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MYERS ON EVIDENCE IN CHILD, DOMESTIC AND ELDER ABUSE CASES

Volume 1

John E.B. Myers



Wolters Kluwer
Law & Business

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MYERS ON EVIDENCE IN CHILD, DOMESTIC AND ELDER ABUSE CASES

**Successor Edition
To
EVIDENCE IN CHILD ABUSE
AND NEGLECT CASES,
Third Edition**

VOLUME 1

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Wolters Kluwer

Law & Business

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**This book is dedicated to judges, attorneys, and police officers
who strive for justice in the difficult fields of child abuse,
domestic violence, sexual assault, and elder abuse**

ABOUT THE AUTHOR

John E.B. Myers is Distinguished Professor and Scholar at McGeorge School of Law, the University of the Pacific. John is the author or editor of sixteen books or monographs and more than one hundred articles or chapters. He is a frequent speaker at conferences across the United States and abroad. John's writing has been cited by more than one hundred fifty courts, including the U.S. Supreme Court.

PREFACE

Investigating and litigating cases of interpersonal violence is difficult. With child and elder abuse, the vulnerability of the victim makes the work emotionally as well as legally taxing. With domestic violence, the tendency of some victims to change their mind about holding the perpetrator accountable frustrates law enforcement and prosecutors.

The goal in this book is to assist judges, prosecutors, defense attorneys, investigators, and expert witnesses working with child abuse, domestic violence, rape, stalking, and elder abuse. The book provides in-depth analysis of the broad range of evidence issues arising in such cases. In addition to detailed textual discussion, the footnotes contain hundreds of cases from federal, military, and state courts. To make footnote cases most useful to busy professionals, the majority of cases are followed by brief descriptions and/or pertinent quotes. This information is included so the reader can assess whether it is worth the time to read the case in its entirety. It is accurate to say that no other book comes close to the depth of legal analysis and case law on interpersonal violence that you will find in the pages that follow.

Knowledge of the rules of evidence and applicable case law is not enough to succeed with the challenging litigation described herein. In addition to legal expertise, you must possess a thorough grounding in the pertinent medical and psychological literatures. Chapters 1, 2, and 3 provide in-depth information on child development relevant to interviewing children, children's testimonial competence, and the psychological impact on children of testifying. Chapter 4 reviews the diverse medical literature on physical abuse. Chapter 5 addresses neglect, and reviews the relevant medical and psychological literatures. Chapter 6 analyzes child sexual abuse. Detailed information is provided on medical and psychological evidence of sexual abuse. Chapter 10 covers the psychological dimensions of domestic violence, including expert testimony on the effects of battering. Chapter 12 examines rape and statutory rape, and provides detailed discussion of, *inter alia*, Posttraumatic Stress Disorder. Chapter 14 analyzes elder abuse and exploitation. Detailed information is provided on the psychology of aging, dementia, and medical evidence of elder abuse and neglect. Chapter 15 provides a primer for legal professionals on empirical research, with special emphasis on explaining the statistics used in medical and psychological research.

This book will be updated every year, and I pledge to you the reader that I will work diligently to find all pertinent case law, medical literature, and psychological research.

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