Maryland v. Craig Amicus Brief

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The Maryland v. Craig case came about when a childcare provider was convicted of sexually abusing four children in her care. Before the case, the state of Maryland had created a new procedure to help protect child witnesses by allowing the child to testify at trial by using a one-way closed-circuit television. This way the child would not have to come face to face with the defendant. To get this procedure approved, the judge for the trial case had to prove that if the child was to testify in front of the court that it would result in the child not being able to communicate well because the child would be suffering from serious emotional distress. The Maryland Supreme Court overruled the conviction by stating that the judge had failed to sufficiently validate its decision to allow the child to testify via one-way- closed-circuit video. The Supreme Court also stated that the use of the one-way closed-circuit for children came into violation of the defendant’s right to come face to face with his/her accusers (Maryland v. Craig, 1990). The American Psychological Association (APA) had three main positions that they argued: 1) sexually abused children often suffer serious emotional trauma and testifying in front of the court may cause more distress to the child; 2) APA believes that children should be protected and should not have to confront their abuser; and, 3) a vulnerable child that has to testify under severe distress may cause the child’s testimony to lack completeness and creditably because the child is influenced by the environment around him/her (Maryland v. Craig, 1990).

In the article written by Tedesco and Schnell, their search was to discover how children reacted to sex abuse investigations and the legal action taking place. Though there was no research on the subject, they believed that when authorities tried to further investigate children of child abuse, it made the child feel more victimized. Not included in the study though, was the child’s age, if there was a parent present, if the interview was videotaped, and the number of abuse incidents. (Tedecso, 1987). What they discovered though is that most people considered the interviews to be helpful, but that they should cut down on how many interviews the victims had to go through because after so many interviews the procedure starts to become harmful. Also, in this study the majority of the group said it was harmful to have children testify in front of the court and that the procedures in the court room should be adjusted to help children not become more distressed (Tedesco, 1987).

In an investigation by Wolfe, he studied how sexual abuse impacted children. He also wanted to prove that sexual abuse could cause children to suffer from PTSD, post- traumatic stress disorder. The study included 71 sexually abused children and the severity of abuse the child went through and how the child has adjusted since the abuse. To obtain the information needed, without having to interview the child, they collected the details of abuse from the social workers. With the information they collected, they formed averages and percentages of the results to determine if their hypothesis was correct. In the end, they discovered that each child had symptoms of PTSD, suffered from trauma, and had trouble trying to move on from the abuse (Wolfe, 1988).

Overall, there are ample amounts of evidence that support that a child suffers immensely from sexual abuse. In the articles mentioned, it is shown that over questioning a child can be harmful and make it more difficult for the child to try to recover from the traumatic experience. In an article written by Calhoun she tested the level of fear of rape victims 1, 2, 4, 8, and 12 months after sexual abuse and compared it to the control group of non-victims. The results of her investigation proved that victims of sexual abuse had higher amounts of fear over the control group throughout all 12 months (Calhoun, 1982).

All this evidence proves that children of sexual abuse are affected in different aspects throughout the rest of their lives and that if the child had to testify in front of the court it can make these conditions worse and harm the child for an extended period of time. Each child will not be affected in the same way. While some children could testify in front of the court without it being harmful, other children could suffer traumatically from testifying in front of the defendant. While this evidence was available at the time, it was not provided well enough in the Maryland v. Craig case by the trial judge. This led the U.S Supreme Court to say that the defendant had a right to confront their accusers. With the courts new ruling this meant all four children would have to testify in front of the court and their abuser.

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