

## OPINION

### THE McMARTIN CASE AND THE PARENTS' DILEMMA

—by Carolyn Moore Newberger

Should parents let their children testify in cases of child sexual abuse? The verdicts from the McMartin Preschool case must telegraph to every parent doubt about whether the agony is worth it. Often in the months following disclosure children appear to be recovering well from their experience, and both they and their parents want nothing more than to put the experience behind them. So why cooperate in a prosecution? Involvement is necessary because there is a need to let people who would hurt children know that they will be held responsible for their actions. Furthermore, people who molest one child appear likely to molest other children unless stopped.

Although testifying is stressful for everyone, testifying is not necessarily bad for a child. Participating in the legal process gives the child an opportunity to tell her story and to make a contribution to serving justice. The McMartin case, however, underscores for parents the uncertainty of our legal system and the potential pain, exposure, and disruption associated with a public trial. Fears that one's child could be devastated by an acquittal are inevitable in the face of such a verdict, and may tip the balance of parents' decision-making away from cooperation with prosecution. I hope this will not be so.

Sincere and courageous acts, even by young children, and even if not successful,

may have positive longer-term effects. In part, this is because major experiences in children's lives, including traumatic experiences, are not lived once, but many times. As children grow older, their capacity to understand experience changes, allowing them to revise earlier impressions. For example, young children are egocentric; they believe that they cause the events in their lives. Thus, preschool children whose parents divorce typically feel that the divorce is their fault. As children grow older, however, parental divorce is usually reinterpreted from a broader perspective, and divorce comes to be understood as a consequence of the parents' own feelings and behavior. During adolescence, children can comprehend social and economic forces which may have put stress on the parents' relationship.

In addition to being egocentric, young children also judge an act by its outcomes rather than by the intentions of the actor. In his studies of the moral development of children, for example, Jean Piaget found that children under the ages of six or seven, when asked whether it is "naughtier" to break fifteen cups by accident or one cup on purpose, replied that breaking more objects was "naughtier." In contrast, older children considered the child who broke one cup on purpose as more blameworthy.

When applied to children testifying in court, developmental theory would suggest that young children judge their testimony, and perhaps themselves, by the outcome of the trial. If a defendant is acquitted, the child may conclude that her testimony was bad and the verdict her failure. Cognitive-developmental theory also suggests, how-

ever, that as children grow older, they become able to understand that testifying in court was an act whose merit lay less in its outcome than in its intentions: to tell the truth and to do one's part in influencing justice. In adolescence, the child should also be able to take a broader, legal perspective to know that acquittal does not prove innocence, but indicates that guilt was not proved beyond a reasonable doubt.

Although children at any age will be outraged and pained by seemingly unjust resolutions, children at all ages can be helped to understand that their testimony was good and important, and that the bad outcome was not their fault. On the other hand, children denied the opportunity to tell their story may later feel disappointment and anger at not having been allowed to try to make a difference.

Whether or not to allow a child to testify is not an easy decision. Each case is different, and every child is different. Parents facing this agonizing decision should obtain, in my view, psychological consultation and legal counsel. In coming to a decision, however, it is important to recognize that the court process, although stressful and uncertain in outcome, may give the child an opportunity to take action on her own behalf, and that development provides renewed opportunities to process that experience and to reach new levels of understanding and resolution.

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grams. Of the teachers with reservations (35%), the most commonly cited reason (64%) was feeling unqualified to implement such programs. The second most common reservation (51%) concerned time restraints. Further, 31% of the teachers surveyed reported feeling uncomfortable with the subject matter. Still, 92% of all teachers felt child sexual assault prevention programs were effective in teaching children how to protect themselves.

**Corporal punishment.** In rating the relative importance of certain activities in preventing abuse, only 64% of teachers indicated that stopping corporal punishment was of above average importance. Only 45% felt that talking with other teachers regarding the use of corporal punishment was of above average importance.

### Conclusion

The findings from the NTS highlight at least four specific areas needing attention from child abuse prevention advocates:

- \* expanded training for teachers and school administrators on the identification

of child abuse and the mandate to report all suspected cases to CPS.

- \* expanded training for teachers on how to effectively support victims of maltreatment independent of any actions CPS may or may not take.

- \* expanded opportunities for teachers to become more familiar and comfortable with the concepts in most child assault prevention curricula.

- \* general education for teachers and the public on the potential dangers of corporal punishment.

### References

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## COMING NEXT ISSUE

The next issue of *The Advisor* will be devoted to burnout among professionals who work with abused children, their families, and perpetrators. Articles will be contributed by **Cynthia Winn** and **Marilyn Peterson** of the University of California at Davis; **Lisa McCann** of the Traumatic Stress Institute in South Windsor, Connecticut; **Dan Sexton** of Childhelp USA; **Sandy Krebs** of the Torrance, California Police Department; **Jon Conte**, of the University of Washington; **Lucy Berliner**, of Harborview Medical Center, and others.