 8 to 15, Elliott and Briere (1994) find that of 248 subjects assessed as having been sexually abused, 74.9% did not disclose their abuse to anyone within the year that it first occurred, and 17.8% had waited more than five years to tell anyone. The courts are likely to see many such cases in which children delayed reporting for months or even years before telling someone about the abuse. It is also not unusual for children to disclose the abuse long after adjudication when they are in a safe environment and the litigation is finished. Delays in telling anyone about the abuse for several months, a year, or even longer occur in a significant percentage of child sexual abuse cases (Henry, 1997; Sas & Cunningham, 1995).

In weighing the evidence in child sexual abuse cases, judges and other fact finders should be aware that, in a high percentage of actual CSA cases, there will be delays of months or even years between the onset of the abuse and a child first disclosing to another person.

Children's Gradual Disclosures during Formal Interviews

Many prosecutors are familiar with the problem of incremental disclosure, in which a child may disclose only aspects of an abusive event, such as genital fondling, during the initial interview. Shortly before trial is scheduled to begin, the child, perhaps during court preparation with the prosecutor, describes new details, such as penetrating oral sex, that necessitate postponements, the filing of new criminal charges, and concerns about the child's credibility and competence. In one such case, a young incest victim, when asked why she had not mentioned crucial additional information during her initial advocacy center interviews responded, "I just didn't think of it." This pattern of partial disclosure can be explained by Summit's classic child sexual abuse accommodation syndrome, but it may also simply reflect the usual patterns of recall in the very young. In an experimental study, Dr. Robyn Fivush asked non-abused children aged 3-6 about a known event on two subsequent occasions (Fivush, 1994). On the two recall occasions, children reported different but still accurate information about the events, with an overlap

of details between the two retellings of only 20%. This research about children's normal patterns of recollection and reporting could in itself justify recommending that children be given more than a single interview to tell the authorities about the events in their lives.

In a summary of 21 studies from 1965 to 1993 of children diagnosed with gonorrhea, Lyon finds gradual disclosure by children to be very common (Lyon, in press). In 118 CSA cases studied by Elliott and Briere (1994), there was external evidence for the abuse, including, for example, medical evidence diagnostic of child sexual abuse, perpetrator confession, a witness to the abuse, or pornographic pictures of the child. In a number of these 118 cases, victims disclosed partially in the first interview by mentioning fondling, but when investigators confronted them with the external evidence for more severe abuse (penetration), the children then made more complete disclosures.

Thus, when questioned during formal interviews, children may only partially disclose during the initial interview. Because evidentiary studies show that traumatic medical evidence (such as a ruptured hymen) is lacking in a significant number of cases in which perpetrators have confessed to penile penetration, judges should not prematurely regard children's statements as complete after a single interview (Muram, Speck, & Gold, 1991). As Elliott and Briere (1994) write, "Forensic evaluations that consist of a single interview may result in incomplete disclosure and less accurate determinations, especially in cases where medical or other external data are lacking or inconclusive" (p. 274).

This recommendation does not contradict the long-held principle in the child protection fields to avoid subjecting children to repeated interviews by multiple investigators from social services, law enforcement, and the court system. The National Children's Advocacy Center has developed and tested guidelines for extended forensic evaluations with reticent children. If several interviews become necessary, it is recommended that a single interviewer conduct them and that the questioning be sensitively structured to build rapport over time and avoid repetitive questioning and suggestiveness (Carnes, Wilson, & Nelson-Gardell, 1999; Carnes, Nelson-Gardell, Wilson, & Orgassa, 2001).

Because many sexually abused children in externally corroborated cases are known to disclose only gradually, more than a single interview may become necessary to serve children's safety and justice. See the guidelines by the National Children's Advocacy Center (Carnes et al., 1999; 2001).

Non-Disclosure or Denial by Children When Interviewed about Child Sexual Abuse

The most troubling cases for the courts are those in which there are red flags indicating a strong possibility of child sexual abuse: The case is reported, the child interviewed, and the child discloses no sexual abuse. There are two classes of children to consider here:

- Children who previously disclosed partially or fully to another person and thus precipitated entry into the system; and
- Children who came into the system through other means, such as diagnosis of a sexually transmitted disease during routine medical care, extreme sexualized behaviors, or the discovery of videotapes documenting the abuse.

It is about children's disclosure patterns once they are in the system that the experts disagree, and these cases are the most troubling to those responsible for protecting children from abuse and protecting adults from false allegations.

London et al. (2005) state that "the data clearly demonstrate that most children who are interviewed about sexual abuse do disclose and do not later recant..." (p. 217).

Lyon (in press) responds with a critique that reveals problems with two kinds of case selection bias in many of the samples upon which London and colleagues based the above conclusion. Lyon argues that:

- To avoid **suspicion bias**, one must examine cases that did not come to the attention of the authorities because a child disclosed to someone prior to the formal interview; and
- To avoid **substantiation bias**, one must examine cases in which substantiation was completely independent of the child's statements.

To understand how both forms of selection bias artificially inflate the actual rates of children's sexual abuse disclosures, consider the following extreme case.

If we *suspect* sexual abuse only when a child has previously disclosed, then **100%** of children in a sample of children suspected of being sexually abused will have disclosed at some point. If we *substantiate* child sexual abuse only if a child discloses, then **100%** of children in a sample of substantiated cases will have disclosed. The reality is only somewhat less extreme. The great majority of *suspected* CSA cases come to our attention only because a child has previously disclosed. Child sexual abuse *substantiation* also depends most heavily on children's disclosures, because external evidence of child sexual abuse (such as physical findings or offender confession) is rare and generally detected only after sexual abuse has been suspected.

London et al. (2005) seem to agree with Lyon about suspicion bias by writing, "Prior disclosure of abuse predicts disclosure during formal assessment" (p. 209), but they do not then systematically deal with the problem of suspicion bias. London and colleagues also acknowledge but do not fully address the substantiation bias problem by writing, "In many of the cited studies, classification of abuse was often based in part on children's disclosures; consequently, the conclusion that abused children do disclose abuse during formal interviews may be circular" (p. 217). They then base their conclusion that "the evidence fails to support the notion that denials, tentative disclosures, and recantations characterize the disclosure patterns of children with validated histories of sexual abuse" (p. 194) on their review of research studies that are in many cases flawed by both suspicion and substantiation bias. What do studies that avoid both biases tell us about this area of contention?

Studies of Disclosure Patterns in Cases without Selection Bias

Nine boys and one girl were interviewed by police after Swedish law enforcement discovered videotapes of 102 incidents of child sexual abuse, ranging from exposure of the child's genitals to oral/anal/vaginal intercourse (Sjoberg & Lindblad, 2002). The perpetrator was either related to the children or knew them through his work at a day care center. Abuse severity was coded both from the videotapes and from children's statements. No child had previously disclosed abuse nor had it been suspected. Five children reported no abuse during police interviews, for a disclosure rate of 50%. The child who had suffered

the greatest number (60 incidents) and most severe sexual assaults according to the videotaped evidence did not disclose during the police interview. Two of the five children who did disclose did so only in response to leading questions. No child reported any sexual behavior not documented on the videotape.

Cases with children not suspected to be sexual abuse victims who are diagnosed with sexually transmitted diseases, who are too old to have acquired the diseases congenitally and too young to have acquired them through consensual sex with peers, also avoid both suspicion and substantiation bias. Confining this review to STD diagnosis deals with the problem raised by London et al. (2005) that "medical evidence" is not always a "reliable benchmark" because, for example, genital redness may be caused by many things besides sexual abuse.

Lawson and Chaffin (1992) found that among 28 children in which STDs were medically diagnosed without prior suspicion of abuse, only 12 children (43%) made an allegation of sexual abuse during the initial formal interview, and 16 children did not. Almost half of these children had shown no physical or behavioral symptoms of sexual abuse, so that there were no "red flags" that would have otherwise brought these children into the system as possible CSA victims. Maternal attitude influenced disclosure patterns greatly. Among those children whose parents were supportive, 63% disclosed abuse during these initial interviews, whereas when caregivers expressed skepticism, only 17% disclosed.

Of the 16 false negatives in the original Lawson and Chaffin study, five were subsequently located and consented to be interviewed. Four of these five had a supportive parent and one a non-supportive parent. Researchers presented the study to parents and children as an evaluation of responses to prior emergency room visits, and they never mentioned child abuse. Nevertheless, four of the five parents spontaneously told the researchers that their children had disclosed sexual abuse some time after the initial hospital interview, a finding that supports the idea that CSA disclosure is often an incremental process that may require more than a single interview (Chaffin, Lawson, Selby, & Wherry, 1997). Upon psychological testing, the four non-disclosing children whose parents had been supportive at the time of the initial interview tested three times higher on dissociative symptoms than did the dis-

closing children and nine times higher on dissociative symptoms than non-abused control children. Because of the nature of this study and the very small numbers of children involved, these results are far from conclusive, but they do suggest a possible link between dissociative symptoms and non-disclosure among CSA victims.

London et al. explain the Lawson and Chaffin results by describing this sample as "unusual" and as representing "the small hard core of children who do not disclose abuse when directly asked" (2005, p. 215). Lyon argues in response that the Lawson and Chaffin sample avoids the problems of suspicion and substantiation bias that characterize many other samples. Lyon then raises a concern about the many cases that are closed as unsubstantiated after a single interview during which a possibly sexually abused child without medical evidence fails to disclose when formally questioned.

A number of other samples document similarly low rates of disclosure in STD cases. Lyon examined 21 studies published between 1965 and 1993 of children diagnosed with gonorrhea. In nine of these papers, the authors referred to a "history" of sexual contact or sexual abuse for some of the children with gonorrhea, without clarifying whether this history came from children's disclosures or from other sources (Lyon, in press). In most of the remaining studies, the authors used words such as "admitted" or "denied" sexual contact or referred even more directly to children's statements. Even when all the cases of "history" were counted as actual child disclosures, Lyon finds that the average rate of "disclosure" among the 579 children in these studies was 43%, or 250 children. Given the broad definition of "disclosure" that he applies here, Lyon argues that this may actually be an overestimate of disclosure rates. Most of these studies indicated that the medical professionals questioned the children, but the precise nature of these questions is not known. When Lyon omits studies with children younger than three years of age to control for developmental limitations on narrative skill, he finds that 185 of 437 children, or 42%, disclosed.

To summarize this sample of disclosure studies that avoid both suspicion and substantiation bias, Sjoberg and Lindblad find a disclosure rate of 50%, Lawson and Chaffin find a disclosure rate of 43%, and in a review of 21 studies of children diagnosed with gonorrhea, Lyon finds a disclosure rate of 43%. London et al. (2005) assert

that when CSA victims are interviewed, a “majority” of them disclose sexual abuse. These 23 studies contradict that assertion by showing that only from 42% to 50% of children known through external evidence to have been sexually abused actually disclosed during their formal interviews.

We agree with London and colleagues that “If the field is to be guided by scientifically validated concepts then this must be predicated on the literature that comes closest to the standards of science” (2005, p. 220). Research studies that avoid suspicion bias and substantiation bias come closer to this scientific standard than do research studies that suffer from one or both of these biases, and these studies show far lower rates of children’s disclosure of child sexual abuse than London et al. (2005) assert.

When children who have not previously disclosed are interviewed, and these children are known to have been sexually abused because of external corroborating evidence, their rates of disclosure range from 42% to 50%.

Studies of Child Sexual Abuse Cases that Avoid Only Substantiation Bias

Studies of previously disclosing children will generally show higher rates of disclosure than do studies in which children had not previously disclosed, because prior disclosure predicts children’s disclosure during formal interviews. The majority of cases that judges are likely to see will involve previously disclosing children, because child sexual abuse is most often suspected when a child says something to a caregiver or friend that brings the case into the system. However, many research studies do not fully document whether or not a child disclosed prior to entering the system. Others state how many children disclosed to another person prior to the formal interview. Both categories are reviewed in this section.

Hershkowitz, Horowitz, & Lamb (2005) examined all interviews with alleged victims of sexual abuse, aged 3 to 14, in Israel from 1998 to 2002 (10,988 interviews). Most of the alleged victims were aged 7 to 14. During one interview, 71.1% of these children made allegations of child sexual abuse. Boys were less likely than girls to allege sexual abuse. Children aged 3-6 were less likely to make allegations than children aged 7-10, and children aged 11-14 had the highest rates of allegation.

Children were much less likely to make allegations when the suspect was a parent or parent-figure. This very large study confirms patterns observed in smaller U.S. samples. However, because of limitations in the data set, the authors did not state which children had made disclosures prior to the formal interviews, although it is known that prior disclosure is the primary means by which cases come into the system (Lyon, in press). The authors were also unable to determine from the data set which children had been interviewed more than one time. Finally, it was not possible to analyze separately those cases that had independent evidence corroborating child sexual abuse, so that the validity and non-validity of the children’s allegations could not be determined.

Elliott and Briere (1994) find that 39 of 118 (33%) children aged 8 to 15 for whom there was external evidence of child sexual abuse made no disclosure about having been sexually abused during formal interviews, and some of the remaining 67% of children with external evidence who did disclose required more than one interview to do so. Twenty of these children had reportedly disclosed to another person before the interview but did not do so during the interview, and 19 disclosed to no one either before or during the formal interview. A higher percentage of the non-disclosing children had mothers who were not supportive. There was a higher percentage of African-American children among the non-disclosing group. Victims were aged eight through adolescence, and other research has shown that school-aged children and adolescents are more likely to disclose sexual abuse when questioned than are younger children (DiPietro, Runyan, & Frederickson, 1997; Hershkowitz et al., 2005; Keary & Fitzpatrick, 1994; London et al., 2005; Lyon, in press; Sas & Cunningham, 1995). London et al. mistakenly calculate a disclosure rate of 84% in the Elliott and Briere study, a percentage that is inflated because of substantiation bias. London and colleagues (in press) calculated the 39 non-disclosers against the 248 children classified as “abused,” although the 248 substantiation figure includes over 100 children classified by the researchers as abused because they made “consistent, detailed, contextually embedded, developmentally age-appropriate accounts of at least one abusive incident” (Elliott & Briere, 1994, p. 264). When substantiation bias is eliminated and the 39

children who did not disclose during formal interviews are measured against the 118 cases with corroborative evidence independent of children's disclosures, the disclosure rate during formal interviews is 67% and the non-disclosure rate of known victims is 33%.

In their forthcoming chapter, London et al. also cite inflated 75% disclosure statistics from a study by Dubowitz et al. (1992). There were 28 children in that study who had medical examination findings indicative of child sexual abuse, and of these, 13 fully disclosed, 7 did not disclose, and 8 "partially disclosed." London et al. (in press) must be including the 8 partial disclosers in this high percentage, although these partial "disclosures" are described by Dubowitz et al. (1992) as "suggestive doll play or an inconclusive account of alleged abuse" (p. 690). When only real disclosures are included, the disclosure rate in the Dubowitz study is 46%.

Finally, because of methodological shortcomings in two older studies, Sorenson and Snow (1991) and Bradley and Wood (1996), they are reviewed only briefly here. Sorenson and Snow report a 72% initial non-disclosure rate by children, and Bradley and Wood report a 7% total non-disclosure rate apparently over the course of several interviews. The end results for both studies do not differ greatly. Bradley and Wood write that 95% of the children in cases that had external evidence of child sexual abuse similar to that used by Sorenson and Snow "made a partial or full disclosure of abuse during at least one interview with DPRS or police" (p. 885). In their evaluation and treatment sample, Sorenson and Snow write that 96% of the children for which there was external evidence eventually reached "active" disclosure, often after weeks or months of treatment.

Prior disclosure predicts disclosure during formal interviews. However, in externally corroborated cases in which children have previously disclosed, a substantial percentage of children do not disclose during the first formal interview. Many of these children do disclose if given the opportunity in subsequent interviews.

Recantations

A 10-year-old girl who has told investigators that she was repeatedly sodomized by her soccer coach comes to the witness stand during criminal proceed-

ings, freezes, and mumbles to the jury that she "cannot remember" what happened; as with many cases of anal penetration, there is no medical evidence. An adolescent boy who has told his school counselor that his stepmother "messes with my dick" explains to the child protection investigator the next day that he was "just kidding." A preschool girl who has reportedly told her divorced mother that her daddy "tickles my coochie and it hurts," climbs under a table during the advocacy center interview and denies ever visiting her father. Are these children withdrawing their allegations because they were never abused, or are they recanting true statements about abusive events?

These are among the most challenging cases to investigate and to litigate. There are far fewer studies on recantation than on delay, non-disclosure, and disclosure, and there is not yet definitive research about recantation rates in externally validated cases. Recantation rates in various studies range from 4% (Bradley & Wood, 1996) to 22% (Sorenson & Snow, 1991). Most studies of recantation rates contain serious methodological flaws. Therefore, we cannot agree with the statement by London et al. (2005) that "only a small percentage of children in these studies recant" (p. 217). It is more accurate to state that we simply do not yet know how often and why children recant their statements about actually having been sexually abused.

There is research currently under way. Malloy, Lyon, Quas, and Forman (2005) recently presented results from a random sample of 217 substantiated CSA cases from the Los Angeles Dependency Court in 1999-2000 to discern disclosure patterns across all interviews. Children were aged 2 to 17, and 90% were female. Most of the children had from 3 to 9 interviews. The majority (78%) had disclosed to someone prior to the police or social services interview, so that the low initial non-disclosure rate of 9% can be explained by this sample's suspicion bias. Twenty-three percent of the children fully recanted their allegations at some point, and an additional 11% minimized the severity of the abuse they had initially reported by partially recanting, for a total of 34% full or partial recanters. Lack of maternal support and abuse by a male caretaker were predictors for full recantation. In cases that had medical evidence corroborating the sexual abuse, 25% of the children either fully or partially recanted the allegation, and 24.5% of

children whose perpetrator confessed recanted at some point during the evaluation. The authors conclude that recantation is not rare in externally corroborated cases and in substantiated cases, when all interviews in each case are examined.

Recantations should not be interpreted to mean that an allegation is necessarily false. Unfortunately, criminal courts do not always agree. For example, in Florida, a prior inconsistent statement from a recanting alleged victim of child sexual abuse is not sufficient in and of itself to sustain conviction, even if repeated on multiple occasions (*State v. Green* 667 So.2d 756 Fla., 1995. West's F.S.A § 90.803(23)).

Researchers have not established whether recantations are frequent or infrequent, but they do occur in externally corroborated CSA cases, especially when abuse was by a male caregiver and/or maternal support was absent.

Bizarre Disclosures

Many children's cases never reach the courts because they contain bizarre and impossible details. These can include accounts of, for example, having been abused aboard rocket ships, having been abused by the Wizard of Oz, having been stabbed all over the body (without medical evidence), having murdered and dissected a baby, and other grotesque and extreme statements. In a random sample of 104 child sexual abuse and physical abuse "gold standard" cases with two forms of external evidence selected from a child protection facility, the blind scoring of transcribed disclosure statements shows that 15.38% of the most severe cases with victims aged 4-9 contained such implausible details (Dalenberg, 1996; Dalenberg, Hyland, & Cuevas, 2002). These fantastic statements were from cases in which the researchers could be certain that physical and/or sexual abuse had actually taken place. The rate of bizarre statements in the mild, externally verified cases from this sample was less than 4%. Because both true and false allegations can contain implausible details, their presence does not help investigators sort truth from fiction. What this study does indicate is that implausible details in an otherwise solid disclosure do not in themselves prove that an allegation is false. Indeed, these fantastic elements may indicate that the child experienced espe-

cially severe physical and/or sexual abuse.

Variables that Affect Disclosure Patterns

We agree with London and colleagues (in press) that future research with a multivariate model is necessary to find causal explanations for children's disclosure patterns, but there are some trends that seem to be emerging.

- *Maternal or parental support:* Children who lack caregiver support are far less likely to disclose than are children who have a supportive caregiver, when "support" is defined as a willingness to believe that the child sexual abuse could have happened (Elliott & Briere, 1994; Lawson & Chaffin, 1992). Elliott & Carnes (2001) find that a majority of mothers either believe or support children in CSA cases. Those cases that reach the courts may differ in crucial ways. Thus, in dependency court, familial support is often absent, hence the intervention of the state in the parent-child relationship to protect the child. The victim child, and often her siblings, are removed from their home, and sometimes there is an arrest of a family member who may be the breadwinner. In too many cases, the child is blamed, feels responsible for breaking up the family, and eventually recants (Malloy et al., 2005).
- *Relationship to perpetrator:* In some cases, the child is dissuaded from disclosing the abuse by family members who do not believe the child and wish to prevent shame and embarrassment to the family. Most studies demonstrate lower rates of disclosure or longer delays in doing so when abuse is by a family member rather than by a non-family member (Goodman-Brown, Edelstein, Goodman, Jones, & Gordon, 2003; Hershkowitz et al., 2005; Sjöberg & Lindblad, 2002; Smith et al., 2000; but see also Lamb & Edgar-Smith, 1994; London et al., 2005).
- *Age:* Retrospective surveys indicate that victims first abused during adolescence are more likely to disclose than are younger children, and they are more likely to disclose first to another adolescent than to a caregiver. Retrospective surveys also indicate that school-aged children are more likely first to reveal child sexual abuse to a parent than to another child (London et al., 2005, p. 201).
- *Gender:* In both retrospective surveys and child samples, there are suggestions that boys may be more reluctant to disclose than girls, although other abuse-specific variables may influence gender differences (Ghetti & Goodman, 2001; Goodman-Brown et al., 2003; Hershkowitz et al., 2005; Kendall-

Tackett, Williams, & Finkelhor, 1993; Levesque, 1994; London et al., 2005; Sas & Cunningham, 1995; Sauzier, 1989; Widom & Morris, 1997).

- *Culture*: Although more research needs to be done in the area of culture and disclosure rates, there are indications among child samples that children from minority groups face culture-specific barriers to disclosure that could contribute to delays or denials (Dunkerley & Dalenberg, 1999; Elliott & Briere, 1994; London et al., 2005, p. 205).
- *Severity and duration of abuse*: Research studies show inconsistent results. Future multivariate analyses accounting for severity and duration of abuse, age, gender, culture, and relationship to perpetrator may clarify this issue.
- *Batterers*: The courts should be especially alert to the potential for child sexual abuse by batterers, because research studies indicate that battering father-figures are from four to nine times more likely to perpetrate incest (primarily on girls) than are non-batterers (Bancroft & Silverman, 2002). Because of the atmosphere of terror that can permeate violent homes, both adult and child victims are often justifiably reluctant to speak up when formally questioned unless they can be convinced that they will not be in danger for doing so (Jaffe & Geffner, 1998).
- *Dissociation and post-traumatic stress*: Children subjected to prolonged, severe abuse may face multiple obstacles to adequate disclosure. Unwillingness to face the discomfort of post-traumatic flashbacks may cause traumatized children to numb their feelings and cognitions and shut down during interviews. Dissociative symptoms may interfere (Chaffin et al., 1997; Putnam, 1997). Cognitive disabilities caused by damage to the central nervous system and brain are associated in numerous studies with histories of severe child maltreatment in early childhood, and these deficits may interfere with children's ability to recall and describe their life experiences (Elliott & Briere, 1994; Putnam, this issue).
- *Modesty*: Modesty or embarrassment should also be considered as motives for silence. One laboratory study indicates that girls aged 5-7 are reluctant to disclose even non-abusive genital touching during interviews. Saywitz, Goodman, Nicholas, and Moan (1991) found a 64% false negative disclosure rate in a subsequent interview among girls who had been touched genitally and anally during

a pediatric examination. It was only when the girls were directly asked with a yes-or-no question if the doctor had touched them on the genital and anal areas that these girls disclosed. This suggestive question produced a false positive rate of 8% (three girls) among those in the control group who had not been genitally and anally touched, and one of these girls provided contextual details. Most experts in the field warn against interview questions that name both act and perpetrator, and many courts define such questions as leading. Nevertheless, in this study, there were eight times as many false denials when this suggestive question was not asked than there were false allegations when it was asked.

- *Other reasons for non-disclosure*: When non-disclosing sexually abused children are questioned, they cite fear as their primary motivation not to tell. Older children who are familiar with dependency procedures know that they and their siblings may be removed from their home if they tell. Children may fear being stigmatized as "sluts" or "faggots" by their schoolmates if word gets out (and it too often does) that they are sexual abuse victims. Children may fear consequences to themselves, to the perpetrator, or to other family members (Goodman-Brown et al., 2003). Children often otherwise love and trust sexual abuse perpetrators, and in some cases, they may not be fully aware that what is happening to them is abusive, criminal, and wrong.

Conclusions

The most difficult form of abuse to prove in court is child sexual abuse, even in dependency cases where the burden of proof is preponderance of the evidence or clear and convincing evidence rather than proof beyond a reasonable doubt. Few convictions carry the same degree of stigma and legal ramifications for the convicted and the potential for serious emotional and psychological harm to the victim.

It is important to understand that the rules are different in sexual abuse cases, and every judge must understand the science. It is common in sexual abuse cases for the victim not to disclose in a timely manner. It is not unusual for the victim to disclose little by little over a period of time. It can happen that the child victim will recant. In any other prosecution for any other crime, these actions would be considered indicia of unreliability

SUMMARY OF RESEARCH FINDINGS

1. Experts agree that a majority of child sexual abuse victims do not disclose their abuse during childhood.
2. Experts agree that when children do disclose sexual abuse during childhood, it is often after long delays.
3. Prior disclosure predicts disclosure during formal interviews. Children who have told someone about the abuse prior to the formal interview are more likely to disclose during that interview than children who have not. Children who have not previously disclosed and who have come to the attention of the authorities because of medical evidence, videotapes, and other external evidence, are less likely to disclose during medical or investigative interviews than are previously disclosing children.
4. Gradual or incremental disclosure of child sexual abuse occurs in many cases, so that more than one interview may become necessary.
5. Experts disagree about whether children disclose sexual abuse when they are interviewed. However, when both suspicion bias and substantiation bias are factored out of studies, studies with external corroborating evidence of child sexual abuse show that 42% to 50% of children do not disclose sexual abuse when asked during formal interviews.
6. School-age children who do disclose are most likely to first tell a caregiver about what has happened to them.
7. Children first abused as adolescents are more likely to disclose than are younger children, and they are more likely to confide first in another adolescent than to a caregiver.
8. When children are asked why they did not tell about the sexual abuse, the most common answer is fear.
9. Further research is needed about recantation rates, which range in various studies from 4% to 22%.
10. Lack of maternal or parental support is a strong predictor of children's denial of abuse during formal questioning. Abuse by a family member may inhibit disclosure. Dissociative and post-traumatic symptoms may contribute to non-disclosure. Modesty, embarrassment, and stigmatization may contribute to non-disclosure. Gender, race, and ethnicity affect children's disclosure patterns.
11. Many unanswered questions about children's disclosure patterns remain, and further multivariate research is warranted.

or lack of truthfulness and would be legal and factual impediments to conviction. Indeed, a denial of abuse by the alleged victim would prevent prosecution.

In dependency cases, the court is bound to protect the health and safety of the child while balancing the rights of the parents. It is important that judges understand the science so that they can do justice when the defense lawyer argues, "It did not happen because the child recanted"; "It did not happen because the child's disclosures were not made close to the event"; "It did not happen because the child kept adding new information." As in domestic violence, the often frustrating

behavior of the victim needs to be explained to the trier of fact from the victim's perspective, by those who have studied this behavior.

When justice is not done in a sexual abuse case, the harm can be devastating. No jurist wants to take a child from her home and break up a family when abuse has not occurred. No jurist wants to leave a child unprotected in an abusive family. The reality is that it is very often difficult for a judge presiding over a child sexual abuse case to feel certain about his or her decision and interpretation of the facts. Many judges spend sleepless nights worrying about the ramifications of their decisions.

Children's Disclosure Patterns in Sexual Abuse Cases

Sexual abuse cases are specialized cases that require specialized knowledge, a tool judges must have in order to do justice. Knowing the law alone is not enough. By understanding the research in the sexual

abuse field (see page 37 for a summary of research findings), judges can enhance their ability to make just decisions by applying the law to the facts.

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