

1-1-1992

Understanding Child Sexual Abuse

John Fox

Follow this and additional works at: <https://digitalcommons.schulichlaw.dal.ca/djls>



Part of the [Law Commons](#)

Recommended Citation

John Fox, "Understanding Child Sexual Abuse" (1992) 1 Dal J Leg Stud 209.

This Book Review is brought to you for free and open access by the Journals at Schulich Scholars. It has been accepted for inclusion in Dalhousie Journal of Legal Studies by an authorized editor of Schulich Scholars. For more information, please contact hannah.steeves@dal.ca.

Understanding Child Sexual Abuse

Thom L. McGuire, Faye E. Grant

Butterworths Canada Ltd. 1991, pp.42

Understanding Child Sexual Abuse is neither a treatise on child psychology, nor a compilation of laws related to child abuse. Rather, it is a short treatment of the role of child professionals such as children's aid, the police, the crown counsel, the lawyer, medical personnel, and the school board, when dealing with child sexual abuse cases. The book is aimed pre-dominantly at these professionals and has two central themes: the therapeutic and legal effect of the professional's intervention and the important relationship between the various professionals involved.

The point of departure for the book is the child's disclosure of sex abuse. More often than not it is disclosure to a child professional with whom the child is in contact, such as a teacher or social worker, which initiates an investigation and invokes the legal professionals.¹ While this may be generally true, it must be noted that the law in Nova Scotia does allow for the commencement of an investigation without disclosure.² The scope of authority available to local agencies will depend on local statutes. In most cases, the use of the power is tempered by limited resources and a respect for the family unit.

Once a child's disclosure has been obtained, McGuire and Grant suggest that there is a dual challenge for the professionals who must intervene: one therapeutic, one legal. The book suggests a number of ways both to enhance the evidentiary value of a child's disclosure and to reduce the stress on the child.

Lawyers are aware that disclosure is considered to be key evidence. Many, however, are not so well informed of the potential psychological impact their interaction with the child can have. McGuire and Grant suggest that how the listener reacts to the child can severely affect the level of trauma experienced by the child. They offer some examples: once children tell an adult of abuse they have suffered, often the response they receive is "It's not your fault". McGuire and Grant point this out because children often accept some responsibility for the abuse. To suggest otherwise may have the effect of invalidating the child's feelings and undermining trust. Such an effect could be disastrous. The inability to trust will already be a central issue for most victims of sex abuse so the lawyer may not be able to regain any lost ground.

McGuire and Grant also take stock of the legal challenge faced by an interviewer. They note that many professionals have difficulty in maintaining an objective position. They want to "rescue" the child and as a result may begin to ask leading questions ("Did Uncle Joe hurt you?" or "Do you know what a vagina is?"). These questions tend to invite a positive answer and may be contradicted by the child in court. Such

DALHOUSIE JOURNAL OF LEGAL STUDIES

inconsistency may harm the child's credibility and will certainly confuse the testimony. McGuire and Grant provide examples of non-leading questions to guide the interviewer ("Who hurt you?" or "Tell me what you call the private parts of your body.>").

The second theme explored by the authors is the interaction of the various child professionals. McGuire and Grant recognize that in most cases of child sexual abuse, all or most child professionals may become involved. They emphasize a need for close integration of these professionals in order to meet the legal requirements for pursuing a case and to reduce the stress placed on the child involved. The interaction of professionals can affect the evidence given in court. For example, a therapist's questions, administered after the abuse but before trial, may contaminate evidence.

McGuire and Grant suggest that serious cases, such as those involving multiple victims, should be handled by inter-agency teams. They suggest that teams work closely with investigators and use video and audio techniques where such evidence is admissible in court. They also suggest that these teams can be used to respond to incidents in communities with limited resources for the purpose of holding information meetings and training local authorities.

Understanding Child Sexual Abuse is designed as a handbook, or concise guide to the potential pitfalls faced by child professionals interacting with victims and with each other. The book's ambition, to be concise, is also its weak point. It is difficult to imagine child psychology reduced to a forty-two page book and, indeed, the authors admit that it cannot be. For example, they note that there is no attempt to explore the controversy regarding children's false allegations - a relevant debate for lawyers. Further, the authors are not able to give in-depth treatment to issues that lawyers would find most relevant. Their warning about non-leading questions is well taken, but most readers will find the examples they give rather obvious. Other areas are also dealt with in an equally cursory fashion.

If the book were to be judged by whether it lives up to its own title, then it must fail. The reader does not "understand child sexual abuse" at its conclusion. The book might be better titled: "Quick Tips for Aspiring Child Professionals" and, if judged in that scope, it is successful.

Understanding Child Sexual Abuse does remind us that dealing with children who have been abused involves a unique set of complexities. To intervene effectively, child professionals will have to be familiar with these difficulties. For those not trained in child psychology, *Understanding Child Sexual Abuse* offers a quick way to become acquainted with these complexities. For the reader wishing a more detailed discussion of the issues touched on by the book, McGuire and Grant provide a comprehensive 'further reading' list which is worth pursuing.

CHILD SEXUAL ABUSE

John Fox
Second year law student
Dalhousie University

¹ In Nova Scotia, every person with information, whether or not it is privileged or confidential, is under a statutory duty to report that information to an agency. *Children and Family Services Act*, S.N.S. 1990, c.5, s. 23.

² In fact, the law goes as far as to allow an agency which believes a child is in critical need of protective services to seize the child from his or her residence without warrant. *Children and Family Services Act*, S.N.S. 1990, c.5, s. 34(3).