



Physical Anthropology Section - 2013

15 The Role of Minor Testimony in Child Abuse: Limits of Applicability in Forensic Medicine

Isabella Aquila, MD*, *Policlinico Univ, S. Venuta-Medicina Legale, Viale Europa, Località Germaneto, Catanzaro, ITALY*; and Giuseppina Fama, PhD, Salvatore Savastano, *Ciro Di Nunzio, PhD, Arianna Serra, MD, Maria Chiarelli, MD, Debora De Bartolo, Santo Gratteri, MD, and Pietrantonio Ricci, PhD, Magna Graecia Univ, Viale Europa, Germaneto, Catanzaro, ITALY*

After attending this presentation, attendees will understand the forensic importance of minor testimony in child abuse.

This presentation will impact the forensic science community by discussing the possibility to evaluate capability of children to give testimony using a cognitive interview.

Introduction: Child abuse is an important public health problem for society. For this reason, the present case addresses the topic of sexual abuse against children from the expert's point of view and debates the question of applicability of clinical methodology in the forensic context.

The presentation will discuss the problem of so-called "masked" abuse, where the typical absence of objective physical evidence can make the declaration of the minor the only evidence available to the investigators.

The Case: This case stems from an allegation of abuse that concerned a group of teenagers. The investigated conduct relates to acts that could have been done by an educative figure of reference, who would have involved minors in a game having, among its rules, contact with adult genitalia. In September 2011, the judge (who in Italy is called "*Judge of preliminary investigations*") assigned to the case, appointed a board of advisors including a forensic pathologist, two psychologists, and a child neuropsychiatrist.

Objectives: The experts were asked to assess the testimonial capacity of minors. This operation was carried out through a methodological process oriented to probe the "generic skills" and the "specific skills" of involved subjects (Italian Guidelines on the Listening to Child Witnesses).

Methodology:

1. Gathering of evidence in accordance with the rules of the protected hearing of the minor.
2. Analysis of the quality and the accuracy of the statements.
3. Analysis of the basic psychological functions.
4. Analysis of the psychosocial context in which the complaint emerged, with particular reference to:
 - Possible elements of influence among children.
 - Possible elements of influence among adults (parents).

Procedures:

1. Use of the cognitive interview for the gathering of declarative contents.
2. Audio-video recording of interviews carried out within a neutral space (room equipped with one-way mirror).
3. Use of "Reality Monitoring" for the analysis of declarative contents.
4. Preparation of a table to compare the statements of minors.
5. Preparation of a check-list of questions for the parents' interview.

Results and Discussion: Clinical and psychosocial indicators were compatible with both the "generic skills" and the "specific skill" of each examined subject. Moreover it was necessary to partly review predisposed methodology, renouncing the use of the check-list prepared to interview minor's parents. In fact, the lawyer for defense contested the competencies of appointed experts about minor's parents' interview.

This presentation can be useful in considering the paradoxes in the work of the expert, who when called to apply the clinical methodology that makes him competent to carry out an inquiry, may have to readjust the rules of forensic science to the legal setting.

Minor Testimony, Child Abuse, Cognitive Interview