

VOIR DIRE: CHILD SEX ASSAULT

I. CONTEXT:

- a. Don't hold it against Defendant if child is closely questioned and challenged.
- b. Juror comfortable or not discussing sexual matters.
- c. Ever talked to your kids about sexual touching -at what age?
- d. Afraid to be left alone with kids for fear of being wrongly accused:
 - i. Scout Master
 - ii. Church Youth Leader
 - iii. Youth Volunteer
 - Big Brother/Big Sister
 - Teacher –Counselor
- e. Ever studied psychology/child development/social work/juvenile work?
- f. Feel society is quick to judge these cases -celebrities/sports figures/priests accused. Experience in a blended family.

II. COMPETENCY:

- a. Children not born knowing right from wrong. Different levels of honesty.
- b. Children are taught values directly or indirectly as they mature.
- c. All children may not know grown up words.
- d. Children may have different comfort levels with nudity and touching/hugging based on family environment.
- e. Dates may not be important to a child.
- f. Certain acts may not be important to a child (so not remembered).
- g. Ask a two (2) year old a question and the answer will be no.
- h. Ask a three or four (4) year old a question the answer maybe yes or no - despite truth or reality.
- i. At what age do children solidify their memories?

III. SEXUAL MATURITY:

- a. Children imitate -Cable T.V.
 - i. Rented Video
 - ii. Observed parents or older siblings
 - iii. 1-900-DIAL-A-PORN
- b. Is a child capable of making up a story about sex?
- c. Exposure without criminal intent -getting out of shower .
- d. Not every exposure or touching is motivated by criminal sexual intent.
- e. Children can obtain inappropriate sexual knowledge from media/T.V.

IV. CREDIBILITY:

- a. Accusation of sexual assault is a powerful weapon.
- b. Bitterness/spite develop from broken relationships.
- c. Children are suggestible/compliant -they want to please parents.
- d. Spontaneous, unprompted voluntary statements are more reliable.
- e. Some children are not reluctant to state when done wrong.
- f. Children can strike at adults with abuse accusation -a child is capable of wanting revenge.
- g. Children's peers can be source of mischief.

- h.** Children are more credible on recent events -time lapse lessens credibility.
- i.** Children can be taught or rehearsed to say things.
- j.** Children can be reinforced -+ -.
- k.** Children may not truly understand consequences of what they say.
- l.** Children do lie -maturity levels matter as to reliability .
- m.** Hard to back out of a lie.
- n.** Children fuse or confuse facts.
- o.** Outcry witness may benefit by the accusation -so allow close questioning of outcry witness.
- p.** Is it possible a child could be wrong or actually lie about sexual abuse?