**EXCERPTS FROM STATE’S DIRECT EXAMINATION OF EXPERT SOCIAL WORKER TESTIFYING REGARDING ISSUES OF DELAYED REPORTING AND RECANTATION IN A CHILD SEXUAL ABUSE CASE**

**DIRECT EXAMINATION**

**Q.** Will you state your name, please?

**A.** J.W.

**Q.** What is your business occupation?

**A.** I’m a social worker.

**Q.** And in order to exercise that profession, Ms. W., would you explain to the court your educational background? Which undergraduate school did you attend?

**A.** I attended P.

**Q.** And what degree did you obtain at P.?

**A.** A Bachelor of Science with a degree in teaching.

**Q.** And your major field of study, your major subject?

**A.** English and Speech.

**Q.** What graduate school did you attend?

**A.** I. University in….

**Q.** And what degree did you obtain at I. University?

**A.** A master’s in social work.

**Q.** And did you specialize? Was there a major field of study…during your working toward this degree?

**A.** Family and children, with an emphasis on child welfare.

**Q.** Have you received any other schooling or in-service training with regard to your profession?

**A.** Yes, I have.

**Q.** Are you—would you perhaps explain to the jury what that would be?

**A.** Yes. I—there are quite a number. I have some notes. May I use the notes?

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**A.** I’ve attended a number of workshops…

**Q.** Thank you, Ms. W. Are you a member of any professional organizations related to the profession that you are exercising?

**A.** Yes. I am a member of the National Association of Social Workers, and I am a member of the Academy of Certified Social Workers, and a member of the Child Welfare League of America.

**Q.** Have you spoken or lectured to any groups on subjects related to your particular field or expertise?

**A.** Yes. I have. Here again, I have a note card.

**Q.** If you would explain who those were to the jury?

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**Q.** In regard to those particular presentations specifically, Ms. W., were you speaking to these groups on these particular subjects?

**A.** Yes, Ma’am. These are where I did the presentations or the trainings, not where I received the information….

**Q.** And what do you mean by that? What type of a session was that?

**A.** It was just an education session primarily. I was asked to explain what was happening as far as treatment of incest victims….

**Q.** Thank you. How long have you been working in this particular field of expertise relating to sexually abused children?

**A.** About three and a half years.

**Q.** And where are you working at the present time?

**A.** Children’s Bureau.

**Q.** And what is the Children’s Bureau’s function? Perhaps you could explain that to the members of the jury.

**A.** The Children’s Bureau is a private child welfare agency. It’s United Way funded. We do—I usually say we do everything. We do a lot of counseling with abuse and neglect cases with referrals…We also are—have… a cooperating agency with the CSAC which stands for Child Sexual Abuse Treatment program…. That program began with different agencies in town cooperating to provide staff and to provide rooms…. So we provide counseling for children who are victims and for families and individuals within those families that have had incest in their families.

**Q.** Thank you, Ms. W. And your specific work—would you say that you work primarily with sexually abused children or—

**A.** I think probably about half and half. My caseload probably came to me being about half and half, but I find that a lot of the children that come to me under other circumstances, such as foster care or whatever have been sexually abused.

**Q.** And among those children with whom you have worked who have been sexually abused, how many would you say had been victims of an incestual situation? Very few or the majority of the cases—

**A.** —Oh, I think most of them—there’s only one I can think of who was a victim of sexual abuse outside the family.

**Q.** And during the time that you have been working in this particular field, Ms. W., how many sexually abused children would you say you have worked directly with?

**A.** I think it’s around 125. It’s over a hundred children.

**Q.** And when you speak of those children you would say that you were directly involved in their counseling and treatment?

**A.** Yes. I’ve been a counselor with children individually and I’ve done groups of mostly adolescent girls and younger girls.

**Prosecutor:** I would present Ms. W. to the court as an expert witness of the subject of child sexual abuse.

**Defense Counsel:** Judge, I’m sure that this witness is eminently well qualified. I’m having some problem figuring out why this is relevant. But she is an expert. I suppose we’ll have to wait until the next question comes.

**THE COURT:** Show the witness having been tendered as an expert witness in the field of sexually abused children.

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**Q.** (By Prosecutor): Ms. W., I’m going to ask you to assume certain facts are true, and on

the basis of these facts, after I have enumerated them, I will ask you your opinion based on the factual situation which I present. That is as follows—this involves a female child who is 12 years of age who was raised by her natural mother and stepfather since she was two years old. In October of 19…, this child told her stepsister who in turn told another child who in turn told the babysitter that her stepfather had been sexually abusing her for several years. The babysitter told the mother and during the next two days the child repeated what she had told the babysitter to the mother, the mother’s best friend, the social worker at the hospital, and a detective from the Family Abuse Unit of the police department. When asked by the detective at the police department whether or not she wanted her dad to go to jail, the child responded, “Just so he’s away from me.” The details of the molestation as told by the child during the first few days are the following: Her stepfather, she said, had been molesting her for as long as she remembered. He had had her place her mouth on his penis. He had ejaculated in her mouth. When she was small, he had put honey on his penis so that—because she didn’t like the taste. He’d also put his finger inside of her and had tried to insert his penis inside her vagina, but she said that it didn’t fit. These things would happen when her mother was gone, and she also said that when she was older the father would call her into his bedroom under the pretext of making his bed. The stepfather was arrested and put in jail. The mother openly expressed in front of the child her fears of what was happening to the family. The mother got the father an attorney and used her monthly rental money to pay for the defendant’s bail. The father was ordered by the court to have no contact with the child and move into an apartment. Within the week following the initial disclosure by the child, the child retracted everything…, although acknowledging an accidental occurrence in the father’s bedroom. The child said that she had been bribed by neighbors. The child was removed from the home for two months…, and after she was sent back to her own home, the family strictly abided by the no contact order…. When he went by the house to see his wife and other children, the child remained in her room with the door closed or was taken to the great-grandmother’s home. The mother took all of the children except this particular child to church three or four different times a week where they saw the father. The child attended a different church. Now, Ms. W., based upon those facts which I have presented to you, I will ask your opinion on the following questions. During the course of your career in working with sexually abused children and adolescents, have you become familiar with the behavior of sexually abused children who have reported sexual abuse by a family member?

**A.** Yes.

**Q.** And during the course of your work with this type of child, have you observed any kind of a pattern of significant similarities in the way that they behave?

**A.** Yes.

**Q.** And when you consider the behavior of the child whom I have described in my hypothetical to you, specifically the fact that she allowed her father to abuse her sexually over a period of years, can you characterize that particular aspect of the child’s behavior in term of other sexually abused children with whom you have worked?

**A.** I think that this child that you described hypothetically is very typical of most of the children that we do see in treatment who display all or a number of the symptoms that she does. We have—those of us who have worked with these children for a number of years—have seen this pattern. There is also a physician from California who has named the pattern, and I would like to draw from his description of what he calls the child sexual abuse accommodation syndrome—

**Defense Counsel:** —Judge, I’m sorry to interrupt the witness, but this witness is testifying as an expert and through her we’re now getting into some other expert’s testimony. I think that’s hearsay. I’m not going to be able to cross-examine that.

**THE COURT:** Sustained.

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**Q.** The fact that the child in the hypothetical allowed this abuse to continue over a period of time without reporting it.

**A.** This is very typical of the children that we see. For many years, part of which—the child is very powerless. A young child is very dependent on the parents. They’re dependent on the parents for the sense of reality. So they accommodate the sexual behavior with the father because the parent is doing that. Some children will even state, “I thought it was something that all dads did,” They accommodate that in order to survive. They also have little power so they have to work within that system. Children often—

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**Q.** Now, Ms. W., what about this child’s retracting the initial reports which she made to the police and to several other persons during the first few days? Would you say that that is inconsistent with the behavioral pattern of the sexually abused children with whom you have worked?

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**A.** No, it is not inconsistent. It is normal and natural.

**Q.** Would you be able to explain to the members of the jury based on your own experience and your expertise, why you would say that was not inconsistent with the behavior of a child sexually abused?

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**A.** I think the behavior appears inconsistent to us as adults, and the reason it isn’t inconsistent for a child is that the child, especially those who are not supported by the mother in the case of incest, in a sense, see what has happened to the family, feel very scared, unsupported, and see the sort of chaos that they have created and very typically will change their story or will completely recant their story in hopes of bringing the family back to a more stable basis.

**Q.** Now, Ms. W., is any of the child’s behavior, the child described in the hypothetical presented to you, inconsistent with that of other sexually abused children within a family situation that you have personally worked with?

**A.** No.