

# Moderating the consequences of child sexual abuse

## The role of the family, the legal system and other support structures

Christine Eastwood & Wendy Patton

*This paper addresses the question: Are the consequences of child sexual abuse moderated or exacerbated by the family, the legal system and other support structures which are involved following disclosure? To answer this question, the present study employs a methodology which enables the young women to discuss their experiences and feelings in each of these areas. Through a four stage interview process, in-depth data was gathered from five young women whose cases had been dealt with through the legal system, and from their mothers.*

*Given that little research has been undertaken in this area, particularly in Australia, the current work focuses on the ability of these groups to provide acceptance and validation subsequent to disclosure, and the resulting responses of the young women. The study concludes with a discussion on the effects of the response of the family, the legal system and other support on the young women, and raises some issues crucial to addressing societal response to child sexual abuse. Suggestions for further research are also offered.*

**T**he present study focuses on the consequences of child sexual abuse following disclosure. Specifically, the research examines the role of the family, the legal system and other support structures in moderating or exacerbating the trauma of the young women. Given that each of these groups may be involved in the process of disclosure, their response is crucial (Summit 1983). As girls are thought to be at considerably higher risk (Finkelhor 1990), the present study deals only with adolescent girls who have experienced child sexual abuse.

While views on the role of the family in sexual abuse differ, there is broad acknowledgment that as well as being in a pivotal position to 'contribute to the prevention of the abuse' (Finkelhor 1984), the family has the potential to contribute to the healing of the young women. For mothers within this family structure, the

disclosure of abuse can have significant consequences. For this reason, the present study also includes the mothers of the young women.

Prosecuting cases of child sexual abuse is generally considered to be fraught with difficulty, and controversy abounds concerning the consequences for the child. Although most cases of child sexual abuse never go to trial (Crewdson 1988), the present study includes young girls who have decided to involve the criminal justice system.

In a smaller way, the present study also endeavours to examine the role of other groups identified by the participants as being involved in the support process. Such groups include psychiatrists, psychologists, social workers, family doctors, school counsellors, PACT (Protect All Children Today) workers, school administrators, and victim support groups.

The present study contributes to the existing literature in a number of ways. Firstly, it adds to the understanding of the role of the mother in her contribution to

the healing of the young victims (Everson, Hunter, Runyon & Edelsohn 1989; Gomes-Schwartz, Horowitz & Cardarelli 1990; Kelly 1988). Secondly, the current study begins to examine the impact of the legal processes upon the child and provides some insights into this question which has previously been neglected in Australian research. Thirdly, the present study contributes to the body of knowledge about the consequences of child sexual abuse, but more specifically, the consequences of disclosure amidst the responses of key societal support structures. The study also identifies possible reforms and the need for future research into the ability of these groups to provide necessary support.

### Difficulties associated with disclosure

The issue of disclosure is a complex one. It is complex because each young woman faces a myriad of individual and societal factors which affect firstly, her ability to disclose the abuse and secondly, the con-

*Christine Eastwood MEd. and Wendy Patton PhD., School of Learning and Development, Queensland University of Technology*

sequences of this disclosure. The most common barriers to disclosure are identified as: fear of the memory of the abuse and associated emotions; fear of abandonment; fear of blame; feelings of guilt or shame; fear of physical harm to oneself and to others; the reactions of others; the severity of the abuse; and the extent of her recall of the abuse (Hall & Lloyd 1989; MacFarlane, Cockriel & Dugan 1990). Many girls are also threatened by the offenders to ensure silence, and fear of the consequences of disclosure are well founded and justifiable (Barringer 1992).

Until society can provide this acceptance and validation, the process of disclosure for young women will continue to be fraught with justifiable fear.

The consequences of disclosure for the individual girl can be devastating. For many, not only are their worst fears realised, but also amplified. She may not be believed, her trauma may be minimised, or she may even be held responsible for the crime (Bass & Thornton 1983). Dismissal and disbelief of disclosures can result in more trauma and distress (Hall & Lloyd 1989). Barringer (1992) and Furniss (1991) claim that responses from family and friends include victim-blaming, disbelief, rejection, and further abuse. Given these responses, it is understandable that following disclosure, enormous pressures can be brought to bear upon the child. These pressures can cause her to withdraw the claim of abuse and confirm adult disbelief (Mulligan 1986). Such withdrawal may result in revictimisation and also intensify trauma, humiliation and shame (Summit 1983).

Finally, there is wide consensus in the literature that when the victim reaches a point of disclosure 'acceptance and validation are crucial to their psychological survival' (Summit 1983: 178). Until society can provide this acceptance and validation, the process of disclosure for young women will continue to be fraught with justifiable fear.

## The family

Although estimates vary, there is widespread agreement that most sexual abuse occurs within the family (Bass & Thornton 1983; Forward & Buck 1981; Kosky 1991; O'Donnell & Craney 1982; Rush 1980). Between 80% to 97% of the time, the offender is a father, father figure,

male relative or friend of the victim (Bass & Thornton 1983; Kosky 1991).

There also exists the potential for the family to be a powerful contributor to the healing of child sexual abuse (Gomes-Schwartz et al 1990; Kelly 1988; Rush 1980). As well as being in a clearly pivotal position to contribute to the prevention of future abuse (Finkelhor 1984), the response of the family to the young girl's disclosure becomes a crucial issue. Gomes-Schwartz et al (1990) argue that whether disclosure elicits family strengths or only intensifies the stresses on the child, may depend on available resources and the psychological capacities of family members.

Historically, the role of mothers in abuse has drawn widespread discussion in the literature. Mothers are consistently held responsible for the abuse or for at least condoning its continuance (Kempe & Kempe 1978; Lustig, Dresser, Spellman & Murray 1966; McGeorge 1964; Peters 1976; Peterson, Basta & Dykstra 1993). A number of writers reflect the view of the mother overwhelmed by the possible loss of economic, physical and psychological support for her herself and her children (Bass & Thornton 1983; Hall & Lloyd 1989; O'Donnell & Craney 1982; Nelson 1987). The majority of mothers, however, do believe their child's claim of sexual abuse (Sirles & Franke 1989).

It is clear that the role of family members is pivotal not only in prevention of child sexual abuse (Finkelhor 1984), but also in helping the child come to terms with the experience (Gomes-Schwartz et al 1990; Kelly 1988; Rush 1980).

## The legal system

The idea that allegations of sexual assault are 'easy' to make dates back to Hale (1713) and is uncritically reiterated in modern judgements in Australia (Spencer & Flin 1993; Scutt 1991). Although the erroneous view that children lie about sexual abuse is firmly entrenched in the British and Australian system of justice (Scutt 1990), children can be 'competent, credible and reliable witnesses if they are allowed to be' (Brennan & Brennan 1988: 91).

### DIFFICULTIES IN PROSECUTING

A constantly reiterated theme in the literature is the view that sexual abuse cases are difficult to prosecute in the courts. The fact that most perpetrators are never brought to trial is attributed to the considerable difficulties in prosecuting such cases (Crewdson 1988). Difficulties include lack of corroborating testimony, medical or physical evidence (DeJong 1985; Morison & Greene 1992; Muram 1989); the capability of the child to provide accurate testimony at the hands

of defence barristers (Schwartz-Kenny, Wilson & Goodman 1990); the accused is often well known to the victim, even a parent (Finkelhor 1979; Russell 1983); lack of parental support in pursuing legal action (Berliner, Canfield-Blick & Bulkley 1981; Haugaard & Repucci 1988; Summit 1983); delayed reporting (Finkelhor & Baron 1986); recanted and contradicted testimony by the victim (Jones & McGraw 1987; Sink 1988); the limited knowledge of jurors regarding child sexual abuse (Crewdson 1988; Morrison & Greene 1992); and the adversarial nature of the Australian legal system (Spencer & Flin 1993).

If the number of cases going to trial is ever to change, the justice system and its agencies must deal with many of the issues which are problematic to successful prosecution when the child is a witness. Supporters of the justice system however, caution that any reform of trial procedures to make prosecution easier would undermine the rights of the defendant (Porter 1984). This resistance ignores the fact that architects of the justice system have not adequately considered that the cognitive and judicial resources of trained adults would be pitted against frightened young children and, as a result, ignore the developmental and psychological needs of these children in the processes of the law.

### REPORTING THE ABUSE

Given the difficulties with prosecution, and the responses of other parts of the system, it is perhaps understandable that most sexual assaults of children are never reported (Cashmore & Horsky 1987). While the number of cases processed has increased over the last decade, the number remains low as many offences remain undetected and unreported (Morison & Greene 1992).

There is no doubt that deciding to involve the criminal justice system is a complex one, and the decision made by the victim or the family not to report may be based on a variety of reasons (Gomes-Schwartz et al 1990). A number of factors are likely to influence whether the case is reported and how it is dealt with after reporting (Cashmore & Horsky 1987). These factors include: the relationship between the victim and the perpetrator; the age and sex of the victim; the agency to which the report is made; whether the parents believe the child; fear of the trauma of the court process; and the perceived consequences for the child if the matter is reported (Berliner & Barberi 1984; Cashmore & Horsky 1987; De Jong, Hervada & Emmett 1983; Finkelhor 1986; Whitcomb 1992). The most non-reported cases occur when the perpetrator is a family member (Berliner & Barberi 1984; Whitcomb 1992).

## IMPACT OF THE LEGAL SYSTEM ON THE CHILD

Very little research has been undertaken which specifically endeavours to discover the impact of the legal system on the child victim (Kelly 1988; Schwartz-Kenny et al 1990). Therefore, it is not surprising that controversy continues concerning the harm caused to the child by the legal processes. Dealing with unfamiliar people and surroundings, seeing the offender, waiting for trial, and the cross examination (Berliner & Barberi 1984; Brennan & Brennan 1988; Finkelhor 1990; Gomes-Schwartz et al 1990) can be extremely disturbing for the child. While some writers believe testifying can be beneficial for the child (Berliner & Barberi 1984); it is more commonly assumed that the legal system intensifies their trauma (Bulkley 1992; Schwartz-Kenny et al 1990).

In concluding this discussion of the legal system, the warning from Scutt (1990) is both timely and relevant. Without a clear, firm commitment by the criminal justice system to acknowledge the wrong of child sexual abuse, to reinforce the need for aggressors to confront their wrongdoing, and most importantly to vindicate the child by a pronouncement through the criminal courts:

...child sexual abuse will continue and society will continue to condone, even encourage, that continuance (p.335)

## OTHER SUPPORT

In Queensland, the development of community support organisations for young women who have experienced child sexual abuse has only unfolded in the last decade. Prior to these initiatives, counselling and support for the young women remained the domain of psychotherapists, psychologists and social workers. Such an individualistic approach tended to disguise the extent of the problem, and subsequently contributed to the lack of societal recognition of child sexual abuse.

Groups such as The Queensland Centre for Prevention of Child Abuse (QCPCA), the Department of Family and Community Services, and Protect All Children Today (PACT) have endeavoured to address the need for support and education. Despite these initiatives, coordinated programs of prevention, intervention and treatment are lacking, and support structures remain under-resourced and fragmented.

## Method

Five young women aged from eleven to eighteen years, and their mothers participated in this research which was conducted in Brisbane, Queensland (See Table 1). A four stage interview process was undertaken with each of the ten participants. A number of participants

voluntarily sent other written material to include in the study, including diaries and letters. Separate interviews were conducted with mothers and daughters. The length of the in-depth interviews was strongly influenced by the participants. Some interviews lasted for two hours, although most continued for around one and a half hours.

## THE TRANSCRIPTION AND ANALYSIS

The interview guide was developed from the research question which focused on the areas of the family, the legal system and other support. To that end, the guide centred around participants' experiences and feelings in each of these areas. All interviews were transcribed verbatim and while this proved to be a time consuming process, the procedure of transcription provided an important opportunity for immersion in the data. On completion, interview transcripts were forwarded to participants.

Most participants made some small additions to their interview transcripts concerning details they had remembered since the interview. Many also returned other written material (letters, stories) with the transcripts. This written material served to enrich the interview data and provided further insight into crucial issues and themes.

In working with the data obtained through the interview process, meaningful patterns emerged and codes were formulated under the categories of family, legal, other support. Completed transcripts were then analysed and coded. From this analysis, some level of theorising was appropriate.

## Findings and discussion

This section begins with some background information on the abuse, prior to discussion on the role of the family, the legal system and other support groups.

### THE ABUSE

#### Identity of the Abuser.

The findings of the present study are supportive of existing research (Finkelhor 1986; Oates 1990). Of the five girls involved in the present study, four were sexually abused by a male relative. Of these four, two were abused by their father, one by her stepfather and one by her uncle.

#### Nature of the abuse, coercion, and feelings at time of abuse.

The nature of abuse experienced by the girls varied widely and included fondling, oral sex and attempted vaginal and anal intercourse. All girls defined the experience as abusive, and all experiences

involved contact sexual activity (Peters, Wyatt & Finkelhor 1986). The offenders in the present research used a variety of means to coerce the girls into remaining silent. One offender told his daughter it would hurt her mother if she told, and that no-one would believe her. Another threatened to kill her, and yet another insisted it was 'our little secret' and attempted to bribe the child with a ride in a police car. The other two girls were not threatened directly to remain silent, but both admitted being too scared to tell. As experienced by the research participants, either implicitly or directly, authority and power enabled the perpetrator 'to coerce the child into sexual compliance' (Sgroi 1982: 9).

Regardless of the nature of the abuse, all girls shared similar feelings and describe feeling confused, afraid, scared, sad, hurt, powerless, and as if they could trust no-one. Certainly while legal and societal definitions tend to focus on whether penetration occurred, the participants do not appreciate such a distinction and found attempted penetration and other forms of abuse 'equally frightening and equally repulsive' (Heath 1985: 21).

#### Prompt to Disclose.

For a number of reasons, all girls in the present study came to the point where the situation became intolerable. Interestingly, two of the girls were prompted to disclose the abuse in order to protect other girls. A similar theme of disclosure in order to protect other girls is discussed by O'Donnell and Craney (1982) and also reported in research conducted by Patton and Mannison (1993).

Two other girls eventually came to a point where they could no longer take the abuse. Another girl was prompted to disclose after a similar disclosure from a friend. In most cases displaying 'superhuman courage' (O'Donnell & Craney 1983: 162), all girls came to the point of taking the risk of disclosing the abuse to a trusted adult.

#### Denial of Offender.

Numerous authors (Finkelhor 1984; Rush 1980; Ward 1984) claim that offenders have an extraordinary capacity to deny and rationalise the abuse. This theme is further substantiated by the present study which found when four offenders were confronted with the abuse, all denied its occurrence. No information concerning the other offender is available.

### THE FAMILY

The recognition in the literature (Gomes-Schwartz et al 1990; Kelly 1988; Rush 1980) that the family can be a powerful contributor to the healing of the young women was further reinforced by the data gathered from participants. The degree of

support by other family members varied widely. Even in families where most relatives were supportive, occasional indications of disbelief were extremely hurtful and upsetting for the girls.

### Mothers

Widespread agreement exists to support the view that the mother who believes, endorses, and advocates for the child contributes significantly to the minimisation of consequences of the abuse (Everson et al 1989; Kelly 1987; Rush 1980; Summit 1988). All mothers in the present study believed their daughters' disclosure of abuse and provided ongoing emotional support for the child, despite considerable emotional and financial consequences to themselves, including the threat of physical violence in the case of three mothers. Disregarding the offenders' denial of the abuse, they also ensured the abuse was brought to an end by creating circumstances to ensure the perpetrator was removed from the situation. This maternal support was reported as crucially important by the young women.

### Other family members

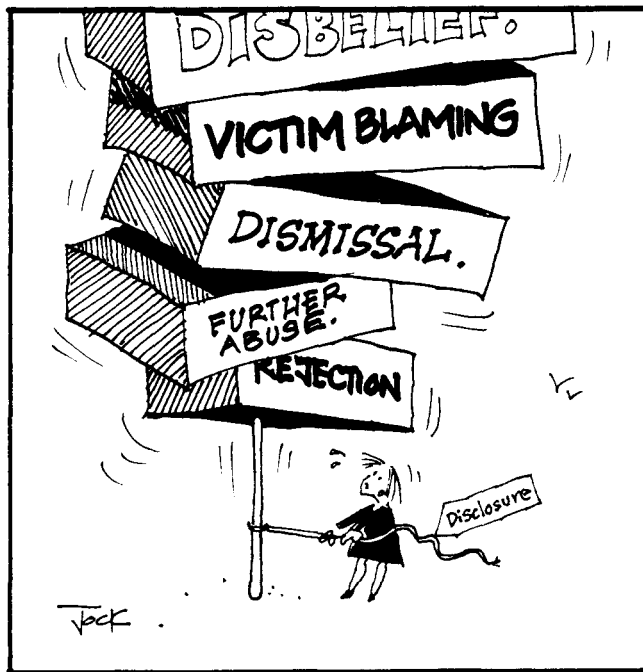
In one child's case, the extended family chose to support the offender and this family response has been as traumatic as the abuse itself. This tendency to 'victim blaming' is noted by Briggs (1986) who cites it as a common method of dealing with the situation within the family. By transferring the blame to the child, it also enables denial that an offence has been committed.

The practical support provided by extended families was crucial in coping with the stresses in the days following disclosure. Certainly, those mothers without substantial emotional and practical family support were placed under enormous stress, which in turn resulted in further stress to the family unit. These resources and capacities were also crucial in assisting the mothers to provide support for their daughters. They may also be valuable contributors to the quality of the support which the mother is able to provide.

## THE LEGAL PROCESS

### The police

All girls and mothers in the present research described initial contact with police as supportive, helpful and caring, and all except one maintained this view throughout the legal process. This is somewhat in contrast to the findings of



the Sexual Offences Investigation Squad (1993) which found considerable dissatisfaction with the attitudes of officers with whom the respondents had contact.

While participants in the present study were generally positive about police attitudes, there were a number of problems with police procedures. Firstly, one mother and daughter were not notified of the restraining order which prevented the offender visiting their home. Secondly, one participant believed she was misled into making a statement on the pretence that if she did so she would not be required to take it to court. Thirdly, the same girl was required to recount her entire story to police on at least four occasions. Fourthly, during court proceedings it appears a 'mistake' on the part of the investigating detective resulted in a mis-trial. Fifthly, police failed to notify one mother and daughter of the outcome of the trial. Finally, all girls except one complained that police should have kept them more informed about the legal proceedings in the months leading to trial. This opinion regarding police contact was also expressed by more than half the respondents in the Sexual Offences Investigation Squad Survey (1993).

### The court processes

The greatest area of agreement amongst participants in the present study concerned the damaging procedures and attitudes to which they were subjected during the court process. The following areas were considered problematic.

The average time between reporting and trial was 12 months. All girls and mothers complained that the time between reporting and trial was too slow and they found it impossible to get on with their

lives until the court process was complete. Similar views have been expressed by others according to Raybacha (1991).

Another commonly mentioned difficulty included having to see the offender within the precincts of the court and even when screened, having to hear the offender laughing at their answers.

Of considerable concern for most participants was the lack of consultation with their legal representative prior to the trial or committal hearing. Of the three cases which had been to trial at the time of the research, two girls met their barrister for only a few minutes on the morning of the trial, and the other met with him for an hour the day before.

Clearly the girls placed considerable significance on the verdict. Three participants have been to trial and of these, two perpetrators were convicted and one acquitted. The acquittal of the offender was devastating to the victim and a similar outcome is feared by the remaining two who have yet to go to trial. When 'the non-believing finally extends to the legal system' (Furniss 1991: 23), the consequences can be devastating.

Both girls whose fathers were convicted believe the sentences were extremely inadequate. Stronger sentencing is also recommended by Raybacha (1991), and respondents in the Sexual Offences Investigation Squad Survey (1993) highlighted the need for harsher penalties.

By far the harshest criticism by all participants was levelled at the behaviour and attitudes of the defence barristers. Describing their treatment in court as 'unbelievable, scary, horrible, rough and terrible', participants were made to feel as though they were the guilty ones. The one exception was the youngest girl whose status as a 'special witness' ensured limitations on cross-examination and the playing of her video-taped statement. In contrast to Browne and Finkelhor (1986), who argue that feelings of powerlessness caused by the abuse may be overcome when given the opportunity to assert themselves in the court process, the present study illustrates that the trauma resulting from court procedures negates much of the benefit of testifying and indeed compounds the child's trauma.

### OTHER SUPPORT

Two participants had sought counselling from a number of psychiatrists, psychologists and/or social workers, and believed they were of no assistance in

coming to terms with the abuse. While it is claimed the 'specialised treatment can mitigate many of the potentially damaging effects of early sexual trauma' (MacFarlane et al 1990: 174), the present research raises some doubts concerning the efficacy of this support.

The support services considered the most beneficial by participants included a family doctor, two school Guidance Officers, a deputy principal, a PACT worker and victim support groups. While perhaps not all specifically trained in therapy, these people constituted significant support in the lives of the participants. Importantly, they believed, cared about, and supported the young women.

All participants found PACT of benefit in explaining court procedures and answering questions about the legal process. Some PACT workers were able to provide more effective support than others in the court situation.

## Implications

The implications of the findings of the present research are discussed for the family, the police, the court processes, and for future research.

### FOR THE FAMILY

Given the data gathered on the family response, the present study supports the view that the way in which the family responds to the sexual abuse of the child may be of major importance in predicting the child's ability to come to terms with the experience (Gomes-Schwartz et al 1990). The present study also identifies the importance of broader family support for the mother.

### FOR POLICE

Despite persistent calls from all areas of the community to report cases of child sexual abuse to police, it is clear that in doing so, the child almost certainly faces stresses which increase the trauma of the entire episode. The implications of the procedural problems noted in the present study are serious and resulted in further harm to the young women.

- First, police should ensure families are adequately informed of the progress of their complaint and of their legal rights and choices.
- Second, the young women should not be required to repeatedly recount the details of the abuse to a number of police personnel.
- Third, the investigating officer should be well briefed on procedures, and be aware of the consequences of poor adherence to them. For example, the apparent misleading of one girl into

court proceedings only served to compound the lack of trust which the abuse instilled in her.

In summing up, the broader implications of police procedures also revolve around the notion of trust. To a large extent, in reporting to police the young women and their mothers are entrusting to police details concerning what has probably been the most devastating experience of their lives. Combined with their lack of knowledge about the processes of the law, and their position of extreme vulnerability, they become to some extent dependent on the police to help resolve their situation. This places the police in a pivotal position to compound their trauma or to contribute to its resolution.

### FOR THE COURT PROCESSES

Evident from the findings of the current research is the need for a shorter time period between reporting and trial; improved consultation with legal representatives; and the need for harsher sentencing. Most importantly, legal practitioners including judges and barristers need education about the consequences of sexual abuse and also an understanding of the needs of child witnesses. Ideally, the development of some code of practice for defence barristers could be developed and implemented to ensure less damaging forms of cross-examination.

These issues however, are only symptomatic of deeper systemic problems. While some problems are strictly legal, others are attitudinal. Legal practitioners and researchers need to step back from the entrenched traditions of the justice system and creatively evaluate not only how the rights of the accused can be maintained, but also how children can be protected from the traumatising processes and attitudes of the current court processes. Given the fact that the legal system is heavily based on these very traditions, this will be no easy task. Despite some procedural changes in recent years, ingrained notions of male rights and the masculine ethos abound within both the traditions and practices of the law (Scutt 1991).

### FOR OTHER SUPPORT

The present study raises questions concerning the effectiveness of some psychiatrists, psychologists and social workers in providing assistance to young women who have experienced child sexual abuse. However, the importance of the role of PACT in providing support in the court processes is acknowledged. In the future, extension and development of the training and role of PACT may be beneficial.

### FOR FUTURE RESEARCH

The present study has noted the crucial support and protection which mothers were able to provide for their daughters. Further understanding of the dynamics of this support would be of enormous benefit. To that end, future studies comparing girls with maternal support to girls without such support, would enable deeper evaluation of the mother's role in mitigating the negative consequences resulting from the abuse itself.

There also exists little empirical research on the mothers' adjustment subsequent to disclosure. The importance of their role has been a major emphasis of the current research. Given their responsibility for providing emotional support (Wagner 1991) and also the frequent loss of economic, physical and psychological support (Hall & Lloyd 1989), further studies on the impact of subsequent events and implications are warranted.

Given the seriousness of the issues raised, it is unfortunate that there has been so little research on the emotional effects of children's involvement in the justice system. Longitudinal studies which examine in detail problematic procedures and attitudes would facilitate deeper analysis. Clearly, this is an important area for future research and would enable increased advocacy for young women at crucial stages in the criminal justice process.

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