



National Judicial Education Program

to Promote Equality for Women and Men in the Courts

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ADJUDICATING ALLEGATIONS OF CHILD SEXUAL ABUSE WHEN CUSTODY IS IN DISPUTE

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A Model Judicial Education Curriculum for Judges and Other Decision-Makers

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There is no more vexing question for judges today than how to evaluate allegations of child sexual abuse in custody and visitation disputes. Now judges have a resource to assist them in learning to adjudicate these cases in an informed and equitable manner. The National Judicial Education Program announces publication of its third model judicial education curriculum, **Adjudicating Allegations of Child Sexual Abuse When Custody is in Dispute**, produced in collaboration with the American Bar Association Center on Children and the Law. The curriculum was developed by leading experts in the fields of law, psychology and child witnesses under a grant from the State Justice Institute. Its purpose is to promote the fair administration of justice by improving courts' ability to assess child sexual abuse allegations in the particular context of custody/visitation disputes, and to make decisions about custody and visitation in these cases that reflect the best interests of the child.

Adjudicating Allegations of Child Sexual Abuse When Custody is in Dispute provides the most current information about child sexual abuse allegations in the custody/visitation context. The curriculum utilizes a variety of interactive teaching techniques to present this material in ways familiar to judges: factual hypotheticals, evaluating expert qualifications and testimony, and mock temporary and permanent custody and visitation orders.

The curriculum consists of two binders. The first binder contains the **Facilitator's Manual** and the **Curriculum**; the second binder contains the **Readings**.

The **Facilitator's Manual** explains in detail how to present the curriculum. It includes all the handouts, overheads and exercises necessary for the small group discussions and the experts' presentations.

The **Curriculum** is the substantive content to be communicated in the program. It is divided into a primer and four units.

- The PRIMER provides a short, comprehensive overview of current knowledge about child sexual abuse in all contexts, including incidence and prevalence data, the characteristics of offenders and the consequences for victims. The primer is sent to participants in advance of the program as background.
- Unit I, A CONTEXT FOR UNDERSTANDING CHILD SEXUAL ABUSE ALLEGATIONS WHEN CUSTODY IS IN DISPUTE, analyzes all extant studies on the incidence, prevalence and validity of child sexual abuse allegations in custody/visitation cases and explains the criteria for reliable research in this area. The unit explains the importance of using accurate terminology to distinguish fabricated allegations from those that are good-faith mistakes or unfounded for lack of determinative evidence. This unit also explains why child sexual abuse may begin or first be disclosed at divorce, why adults and children may fabricate and the circumstances that give rise to good faith but mistaken allegations.

a project of the
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Women Judges**

- Unit II, EVALUATING THE EVALUATORS: ASSESSING EXPERTS' QUALIFICATIONS AND EVALUATIONS OF CHILD SEXUAL ABUSE: PSYCHOLOGICAL AND MEDICAL CRITERIA, explores what the mental health and medical communities consider best practice in evaluating child sexual abuse allegations. It describes which approaches are viewed as useful, which are controversial and which are without empirical support and therefore not to be relied on.
- Unit III, CHILDREN'S STATEMENTS AND TESTIMONY: OBTAINING INFORMATION FROM THE CHILD, ASSESSING STATEMENTS AND REDUCING TRAUMA, covers child witnesses, explaining the research on children's memory and suggestibility and the differences among effective, ineffective and inappropriate interviewing techniques.
- Unit IV, CUSTODY AND VISITATION DECISIONS IN THE BEST INTERESTS OF THE CHILD, addresses making custody and visitation decisions that focus on the best interests of the child. This exploration includes: child development issues; ensuring supervised visitation that protects children from psychological as well as physical sexual abuse; how to reestablish the relationship between the accused parent and the child when an allegation is unfounded; and what to do when an allegation is fabricated -- which is not always as obvious as it seems.

The **Readings** are a collection of articles, reports and studies that enable the reader to explore the diverse subjects covered in the curriculum in greater depth.

The curriculum was pilot tested in two states, Alabama and Colorado. One Alabama judge stated that **Adjudicating Allegations of Child Sexual Abuse When Custody is in Dispute** was a really good program - one of the strongest I've been to. Another stated that he was copying the resource materials provided as part of the curriculum for all the judges in his area. A third stated that the program had already impacted his handling of a case in that he resisted an inclination to be punitive toward the parent making the allegation. After the Colorado pilot a judge who served as a small group facilitator wrote, "It is my belief that the seminar was a success and that when offered to other judges that it will cause them to approach the issue in a deliberate and reasoned manner. I can assure you that my thought process has changed as a result of being involved with the faculty."

Copies of the curriculum have been provided to each state judicial educator and to a library in each state designated by the State Justice Institute. As noted above, **Adjudicating Allegations of Child Sexual Abuse When Custody is in Dispute** was funded by the State Justice Institute (SJI). To encourage presentation of the curricula it funds, SJI awards Curriculum Adaptation Grants. These are grants of up to \$20,000 to a state or local court to replicate or modify a model training program developed with SJI funds.

Another resource is the Trainer's Bureau funded by the Department of Justice Office of Victims of Crime. This bureau will pay up to \$2,500 of the cost of travel and consulting time to bring in a trainer on victim/witness issues. There is a cap on daily consulting fees. The Program Specialist for this Trainer's Bureau can be reached at (202) 307-5950. Even though custody/visitation cases are civil rather than criminal, the Trainer's Bureau will provide support for the curriculum.

Additionally, the Children's Justice Act, 42 U.S.C. 5101, et seq., funds activities undertaken to improve judicial handling of child sexual abuse cases. These funds are administered by the Department of Health and Human Services.

The information in this curriculum is important for many organizations in addition to the judiciary, such as Child Protective Services, prosecutors and police, and can be adapted to meet their needs as well.

The curriculum may be purchased for \$80.00 (\$70.00 for courts and court-related entities), which includes regular postage within the United States. If you are outside that area, postage will depend upon your location and postal preference, i.e. surface or air.

ADJUCATING ALLEGATIONS OF CHILD SEXUAL ABUSE
WHEN CUSTODY IS IN DISPUTE

Curriculum Order Form

Contact Name: _____

Organization Name: _____

Address: _____

Phone: _____ Fax: _____

Email: _____

Number of Binders for \$80.00* each: _____

(*\$70.00 for court entities)

Please remit your enclosed payment in the amount of _____ to NOW Legal Defense and Education Fund, earmarked for NJEP. You may pay by check or credit card. If you wish to pay by credit card, please complete the following:

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Orders cannot be processed until payment is received. Our federal tax ID number, which you may need for ordering, is 23-7085442. Please allow two to three weeks for delivery. These prices include regular postage within the United States. If you are outside the United States, postage will depend on your location and postal preference, i.e., surface or air.

For more information, contact the National Judicial Education Program at NOW Legal Defense and Education Fund at (212) 925-6635; Fax: (212) 226-1066, 395 Hudson Street, 5th Floor, New York, NY 10014-3684, njep@nowldef.org.