

Sex Offender Law Report™

Vol 24 No. 6

ISSN 1529-0697

Pages 81 – 96

October/November 2023

Alcohol-Facilitated Sexual Offending in the Military

by Jeffrey Abracen, Ph.D., C.Psych., Jan Looman, Ph.D., C.Psych., Emma Collie, Josh Miller, and Kristina Shatokhina

A review of the literature on sexual assault and substance abuse shows patterns for specific populations that may be at heightened risk of alcohol- and drug-facilitated sexual assault and populations that may be overlooked and thus underrepresented in treatment protocols and public awareness.

In a previous article published in *SLR*, we reviewed the available literature related to alcohol and sexually inappropriate behavior generally (see Jeffrey Abracen, Jan Looman, Emma Collie, Josh Miller, and Kristina Shatokhina, *Understanding Alcohol and Sexual Offending Using the Integrated Risk Assessment and Treatment System Model*, (24)5 *SLR* 65 (Aug./Sept. 2023)). This article focuses specifically on alcohol and sexual offending in the military. Because there has been little attention paid to this matter, at least within the peer-reviewed literature, this topic deserves special attention.

The intersection of substance abuse and sexual assault is commonly referred to as drug-facilitated sexual assault (DFSA), which is defined as a nonconsensual act of sexual violence perpetrated on a person who is incapacitated or unable to give consent to a

See *ALCOHOL-FACILITATED*, page 91

Lack of Standards and Risk of Error

Role of CWS in Substantiating Parental Sexual Abuse in Child Custody Disputes

by Marvin W. Acklin, Ph.D., ABPP, ABAP

Although the phenomenon is relatively rare, many clinicians and law enforcement are reluctant to admit that children or their parents do make false sexual abuse allegations against the other parent. When allegations are fabricated by one parent against the other, the accusations may be driven by interparental malice in the context of extremely acrimonious divorce and child custody disputes (Engle & O’Donohue, 2012). In matrimonial cases, allegations of this sort may trigger counter-accusations of parental alienation (Drozd & Olesen, 2004; National Children’s Advocacy Center, 2016). The taboo nature of such abuse makes it difficult to find corroboration, and the child’s statements may be the only “proof” that officials have to rely upon. “It is a given fact that the science of memory plays a crucial role in child sexual-abuse cases, where children’s statements are often the only piece of evidence” (Otgaar et al., 2018, citing Howe et al., 2018; Otgaar & Howe, 2018).

Complicating matters is the phenomenon of suggestibility that varies generally according to age and developmental maturity, among other factors. Psychological studies have demonstrated that, in most circumstances, young children are more suggestible than adults, and they may be especially susceptible to influence by

their parents. Once a person’s independent memories have been manipulated by the influence from another or contaminated with false memories, it would be difficult to reverse the manipulation.

Over time, influences may cause the child’s memories to become permanently altered. Even a parent’s memory may be influenced, and he or she may recall things incorrectly, or a parent may come to believe what he or she is “misremembering.” Thus, any of these parties may come to believe that a child was actually abused when this was not the case. There is extensive empirical literature on the accuracy and malleability of memory in both children and adults, including factors which enhance or degrade the accuracy of recollection. Notably, Ceci and Bruck provide a comprehensive overview of the field (e.g., Ceci & Bruck, 1995; Kuehnle & Connell, 2009).

Inaccurate memories pose a problem for the court and future providers. A “false memory” of abuse will be especially pernicious in a custody context, since it may provoke a repetitive cycle of allegations.

Abuse Allegations by Children

When a child makes such allegations, the report is often taken as true without

See *ROLE OF CWS*, next page

ALSO IN THIS ISSUE

Children and Adult Memories Are Susceptible to Suggestive Interviewing Techniques	83
From the Literature	85
Connecticut DOC Ban on Sexually Explicit Material for Prisoners Upheld by Second Circuit	96

ROLE OF CWS, from page 81

scrutiny, especially if the officials who are handling the case believe that children are not capable of fabricating false allegations of a sexual nature or are not sufficiently “worldly” to make abuse allegations that are detailed and therefore believable to adults. The parent of the alleged victim may be especially inclined to believe the child regardless of the evidence (or the absence of supporting evidence) and protectively align with the child.

of studies have established that false allegations do happen. In one study, Everson and Boat note that professionals may be more skeptical of child sex abuse claims than is warranted by available research. They note that “neither excessive skepticism nor unexamined acceptance of every allegation is a defensible position. Nor is either an acceptable substitute for informed clinical judgment” (Everson & Boat, 1989, p. 235).

Defendants may find themselves caught in between: Prosecutors may not go forward with an allegation, but the state child

positive evidence. Although such precautions may turn out to be unsupported by actual evidence and are highly damaging to the parent-child relationship, the decisions arising from allegations of child abuse and sexual abuse are in the hands of individual CWS workers. High error rates in child welfare decision-making “underline previous researchers’ conclusions that substantiation is a flawed measure of child maltreatment” (Cross & Casaneuva, 2009).

Lack of Standards in CWS Sexual Abuse Determinations

Whether to substantiate or “unsubstantiate” an allegation of child abuse has been a controversial topic for over 30 years (Drake, 1996; Slep & Heyman, 2006; Action for Child Protection, Inc., 2008). Despite the grave effects of CWS dispositions related to allegations of child abuse—whether true or false—there is extensive literature documenting the poor reliability of CWS substantiation processes and decisions. The results of studies focused on this topic have raised general concerns about the accuracy of CWS determinations (Everson & Sandoval, 2011; Bartelink et al., 2015). Failure to substantiate rates have been estimated with concerns associated with false negative errors, including cases of child deaths. Upon review, a considerable number of these cases are overturned (Action for Child Protection, 2008). Research indicates that a

See *ROLE OF CWS*, page 87

Extensive literature documents the poor reliability of CWS substantiation processes and abuse determinations that are overturned in administrative appeal proceedings.

Parents should be cautioned that coaching a child to make false allegations is a recognized form of child abuse, even if the parent is motivated by a desire to protect the child from a perceived or presumed harm. It is no wonder that these cases are extremely challenging to judges, especially in situations in which there is no criminal prosecution requiring a higher standard of proof (McHenry, 2021).

Although controversial due to research inadequacies and generalizability, a number

welfare services agency (CWS) may nevertheless find sufficient indicators to substantiate the allegation. In fact, CWS may determine that the allegations are “true” in the absence of dispositive evidence to support the allegation and impose a parent-child separation and a service plan on the alleged perpetrator, even with a psychosexual risk assessment and clean polygraph. The court may make orders for supervised visitation where there have been sexual abuse allegations, even in the absence of

Sex Offender Law Report™

Editor: Roslyn Myers, Ph.D., J.D.
Contributing Editors: John S. Furlong, J.D. Stacy Calhoun, Ph.D.
Editorial Director: Deborah J. Launer
Publisher: Mark E. Peel

Board of Advisors

Andrew Harris, Ph.D., Associate Dean for Research & Graduate Programs, College of Fine Arts, Humanities, and Social Sciences, University of Massachusetts Lowell

Jill S. Levenson, Ph.D., LCSW, Associate Professor of Social Work, Barry University, Miami Shores, FL

Anita Schlank, Ph.D., L.C.P., ABPP (Forensic Psychology), Clinical Director, Virginia Center for Behavioral Rehabilitation; Editor, *The Sexual Predator*

Phyllis Schultze, M.L.S., Librarian, Criminal Justice Library, Rutgers University, Newark, NJ

Barbara Schwartz, Ph.D., Associate of the Counseling and Psychotherapy Center, Needham, MA; author

Karen J. Terry, Ph.D., Professor, John Jay College of Criminal Justice, New York, NY

Joan Zorza, Esq., Founding Editor, *Domestic Violence Report*; Founding Editor, *Sexual Assault Report*, Washington, DC

Sex Offender Law Report (ISSN 1529-0697) is published bimonthly in print and online by Civic Research Institute, Inc., 4478 U.S. Route 27, P. O. Box 585, Kingston, NJ 08528. Subscriptions: \$179.95 for individuals and \$279.95 for multi-user institutional subscribers in the United States. Canadian orders add \$30 for first class postage; outside North America add \$40 for Global Priority postage. Vol. 24, No. 6, October/November 2023. Copyright © 2023 by Civic Research Institute, Inc. All rights reserved. POSTMASTER: Send address changes to Civic Research Institute, Inc., P.O. Box 585, Kingston, NJ 08528. Sex Offender Law Report is a trademark owned by Civic Research Institute and may not be used without express permission.

The information in this publication is not intended to replace the services of a trained legal or health, or other professional. Neither the editor, nor the contributors, nor Civic Research Institute, Inc. is engaged in rendering legal, psychological, health or other professional services. The editors, the contributors and Civic Research Institute, Inc. specifically disclaim any liability, loss or risk, personal or otherwise, which is incurred as a consequence, directly or indirectly, of the use and application of any of the contents of this publication.

For information on subscribing or other service questions contact customer service: (609) 683-4450 or order@civresearchinstitute.com

Affiliations shown for identification purposes only. Opinions expressed do not necessarily reflect the positions or policies of a writer's agency or association.

ROLE OF CWS, from page 82

substantial number of abuse determinations are overturned in administrative appeal proceedings (Fakunmoju, 2009, 2013).

Risk of Bias in CWS Determinations. Recent peer-reviewed research has demonstrated the heightened risk of bias in child abuse determinations in the presence of poorly defined definitional criteria and decision thresholds, including the child welfare team’s professional and personal characteristics (Jent et al., 2011). The Jent et al. literature review (2011) indicates that numerous studies demonstrate biases in child protection determinations, including perceptions of severity of harm, child disclosure, children’s sex, perceptions of parents, and age and sex of the child professional.

Saini and colleagues (2020) examined “parental gatekeeping” and the role of child welfare authorities—that is, the role of CWS in custody disputes when one parent attempts to limit the other parent’s access to a child by making allegations of harm (See sidebar, *Literature Review, Gatekeeping by Allegations: An Examination of Verified, Unfounded, and Fabricated Allegations of Child Maltreatment Within the Context of Resist and Refusal Dynamics*). This study provides a review of the history and current understanding of such allegations in the context of child custody disputes. The researchers examine the connections between fabricated allegations and the theories of parental alienation and parental gatekeeping.

Because of the adverse effects of inaccuracy in CWS determinations, there has been considerable concern about improving methods of investigation and reliability of decision-making. Nevertheless, research into the decision-making process of child welfare workers is still rare (Bartelink et al., 2015).

Risk of Error in CWS Determinations. Despite the fact that there are thousands of allegations of child sex abuse annually that require CWS determinations, as well as at least two decades of alarms about the accuracy of abuse determinations, there is a dearth of studies examining whether CWS accurately distinguishes between true and false reports of sexual abuse made by children during forensic interviews. Research is also needed to understand the standard of proof utilized in decision-making and improve uniformity.

The goal of all forensic decision-making is improved accuracy in decisions. Common

errors in child abuse investigations have been described in the literature (Herman, 2005, 2009, 2010). In any determination, there are four potential outcomes:

1. True positives (positive case evidence—it really occurred);
2. False positives (positive case evidence—it did not occur);
3. True negatives (negative case evidence—it did not occur); and
4. False negatives (negative case evidence—it really occurred).

False positives and false negatives are errors. Errors have a significant impact on

consequently, no agreement on their method of prevention...the extent of the problem is still unknown” (Everson & Sandoval, 2011, p. 288). Nevertheless, the evidence that we have indicates not insignificant rates of error for both substantiation and “unsubstantiation” dispositions.

Risk of False Positives With Low Standard of Proof. There is a direct relationship between error rates and the standard of proof utilized in the decision-making process. All decisions are probabilistic and all decisions involve error: either false positive or false negative outcomes. When the standard of proof is low, the true positive error rate rises. When the standard of proof is high,

A CWS determination is the lowest standard of proof—presumably preponderance—and theoretically creates a proportionately higher rate of false positives than a more rigorous standard.

real lives. False negative errors indicate child abuse may have occurred even though there is evidence it did not. False positive errors involve false (or fabricated) accusations of sexual abuse against innocent parties, with significant adverse social and legal consequences, including the possibility of criminal prosecution and interruption of parent-child relationships.

There is a wide range of variability in estimated error rates due to the comparability of studies in terms of design, sample sizes, effect sizes, populations sampled, and definitional criteria. In one influential study of the question, Hershkowitz and colleagues (2016) found overall error rates were 39%, with false positive error rates at 44%, and false negative error rates of 33%. This indicates that a substantial number of determinations are inaccurate. Other studies have found false positive error rates in sex abuse allegations that range from 6% to 28%. The consensus across a number of studies is that false positive error rates are up to 24%. It has been recognized that false and fabricated sex abuse allegations are more common in divorce and child custody conflicts (O’Donohue et al., 2016). These error estimates are highly controversial. In their criticism of Herman’s analyses, Everson and Sandoval reach the unsettling conclusion that “there is no consensus on the nature and frequency of such errors and,

the true negative error rate rises. As a matter of social policy, low standards of proof are applied for mandated reporting incidents.

Such standards can be changed, however. For example, standard of proof in Title IX decisions concerning sexual misconduct in college settings is also controversial, and many courts have proposed raising the standard of proof from preponderance of the evidence to a clear and convincing standard given the seriousness of both the allegations and the consequences (Henrick, 2013).

A CWS determination is the lowest standard of proof—presumably preponderance—and theoretically creates a proportionately higher rate of false positives than a more rigorous standard. In contrast, law enforcement and prosecutors review allegations and make determinations as to whether they can meet the highest standard of proof (beyond reasonable doubt). Judges use a preponderance of evidence standard typically after the presentation of competent evidence. The application of CWS standards of proof and the role of bias in evaluating evidence is a major concern; the author regularly sees CWS determinations where, after a review of the evidence, it clearly did not reach preponderance. These are the cases for which the expert may be hired to review and analyze the evidence.

See ROLE OF CWS, next page

ROLE OF CWS, from page 87

Literature Review

Gatekeeping by Allegations: An Examination of Verified, Unfounded, and Fabricated Allegations of Child Maltreatment Within the Context of Resist and Refusal Dynamics

by Michael Saini, Taina Laajasalo, and Stacey Platt
58(2) Family Court Review 417-431 (2020)

Accusations of child maltreatment, including neglect and sexual assault, constitute a particularly difficult dynamic in the turbulent sea of child custody fights. These allegations pose unique challenges for child protection services, family law professionals, and the courts, requiring an accurate identification of at-risk children, as well as those exposed to other risk factors. To distinguish between verified, baseless, and falsified claims, it is essential to have a complete awareness of the background, history, and context surrounding the allegations in question. False claims, especially those pertaining to sexual abuse, are of particular concern in this context, as fabricated allegations have been weaponized by one parent in an attempt to limit or completely sever the child's relationship with the other parent. This concerning strategy highlights the importance of carefully examining allegations during custody disputes. However, navigating these layered complexities necessitates a clear roadmap informed by diligent research and comprehensive understanding. In this article, the authors delve into the historical and contemporary understanding of allegations of child abuse within the context of child custody disputes and provide recommendations on how to navigate these complex situations moving forward.

False Allegations of Child Maltreatment in Custody Disputes. In the

1980s and 1990s, false allegations of sexual abuse in custody disputes received increased attention, with reports indicating alarmingly high rates of fabricated allegations. However, these early studies were often methodologically flawed due to issues such as small sample sizes and selection bias. Over the past 15 years, research aiming to understand substantiation rates in child custody disputes has highlighted the need for rigorous, evidence-informed practices to evaluate allegations of abuse. Notably, a shift has occurred from relying on problematic indicators, such as sexualized behaviors in children, to more empirical methods. More recent findings suggest that while unfounded/fabricated allegations still occur in high-conflict separations, they may be less prevalent today due to improved investigative protocols informed by research. Recent studies, predominantly from Canada, show that allegations of child maltreatment are similar in substantiation rates, whether or not they occur in the context of custody disputes. However, false accusations are more likely to be malicious within a custody dispute context.

Structured Investigative Approach and Regular Reporting System Recommended. The authors highlight a number of practices that have been recommended when investigating abuse allegations

within the context of parental separation conflict. These include remaining neutral and exploring multiple hypotheses that might explain allegations of abuse. Additionally, the complexity of such cases necessitates a structured investigative approach, which can be facilitated by the use of Kuehnle's multiple hypotheses model and the National Institute of Child Health and Human Development (NICHD) interview protocol.

Moving forward, the authors advocate for clear differentiation among types of abuse allegations in custody cases to better inform the court's custody order and suggest enhanced collaboration between child protection services and family justice systems. They also recommend the establishment of a regular reporting system from child protection agencies to family courts to inform ongoing decisions. Additionally, they call for comprehensive, ongoing multidisciplinary education for all stakeholders. Finally, the authors recommend minimizing repeated interviews of children involved in such cases by utilizing single shared interview recordings and ensuring child participation is handled judiciously to avoid potential manipulation or distress.

Available from: Factor-Inwentash Faculty of Social Work, University of Toronto, 246 Bloor St. West, Toronto, ON M5S 1A1, Canada. ■

Study Shows CWS Decisions Lack Validity and Reliability. Herman (2005, 2009, 2010) noted the significant controversy surrounding the key tasks performed by mental health professionals in most child sexual abuse evaluations when deciding whether or not to substantiate abuse allegations, including:

- Review of discovery, witness statements, video and transcripts of forensic interviews using critical analysis guides;
- Knowledge of error base rates; and
- Application of a structured professional judgment methodology in weighing evidence.

The available evidence indicates that, on the whole, these decisions lack adequate psychometric and forensic reliability and validity that would support their admissibility under the applicable rules of evidence, which state:

See ROLE OF CWS, next page

ROLE OF CWS, from page 88

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify thereto in the form of an opinion or otherwise. In determining the issue of assistance to the trier of fact, *the court may consider the trustworthiness and validity of the scientific technique or mode of analysis employed by the proffered expert* (italics added). (Fed. Rules of Evid., Rule 702, Testimony by Experts.)

An analysis of empirical research findings leads to the conclusion that an estimated 24% of all CWS decisions may be either false positive or false negative errors (Herman, 2005, 2009, 2010). Herman's propositions are controversial (*see, e.g.,* the strong critique by Everson and colleagues (2012)). However, these findings are consistent with a large body of empirical research on the detection of truth and deception. For example, in 19 meta-analyses that compared persons who are presumed to be experts in deception detection (judges, police detectives) to laypersons, experts had slightly lower average accuracy than laypeople (Bond & DePaulo, 2006). The research in human lie detector science shows that humans typically are no more accurate than chance when attempting to tell when a person is telling the truth or lying.

The problem is exacerbated by other factors that decrease reliability. Recent studies of the opinions of forensic clinicians in cases involving multiple experts have identified what they interpret as substantial unreliability in those opinions. Problem areas include a subject's competence to stand trial; potential for violence/recidivism risk; criminal responsibility/mental state at time of offense; the necessity for child protection (e.g., child abuse, termination of parental rights); the subject's psychiatric, psychological, or emotional disability when facing civil suits; competence to consent to treatment; capacity to waive **Miranda** rights, among other sensitive areas requiring accurate evaluations. Moreover, the unreliability has often been shown to be related to the examiner's agency, allegiance, and sometimes personality and attitudes.

Best Practices for Child Forensic Evaluations

Despite CWS policy that does not consider or challenge the credibility of children's reports, there is clear evidence that children fabricate and lie regarding sex abuse allegations (Cyr & Bruneau, 2008; O'Donohue & Cirluega, 2016). So, in addition to the lack of accuracy among CWS workers in making evaluations of allegations of child sexual abuse, there are

referred to as Structured Professional Judgment (SPJ) tools. In the SPJ approach, the expert is presented with evidence-based factors to consider with specific guidelines for application. Both methods are intended to reduce bias and improve accuracy. Structured assessment tools are used to aid expert judgments.

Actuarial and SPJ approaches have demonstrated clear superiority over unstructured

Humans are no more accurate than chance at detecting when a person is lying.

challenges in determining whether a child is describing factual events. Various proposals to improve the accuracy of abuse determinations have been promulgated, including the following:

1. Standardizing child forensic interviews using a recognized protocol;
2. Routinely training interviewers; and
3. Employing the principles of risk assessment that utilize structured professional judgment methodologies (Cash, 2001).

Based on the recognized problems with accuracy, forensic practitioners have identified two approaches to organizing and analyzing data into forensic decisions—one using the evaluator's clinical experience and the other using validated tools to structure the evaluator's decision:

1. "Unstructured clinical judgment," which does not rely on a systematic analysis of the data. Unstructured clinical judgment is based on informal analysis, use of hunches, and is subject to serious problems with validity and especially confirmatory biases (cognitive bias against disconfirmatory evidence (Neal & Grisso, 2014).
2. Actuarial and "structured professional judgment," which includes a range of tools developed in the field of forensic mental health assessment to aid clinicians in making decisions related to forensic referral questions. Generally, these tools help clinicians to organize, structure, and weigh hypotheses, including alternate (disconfirming) hypotheses. These tools may be actuarial (i.e., mechanical, formula-based) or checklist-based methods, frequently

clinical judgment (Acklin & Velasquez, 2021).

Science-Based Practices Improve Accuracy

The forensic assessment of child sexual abuse allegations stretches the skills and abilities of the clinician to the utmost limits, requiring a high level of subject matter expertise, methodological rigor, and professional self-discipline. Ethically and scientifically informed practice is the best antidote to error in these fraught human situations.

References

- Acklin, M.W., & Velasquez, J.P. (2021, July 13). Improving criminal responsibility determinations using structured professional judgment. *Frontiers in Psychology, 12*, 700991.
- Action for Child Protection, Inc. (2008). Child safety and substantiation of child maltreatment. Retrieved from <https://action4cp.org/>
- American Professional Society on the Abuse of Children (APSAC). (1997). *Guidelines for psychosocial evaluation of suspected sexual abuse of children* (2nd ed.).
- American Psychological Association. (2013). *Specialty guidelines for forensic psychology*. APA.
- Bartelink, C., van Yperen, T.A., & ten Berge, I.J. (2015). Deciding on child maltreatment: A literature review on methods that improve decision-making. *Child Abuse & Neglect, 49*, 142-153.
- Bond, C.F., Jr., & DePaulo, B.M. (2006). Accuracy of deception judgments. *Personality and Social Psychology Review, 10*(3), 214-234.
- Bruck, M., & Ceci, S. (2013). Expert testimony in a child sex abuse case: Translating memory development research. *Memory, 21*(5), 556-565.
- Cash, S.J. (2001). Risk assessment in child welfare: The art and science. *Children and Youth Services Review, 23*(11), 811-830.

See ROLE OF CWS, next page

ROLE OF CWS, from page 89

- Ceci, S., & Bruck, M. (1995). *Jeopardy in the courtroom: A scientific analysis of children's testimony*. APA Books.
- Cross, T.P., & Casaneuva, C. (2009). Caseworker judgments and substantiation. *Child Maltreatment, 14*(1), 38-52.
- Cyr, M., & Bruneau, G. (2008). Assessing false allegations of child sexual abuse. In M. St. Yves & M. Tanguay (Eds.), *The psychology of criminal investigations*.
- Drake, B. (1996). Unraveling "unsubstantiated." *Child Maltreatment, 1*(3), 261-271.
- Drozdz, L.M., & Olesen, N.W. (2004). Is it abuse, alienation, and/or estrangement? A decision tree. *Journal of Child Custody: Research, Issues, and Practices, 1*(3), 65-106.
- Engle, J., & O'Donohue, W. (2012). Pathways to false allegations of sexual assault. *Journal of Forensic Psychology Practice, 12*(2), 97-123.
- Everson, M.D., & Boat, B.W. (1989). False allegations of sex abuse in children and adolescents. *Journal of the American Academy of Child & Adolescent Psychiatry, 28*(2), 230-235.
- Everson, M.D., & Sandoval, J.M. (2011). Forensic child sexual abuse evaluations: Assessing subjectivity and bias in professional judgments. *Child Abuse & Neglect, 35*, 287-298.
- Everson, M.D., Sandoval, J.M., Berson, N., Crowson, M., & Robinson, H. (2012). Reliability of professional judgments in forensic child sexual abuse evaluations: Unsettled or unsettling science? *Journal of Child Sexual Abuse: Research, Treatment, & Program Innovations for Victims, Survivors, & Offenders, 21*(1), 72-90.
- Fakunmoju, S.B. (2009). Substantiation and adverse appeal outcomes: Content analysis and testing of Drapes Harm/Evidence Model. *Child Welfare, 14*(1), 53-68.
- Fakunmoju, S.B. (2013). Substantiation assessment criteria: A framework for evaluating contested substantiation in child protection practice. *Child Welfare, 92*(1), 89-114.
- Faller, K.C., & Everson, M.D. (2012). Contested issues in the evaluation of child sexual abuse allegations: Why consensus on best practice remains elusive. *Journal of Child Sexual Abuse, 21*(1), 3-18.
- Geffner, R. (2012). *Special issue on contested issues in the evaluation of child sexual abuse allegations. Journal of Child Sexual Abuse, 21*(1).
- Henrick, S. (2013, April 18). A hostile environment for student defendants: Title IX and sexual assault on college campuses. *Northern Kentucky Law Review*.
- Herman, S. (2005). Improving decision-making in forensic child sexual abuse evaluations. *Law and Human Behavior, 29*, 87-120.
- Herman, S. (2009). Forensic child sexual abuse evaluation: Accuracy, ethics, and admissibility. In K. Kuehnle & M. Connell (Eds.), *The evaluation of child sexual abuse allegations: A comprehensive guide to assessment and testimony*. Wiley.
- Herman, S. (2010). Error rates in forensic child sexual abuse evaluations. *Psychological Injury and Law, 3*, 133-147.
- Hershkowitz, I., & Lamb, M.E. (2020). Allegation rates and credibility assessment in forensic interviews of alleged child abuse victims: Comparing the revised and standard NICHD protocols. *Psychology, Public Policy, and Law, 26*(2), 176-184.
- Hershkowitz, I., Lamb, M.E., & Katz, C. (2014). Allegation rates in forensic child abuse investigations: Comparing the revised and standard NICHD protocols. *Psychology, Public Policy, and Law, 20*(3), 336-344.
- Hershkowitz, I., O'Donohue, W.T., et al. (2016). Psychological and investigative pathways to untrue allegations of child sexual abuse: The role of the NICHD investigative interview protocol. *Child Abuse & Neglect, 31*, 99-110.
- Heuer, R.J. (2005). How does analysis of competing hypotheses (ACH) improve intelligence analysis? Retrieved from http://www.Pherson.org/wp-content/uploads/2013/06/04_Future_of_alternative_analysis_Final.pdf
- Howe, M.L., Knott, L.M., & Conway, M.A. (2018). *Memory and miscarriages of justice*. Psychology Press.
- Jent, J.F., et al. (2011). Multidisciplinary child protection decision-making about physical abuse: Determining substantiation threshold and biases. *Child & Youth Services Review, 33*(9), 1673-1682.
- King, D.N., & Drost, M. (2005). Recantation and false allegations of child abuse: Selected bibliography. National CAC. Retrieved from <https://www.ICMEC.org/wp-content/uploads/2015/10/Recantations-and-False-Allegations-Bibliography.pdf>
- Kuehnle, K., & Connell, M. (Eds.). (2009). *The evaluation of child sexual abuse allegations: A comprehensive guide to assessment and testimony*. John Wiley & Sons, Inc.
- Lamb, M.E., Hershkowitz, I., Orbach, Y., & Esplin, P. (2008). *Tell me what happened: Structured investigative interview of child victims and witnesses*. Wiley.
- Lamb, M.E., Orbach, Y., Hershkowitz, I., Esplin, P.W., & Horowitz, D. (2007). A structured forensic interview protocol improves the quality and informativeness of investigative interviews with children: A review of research using the NICHD Investigative Interview Protocol. *Child Abuse & Neglect, 31*(11-12), 1201-1203.
- McHenry, M. (2021). Litigating child sex abuse in family relations court. *Court Review: Journal of the American Judges Association*. Retrieved from <https://DigitalCommons.unl.edu/cgi/viewcontent.cgi?article=1810&context=ajacourtreview>
- National Children's Advocacy Center. (2016). Child Sexual Abuse Allegations in Custody Cases: A Bibliography. <https://Calio.org/wp-content/uploads/2020/05/csa-allegations-custody-cases-bib5.pdf>
- Neal, T.M.S., & Grisso, T. (2014). The cognitive underpinnings of bias in forensic mental health evaluations. *Psychology, Public Policy, and Law, 20*(2), 200-211.
- Newlin, C., Cordisco Steele, L., Chamberlin, A., Anderson, J.A., Kenniston, J., Russell, A., Stewart, H., & Vaughan-Eden, V. (2015). Child forensic interviewing: Best practices. U.S. Justice Dep't, Office of Juvenile Justice Programs and Delinquency Prevention. Retrieved from <https://OJJDP.ojp.gov/sites/g/files/xyckuh176/files/pubs/248749.pdf>
- Oberlader, V.A., Quinten, L., Banse, R., Volbert, R., Schmidt, A.F., & Schönbrodt, F.D. (2021). Validity of content-based techniques for credibility assessment—How telling is an extended meta-analysis taking research bias into account? *Applied Cognitive Psychology, 35*, 393-410. Retrieved from <https://doi.org/10.1002/acp.3776>
- O'Donohue, W.T., Benuto, L., & Cirluega, O. (2013). Analyzing child sexual abuse allegations. *Journal of Forensic Psychology Practice, 13*, 296-314.
- O'Donohue, W.T., Benuto, L., & Fanelli, M. (2010). Children's allegations of sexual abuse: A model forensic assessment. *Psychological Injury and Law, 3*, 148-154.
- O'Donohue, W.T., & Cirluega, O. (2016). How often do children lie about being sexually abused? In W.T. O'Donohue & M. Finnerty (Eds.), *Forensic interviews regarding child sexual abuse: A guide to evidence-based practice*. Springer.
- O'Donohue, W.T., et al. (2016). Psychological and investigative pathways to untrue allegations of child sexual abuse. In W.T. O'Donohue & M. Finnerty (Eds.), *Forensic interviews regarding child sexual abuse: A guide to evidence-based practice*. Springer.
- Orbach, Y., Hershkowitz, I., & Lamb, M.E. (2000). Assessing the value of structured forensic interviews of alleged child abuse victims. *Child Abuse & Neglect, 24*(6), 733-752.
- Otgaar, H., & Howe, M.L. (2018). *Finding the truth in the courtroom: Dealing with deception, lies, and memories*. Oxford University Press.
- Otgaar, H., Howe, M.L., & Muris, P. (2018). Who is the better eyewitness? Sometimes adults but at other times children. *Current Directions in Psychological Science, 27*(5), 378-385. <https://doi.org/10.1177/0963721418770998>
- Principe, G., & Schindewolf, E. (2012). Natural conversations as a source of false memories in children: Implications for the testimony of young witnesses. *Developmental Review, 32*(3), 205-223.
- Saini, M., Laajasalo, T., & Platt, S. (2020). Gatekeeping by allegations: An examination of verified, unfounded, and fabricated allegations of child maltreatment within the context of resist and refusal dynamics. *Family Court Review, 58*(2), 417-431.
- Slep, A., & Heyman, R. (2006). Creating and field-testing child maltreatment definitions: Improving the reliability of substantiation determinations. *Child Maltreatment, 11*(3), 217-236.

Dr. Marvin W. Acklin is a board-certified clinical, assessment, and forensic psychologist in full-time independent practice in Honolulu, HI. Dr. Acklin is an Associate Professor of Clinical Psychiatry, Department of Psychiatry, John A. Burns School of Medicine, University of Hawaii at Manoa. He may be contacted at Acklin@hawaii.edu. ■



Authorized Electronic Copy

This electronic copy was prepared for and is authorized solely for the use of the purchaser/subscriber. This material may not be photocopied, e-mailed, or otherwise reproduced or distributed without permission, and any such reproduction or redistribution is a violation of copyright law.

For permissions, contact the [Copyright Clearance Center](http://www.copyright.com/) at <http://www.copyright.com/>

You may also fax your request to 1-978-646-8700 or contact CCC with your permission request via email at info@copyright.com. If you have any questions or concerns about this process you can reach a customer relations representative at 1-978-646-2600 from the hours of 8:00 - 5:30 eastern time.