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Karen McCurdy, MA, is a principal analyst for the National Committee to Prevent Child Abuse, Chicago, Illinois, and is the Associate Editor—Prevention for the APSAC Advisor

Sara E. Hurvis, MSSW, is a senior research analyst at the National Committee to Prevent Child Abuse, Chicago, Illinois.

Jennifer Clark is a doctoral student at the Illinois School of Professional Psychology, Chicago, Illinois

LAW The Effect of Threats on Children's Disclosure of Sexual Abuse

-by Thomas Lyon

Do abused children refuse to disclose their abuse because they have been threatened by their perpetrators?

Ceci and Bruck's

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In Jeopardy in the Courtroom: A Scientific Analysis of Children's Testimony, a book that many
believe may have a substantial impact on child
witness law and practice,
Professors Stephen Ceci
and Maggie Bruck argue
that there is little empirical
basis for this "professional
'lore'" (Ceci & Bruck,
1995, pp. 300-301).

Ceci and Bruck's position is sure to surprise clinicians, whose personal experience often teaches them that abused children are subjected to serious threats of harm should they disclose. Although expert witnesses often make such claims, they may wish to reexamine the basis for their beliefs, given the increasing likelihood that the scientific basis for their opinions will be challenged in court.

Judith Herman questioned 68 women in therapy who were victims of incest. She learned that many "were threatened with the most dreadful consequences if they told: their mothers would have a nervous breakdown, their parents would divorce, their fathers would be put in jail, or they themselves would be punished and sent away from home" (Herman, 1981, p. 88)

Barbara Smith and Sharon Elstein examined 954 criminal cases of child sexual

abuse, and found that admonishments not to tell ranged from "pleas that the abuser would get into trouble if the child told to threats that the child would be blamed for the abuse to ominous warnings that the defendant would hurt or kill the child (or someone he or she loved) if they revealed the abuse" (Smith & Elstein, 1993, p. 93) Intuition

would suggest that in the face of such threats, many abused children would be frightened into delaying disclosure, recanting, or persistently denying they were abused

However, Ceci and Bruck take the position that clinicians, at least those that appear in court, ought to rely more on "systematic, controlled studies" and less on "anecdotes, personal opinions, and ideological views" (Ceci & Bruck, 1995, p. 302). In order to be scientific, expert witnesses must look beyond clinical experience and intuition.

Before concluding that experts should stop claiming that threats deter disclosure, let's take another piece of Ceci and Bruck's advice. The "model" expert witness should "review the full corpus of relevant scientific work, describing the magnitude of errors, the

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inconsistencies within and across studies, and the boundary conditions that might limit any generalization from the science to the case at bar" (Ceci & Bruck, 1995, p. 273). Such a review reveals another side to the story Indeed, an expert may reasonably read the available research as supporting the view that threats affect children's willingness to

disclose Expert witnesses can supplement testimony based on personal experience with references to the research literature.

Experimental evidence regarding the effect of threats on disclosure

As experimental support for the proposition that threats are ineffective, Ceci and Bruck cite the work of Doug Peters, who exam-

ined the reactions of children when they were asked by a stranger not to reveal that the stranger had stolen a book: "Peters' studies showed that although children in a laboratory experiment would not disclose a crime to their parents if the perpetrator was present, they were quite likely to do so as soon as the perpetrator was absent" (Ceci & Bruck, 1995, p. 301). "Quite likely" refers to the fact that 67% of the children eventually revealed the crime to their parents.

A little math reveals that 33% of the children in Peters' research did *not* disclose, even when questioned by their parents, a fact considered remarkable by other commentators (McGough, 1994, p. 91) Equally remarkable is the fact that when questioned by the owner of the book, "82% either delayed reporting the theft or never reported it. The most common reason given by the children for not disclosing was to honor the stranger's secret and to avoid getting him into trouble" (Ceci & Bruck, 1993, p. 425).

A number of other researchers have conducted studies similar to that of Peters. Ceci and Bruck (1995) review some of this research, and conclude that "[t]here is consistent evidence that children as young as three years of age will omit important information about transgressions and accidents if adults ask them to do so" (Ceci & Bruck, 1995, p.

263) In a footnote, the authors acknowledge that these studies "could also be used to address the issue of the degree to which children withhold the truth when they are threatened" (Ceci & Bruck, 1995, p 264). Since the model expert witness ought to review the full corpus of relevant scientific work, let's consider that research in detail.

Ceci & Bruck take the position that clinicians, at least those that appear in court, ought to rely more on "systematic, controlled studies" and less on "anecdotes, personal opinions, and ideological views."

In a study by Clarke-Stewart and colleagues (Clarke-Stewart et al, 1989; Goodman & Clarke-Stewart, 1991), involving five- and six-year-olds, a confederate posing as a janitor played roughly with some dolls in the presence of a child, and then asked the child to keep the fact that he played a secret: "It's really important that you

don't tell anyone that I played with the toys If my boss finds out that I played with the toys she'll really be mad at me. If you promise not to tell I'll give you this candy." When subsequently asked by a confederate posing as the janitor's boss whether the janitor was cleaning the dolls or playing with them, 61% failed to acknowledge that the janitor was playing (44% claimed he was cleaning and 17% were noncommittal). Children failed to stick to their story, however, if the interviewer singlemindedly pursued the hypothesis that the janitor had really been playing

In a study by Wilson and Pipe (1979) involving five-year-olds, a magician performed a number of tricks for the child, and then accidentally spilled ink on "magic gloves" that the child was wearing. The magician hid the gloves, "saying if they were discovered she (the magician) would be reprimanded and that therefore they should not tell anyone about the inkspill" An interviewer then questioned the child after ten days and after two months, first asking the child to relate everything that the magician had done, and ultimately asking the child whether he or she knew anything about a pair of stained gloves the interviewer had found None of the children spontaneously mentioned the gloves after ten days, and 75%

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failed to do so after two months. Twenty-five percent denied knowing anything about the gloves at both interviews when directly asked, and another 33% denied knowing anything at one of the two interviews. Pipe and Wilson (1994) found similar rates of nondisclosure among six-year-olds, and less reluctance to disclose among ten-year-olds.

Other research has reached similar conclusions. Bussey and colleagues examined three- and five-year-olds' willingness to remain silent about a male experimenter who had accidentally broken a prized glass and hidden the pieces (Bussey, Lee, & Rickard, 1990, reported in Bussey & Grimbeek, 1995) If asked not to disclose the

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transgression, 14% of three-year-olds and 43% of five-year-olds kept the secret. If the experimenter sternly told the child not to tell, 43% of the three-yearolds and 71% of the fiveyear-olds either denied that the mishap occurred or refused to discuss it. In a

separate paper, Bussey reported lower rates of nondisclosure among nine-year-olds (approximately 15% after being asked not to tell) (Bussey, 1993).

Although the rates of nondisclosure vary by age, with five- and six-year-olds most vulnerable to admonitions not to tell, it seems fair to conclude that substantial numbers of children will keep secrets regarding strangers' misbehavior. What these studies fail to discuss, however, is the potential effect of the relationship between the offender and the child on the efficacy of threats

Threats from loved ones

Most sexually abused children were victimized by someone in their family; proportionally very few were molested by strangers (Ceci & Bruck, 1995) A child will have greater sympathy for one she loves, and is probably less inclined to get that person in trouble. If the loved one is in the child's home, or close to others the child loves, threats and inducements to secrecy may be more effective, because the offender has continuing contact with the child and others in the family, and because the child cannot

count on being supported by other loved ones should she reveal. Threats are possibly most effective when the abuser is someone upon whom the child relies for his or her physical and emotional survival. These concerns are evident in the reasons given by adults for never revealing their abuse as children (Herman, 1981; Johnson & Shrier, 1985)

As Ceci and Bruck point out, "If children will lie to protect a stranger, they should do so even more readily to protect a loved one" (Ceci & Bruck, 1995: 264). In a study by Bottoms and colleagues involving three- to four-year-olds and five- to six-year-olds, participants were divided into two groups

(Bottoms et al., 1990).

cret, suggesting the mother would get into trouble if the child told, and offering the child a toy as a present if the child kept the secret." In the control group, the mother and child were free to play with the toys, and the mothers did not give their children any instructions about secrecy. Only one of the 49 children in both age groups told an interviewer about the doll when asked what had happened, and "when asked specific questions about the event, five-year-olds did not tell the secret, even when asked leading questions" (Ceci & Bruck, 1995, p. 264).

In a study by Devitt and colleagues involving four- to eleven-year-olds, a confederate stole a book in the presence of the child, and told the child "that the theft was a secret and that the child should not tell anyone that the researcher had taken the book" (Devitt et al, 1994, reported in Honts, 1994). The owner of the book discovered it was missing, and explained that it was needed for an exam the next day. The child was then questioned by the owner and an experimenter, the child and his or her parent were asked to wait for the

Both groups of children saw their mother accidentally break the head off a Barbie doll. In the secrecy group, the mother and child had been told not to play with the toys, and the mothers "asked their children to keep the fact they had played with the toys a se-

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police to arrive, and the child was then interviewed by a person identified as an officer. Nineteen percent of the children failed to name the thief. In a condition in which the child watched as his or her parent stole the

book, and the parent told the child to name one of the experimenters as the thief, 81% of the children failed to name the thief (56% falsely accused the experimenter named by the parent, and 25% failed to name anyone).

Ceci and Leichtman (1992) have experimentally demonstrated that the loved one need not be a parent. In a study involving three- and four-year-olds, an experimenter spent 20 hours with the child, in order to become a "loved one." The experi-

menter and the child were told by a nursery school teacher not to play with a toy While the teacher was gone, the "loved one" touched and broke the toy, and exclaimed "Gee, I didn't mean to break it I hope I don't get into trouble!" It should be noted that the loved one did not elicit a promise from the child or threaten the child not to tell. The teacher returned and asked the child who broke the toy "[M]ost children, when confronted with the choice of disclosing that their loved one broke it, either refused to say anything or provided misleading information (e.g. "A gremlin came in through the window and broke it") (Ceci & Leichtman, 1992, p. 6)

Before applying these experimental findings to cases involving abuse, a model expert witness must heed the "boundary conditions that might limit any generalization from the science to the case at bar" (Ceci & Bruck, 1995, p. 273). The research suggests that children's reluctance to reveal increases as the intensity of the warning increases. For ethical reasons, children have not been threatened with serious harm in any of the research; it is reasonable to suppose that such threats would be even more effective (McGough, 1994).

Moreover, the methods used in the research often create subtle inducements for disclosure: when one asks a child about a broken object, the questions are implicitly accusatory, and the child is directly con-

> fronted with clear evidence of a mishap. In contrast, a child who has been abused may deny anything wrongful has occurred, and foreclose discovery of something shameful. (On the other hand, a child might be more inclined to reveal abuse she finds aversive than wrongdoing that causes her no harm.)

If the loved one is in the child's home, or close to others the child loves, threats and inducements to secrecy may be more effective, because the offender has continuing contact with the child and others in the family, and because the child cannot count on being supported by other loved ones should she reveal.

Observational studies on the effect of threats on abused children

Ceci and Bruck argue that studies of actual abuse cases further support their claim that threats do not

suppress disclosure. They discuss the results of two samples of abused children—a clinical sample reported by Sauzier, and a sample of criminal cases reported by Gray: "When the offender used aggressive methods to gain the child's silence, children were equally likely to tell about the abuse immediately following the event or to never disclose the abuse at all. Moreover, two thirds of children who were threatened not to tell nevertheless did disclose the details of their victimization. Thus, threatened children appeared to disclose as often as children who were not threatened" (Ceci & Bruck, 1995, p. 301)

However, studies that only examine those children who have been identified as abused cannot fully account for the effects of threats on disclosure. Such studies are inherently problematic because they exclude the very children for whom threats were most effective in suppressing reports of abuse. A child's statement is the most common means by which abuse is detected. If threats do in fact suppress reporting, then the percentage of children believed to have been abused who report having been threatened will underestimate the actual percentage of abused children

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who are threatened Moreover, the relationship between threats and willingness to report among children known to have been abused may not reflect the actual relation between threats and reporting.

If threats reduce the willingness to report but do not eliminate reporting altogether, then one could examine the relation between threats and the time at which a child ultimately revealed abuse. However, the process by which reports are substantiated complicates such an analysis, since the more reluctant children are less likely to become substantiated cases of abuse. Therefore, even threats that are only partially effective in suppressing reporting will have the tendency to exclude children temporarily silenced by such threats from studies of substantiated cases of abuse.

Substantiated cases of abuse are therefore not representative of all cases of abuse. This explains the paradox that abused children are reluctant to reveal their abuse at the

same time that most substantiated cases abuse involve a child who has revealed (e.g., Campis, Hebden-Curtis, & Demaso, 1993, noting that most cases in their sample were purposeful disclosures while population surveys show purposeful disclosure is rare) Problems of representativeness become more serious as one moves from social services substantiation to juvenile court involvement to criminal court involvement, because the more reluctant or resistant a child is, the less

likely the case is to survive ever-higher burdens of proof. This is a point recognized by Ceci and Bruck (1995), who note that children in "clinical" samples of abuse are probably less forthcoming about their abuse than children in "forensic" samples. Even less forthcoming are the abused children who do not show up in either kind of sample, because they fail to disclose altogether.

Two lines of research substantiate the

problems of underreporting Surveys of adults consistently find that large percentages of adults now willing to talk about abuse never revealed their abuse as children (Bagley & Ramsay, 1986; Finkelhor et al, 1990) and still fewer cases were ever reported to the police or resulted in prosecution (Bagley & Ramsay, 1986; Russell, 1983) Studies of children suffering from sexually transmitted diseases, which substantiate abuse without disclosure, find that from 35% to 50% fail to disclose (Lawson & Chaffin, 1992; Muram, Speck, & Gold, 1991)

Even if we overlook the difficulties of interpreting data on children who ultimately acknowledge that abuse occurred, reasonable minds might not agree with Ceci and Bruck's interpretation of the data. Ceci and Bruck (1995, p. 35) cite Sauzier (1989): when the abuser used "aggressive methods to gain the child's compliance to keep the secret, children were equally likely to tell about the abuse immediately following the event or to never disclose the abuse." However,

Sauzier was referring to cases in which the abuser used aggression to abuse the child, not to elicit secrecy. Further, even if we assume that aggressive abusers always aggressively threaten children not to reveal, the fact that equal numbers of such children disclose or do not disclose fails to tell us whether aggression reduces disclo-Τo sure determine whether aggression reduces disclosure, we would have to compare this disclosure rate to the rate

at which children against whom aggression has not been used disclose.

The authors do not mention the explicit comparison that Sauzier in fact makes between cases in which aggression was used and cases in which the abuse was accomplished through manipulation or threats (which comprised a majority of the cases overall):

Studies that only examine those children who have been identified as abused cannot fully account for the effects of threats on disclosure. Such studies are inherently problematic because they exclude the very children for whom threats were most effective in suppressing reports of abuse.

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The offenders' strategies for gaining the child's compliance were also related to disclosure: Aggressive methods were more likely to evoke either immediate reporting (39%) or failure to

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ever tell (43%). Most children subjected to intercourse with aggression never revealed. When the strategy used relied on manipulation, only 25% of children reported the abuse immediately. Threats also

seemed to prevent children from telling immediately (only 23% did) (Sauzier, 1989, p. 459).

Sauzier also investigated how the most fearful children explained their reluctance to disclose: "Children who failed to reveal more serious abuse had the highest fear scores. They described the fear of losing the affection and goodwill of the offender; fear of the consequences of telling (being blamed or punished for the abuse by the nonoffending parent); fear of being harmed; and fear of retaliation against someone in their family" (Sauzier, 1989, p. 460)

Firm conclusions based on Sauzier's data are problematic—the sample may not be representative of abused children generally, and the differences may not be statistically significant. Nevertheless, even a model expert might legitimately question Ceci and Bruck's interpretation that "the likelihood of disclosure was unrelated to claims of threats by the offender"

Conclusion

The available evidence supports the clinical intuition that threats decrease the likelihood that children will reveal abuse. Experts who testify to that effect can point to experimental and observational research supporting their position.

Ceci and Bruck (1995) are right to note, however, that the possibility that a child was threatened does not justify "badger[ing] a child after she had repeatedly denied being abused" (Ceci & Bruck, 1995: 301). Badgering is a bad idea—regardless of the effect of threats—because it may lead nonabused children to claim that they were abused. Aggres-

sive questioning sometimes increases children's willingness to reveal wrongdoing, but it also increases the likelihood that children will falsely accuse another (Clarke-Stewart, Lepore, & Sesco, 1989) Similarly,

"denial of abuse ought not inevitably to lead to the conclusion that a child is keeping his abuse secret" (Ceci & Bruck, 1995: 301). Such an assumption is unwarranted—regardless of the effect of threats—because one would then con-

clude that all denials are false denials

Ceci and Bruck are also right that clinicians should pay more attention to the research literature. Research can alert clinicians to illusory beliefs (Chapman & Chapman, 1982). On the other hand, anecdotes and personal opinions are sometimes correct. A clinician who ignores research is vulnerable to the sometimes idiosyncratic opinions of others regarding what is illusory and what is real.

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Thomas D. Lyon, JD, PhD, is Assistant Professor of Law at the University of Southern California Law School, University Park, Los Angeles, California His e-mail address is: tlyon@law.usc edu.

CHILD PROTECTIVE SERVICES Applying the Strengths Perspective with Maltreating Families

—by Diane DePanfilis and Charles Wilson

Risk assessment has now been fully integrated into child welfare practice throughout the nation (see the special issue of the APSAC Advisor on risk assessment: V 8, n 4, 1995) Current trends include recognizing the importance of including an assessment of family strengths as well as its weaknesses (Cicchinelli, 1995); incorporating an understanding of cultural (Pecora, English, & Hodges, 1995) and neighborhood (Korbin, Coulton, & Furan, 1995) protective factors; and maximizing existing strengths and translating risks into positive outcomes when assessing and managing risks (Holder & Roe Lund, 1995) This literature clearly reflects a trend away from an exclusive focus on risks and deficits. The strengths perspective is being increasingly applied with diverse populations (e.g., DeJong & Miller, 1995; Saleebey, 1996; Saleebey, 1992; Trivette et al, 1990). But will it really work with multiproblem, maltreating families?

The purpose of this article is to review some of the principles and tools of the strengths-based perspective, and to share with all APSAC members the work done by their colleagues in a seminar taught by the authors at the APSAC Fourth National Colloquium in Chicago in June 1996. In that seminar, participants identified how maltreating families usually seen by child protective services (CPS) agencies differ from families often referenced in the strengths-based practice literature:

 Most families come to CPS on an involuntary basis and are less willing to be open

¹A packet from the authors' seminar "Finding Strengths in Chaotic Families," including an annotated bibliography and principles of the strengths perspective, can be obtained by contacting APSAC.

- and honest about their problems or strengths.
- The problems facing many CPS families are long term, chronic, and require considerable time and investment on the part of helpers.
- Many families experience multiple problems that require complex solutions.
- The community system often attempts to hold someone responsible for the maltreatment, which makes it more difficult to engage clients about strengths or solutions
- Many CPS families have experienced multiple failures in their lives and do not easily identify strengths.
- Some families, particularly those who chronically neglect their children, are verbally inaccessible as a result of parental depression; thus, positive connections with helpers take a long time to establish.
- Maltreating parents may not be willing to identify problems or strengths because they perceive the CPS system as adversarial rather than sympathetic
- Mistakes are costly, because children may not be safe if families are unable to engage positively with CPS and the broader community system.

Despite these factors, participants in our seminar still seemed to feel that using principles of the strengths perspective with maltreating families may be the only chance to empower families to change their maltreating behavior. A strengths-based orientation to CPS work provides the opportunity to develop or build on existing competencies