

Cambridge University Press

0521662982 - Children, Social Science, and the Law - Edited by Bette L. Bottoms, Margaret Bull Kovera and Bradley D. McAuliff

Frontmatter/Prelims

[More information](#)

Children, Social Science, and the Law

Children, Social Science, and the Law broadens our conceptualization of the topic of children and law, addressing a wide-ranging set of issues in great need of theoretical, empirical, and legislative attention. The chapters, written by an impressive array of social science and legal experts, confront many difficult questions relating to child abuse, children's eyewitness testimony, divorce and custody, juvenile crime, and children's rights. For example, are the rights that our nation's laws ascribe to children commensurate with their capabilities and needs? How should laws governing the punishment of crime acknowledge developmental differences between adult and juvenile offenders? With its unique integration of psychological research, social policy, and legal analysis, the volume is an important resource for any professional concerned with children and the law.

Bette L. Bottoms is Associate Professor of Psychology at the University of Illinois at Chicago. She is President of the American Psychological Association's Division 37 Section on Child Maltreatment. She has been the recipient of the American Psychology-Law Society Dissertation Award, the Amoco Silver Circle Teaching Award, and the University of Illinois at Chicago Excellence in Teaching Award. She is coeditor of *Child Victims*, *Child Witnesses* and *Children's Testimony*.

Margaret Bull Kovera is Associate Professor of Psychology at Florida International University. She has been the recipient of the American Psychology-Law Society Dissertation Award and the Saleem Shah Early Career Award for Contributions to Psychology and Law Research.

Bradley D. McAuliff is a postdoctoral research associate in the law and psychology program at the University of Nebraska-Lincoln. In 2000, he received the American Psychology-Law Society Dissertation Award.

Cambridge University Press

0521662982 - Children, Social Science, and the Law - Edited by Bette L. Bottoms, Margaret Bull Kovera and Bradley D. McAuliff

Frontmatter/Prelims

[More information](#)

Children, Social Science, and the Law

Edited by

BETTE L. BOTTOMS

University of Illinois at Chicago

MARGARET BULL KOVERA

Florida International University

BRADLEY D. McAULIFF

University of Nebraska-Lincoln



CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press

0521662982 - Children, Social Science, and the Law - Edited by Bette L. Bottoms, Margaret Bull Kovera and Bradley D. McAuliff

Frontmatter/Prelims

[More information](#)

PUBLISHED BY THE PRESS SYNDICATE OF THE UNIVERSITY OF CAMBRIDGE
The Pitt Building, Trumpington Street, Cambridge, United Kingdom

CAMBRIDGE UNIVERSITY PRESS

The Edinburgh Building, Cambridge CB2 2RU, UK

40 West 20th Street, New York, NY 10011-4211, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

Ruiz de Alarcón 13, 28014 Madrid, Spain

Dock House, The Waterfront, Cape Town 8001, South Africa

<http://www.cambridge.org>

© Bette L. Bottoms, Margaret Bull Kovera, Bradley D. McAuliff 2002

This book is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2002

Printed in the United Kingdom at the University Press, Cambridge

Typeface Palatino 10.25/13.5 pt. *System* L^AT_EX 2_ε [TB]

A catalog record for this book is available from the British Library.

Library of Congress Cataloging in Publication Data

Children, social science, and the law / edited by Bette L. Bottoms, Margaret Bull Kovera, Bradley D. McAuliff.

p. cm.

Includes bibliographical references and index.

ISBN 0-521-66298-2 (hardback) – ISBN 0-521-66406-3 (pbk.)

1. Children – Legal status, laws, etc. – United States. 2. Social case work with children – United States. 3. Child welfare – United States. I. Bottoms, Bette L. 1964– II. Kovera, Margaret Bull, 1966– III. McAuliff, Bradley D., 1971–

KF3735 .C48 2002

346.7301'35 – dc21 2001043219

ISBN 0 521 66298 2 hardback

ISBN 0 521 66406 3 paperback

Cambridge University Press

0521662982 - Children, Social Science, and the Law - Edited by Bette L. Bottoms, Margaret Bull Kovera and Bradley D. McAuliff

Frontmatter/Prelims

[More information](#)

For my husband, Gary, and for dedicated front-line professionals like my friends Erin Sorenson and Alison Perona, who spend their lives helping children who become entangled in the legal system. (BLB)

For Hope. It is my hope that she will never have need for the wisdom in this book. (MBK)

For my mom Marnie, my dad Bob, and my brother Curtis, who still to this day do not understand exactly what it is that I do and why. I love you all dearly. (BDM)

Cambridge University Press

0521662982 - Children, Social Science, and the Law - Edited by Bette L. Bottoms, Margaret Bull Kovera and Bradley D. McAuliff

Frontmatter/Prelims

[More information](#)

Contents

<i>Acknowledgments</i>	page xi
<i>Contributors</i>	xiii
1 Children, Social Science, and the Law: An Introduction to the Issues	1
<i>Bette L. Bottoms, Margaret Bull Kovera, and Bradley D. McAuliff</i>	
PART I CHILDREN'S RIGHTS, THEIR CAPABILITIES, AND SOCIETY'S RESPONSIBILITIES TO CHILDREN	
2 The Personal Responsibility and Work Opportunity Reconciliation Act of 1996: What Will It Mean for Children?	15
<i>Brian L. Wilcox, Rebecca A. Colman, and Jennifer M. Wyatt</i>	
3 Advocacy for Children's Rights	51
<i>Mark A. Small and Susan P. Limber</i>	
4 Children's Rights and Capacities	76
<i>Melinda G. Schmidt and N. Dickon Reppucci</i>	
5 Children's Legal Representation in Civil Litigation	106
<i>Ann M. Haralambie and Kari L. Nysse-Carris</i>	
PART II CHILDREN AND FAMILY CHANGE	
6 Termination of Parental Rights to Free Children for Adoption: Conflicts between Parents, Children, and the State	131
<i>Jeffrey J. Haugaard and Rosemary J. Avery</i>	

Cambridge University Press

0521662982 - Children, Social Science, and the Law - Edited by Bette L. Bottoms, Margaret Bull Kovera and Bradley D. McAuliff

Frontmatter/Prelims

[More information](#)

viii	<i>Contents</i>
7 Child Custody Research at the Crossroads: Issues for a New Century <i>Charlene E. Depner</i>	153
8 Children of Lesbian and Gay Parents: Research, Law, and Policy <i>Charlotte J. Patterson, Megan Fulcher, and Jennifer Wainright</i>	176
PART III JUVENILE AGGRESSION AND JUVENILE JUSTICE	
9 Juvenile Transfer to Adult Court: How Can Developmental and Child Psychology Inform Policy Decision Making? <i>Randall T. Salekin</i>	203
10 Youth Violence: Correlates, Interventions, and Legal Implications <i>Carrie S. Fried and N. Dickon Reppucci</i>	233
11 Capacity, Competence, and the Juvenile Defendant: Implications for Research and Policy <i>Jennifer L. Woolard</i>	270
PART IV CHILDREN AS VICTIMS AND WITNESSES	
12 The Effects of Community Violence on Children and Adolescents: Intervention and Social Policy <i>Steven L. Berman, Wendy K. Silverman, and William M. Kurtines</i>	301
13 Preventing Child Abuse and Neglect <i>Mia McFarlane, Howard J. Doueck, and Murray Levine</i>	322
14 Children's Eyewitness Memory: True Disclosures and False Reports <i>Jennifer M. Schaaf, Kristen Weede Alexander, Gail S. Goodman, Simona Ghetti, Robin S. Edelstein, and Paola Castelli</i>	342
15 Expert Testimony on the Suggestibility of Children: Does It Fit? <i>Thomas D. Lyon</i>	378
16 The Status of Evidentiary and Procedural Innovations in Child Abuse Proceedings <i>Bradley D. McAuliff and Margaret Bull Kovera</i>	412
PART V CONCLUSIONS AND FUTURE DIRECTIONS	
17 Starting a New Generation of Research <i>Gary B. Melton</i>	449

Cambridge University Press

0521662982 - Children, Social Science, and the Law - Edited by Bette L. Bottoms, Margaret Bull Kovera and Bradley D. McAuliff

Frontmatter/Prelims

[More information](#)

<i>Contents</i>	ix
18 What Will It Take to Bring Child-Focused Law, Policy, and Research into the 21st Century? Concluding Thoughts <i>Howard Davidson</i>	454
<i>Author Index</i>	469
<i>Case Index</i>	487
<i>Subject Index</i>	490

Cambridge University Press

0521662982 - Children, Social Science, and the Law - Edited by Bette L. Bottoms, Margaret Bull Kovera and Bradley D. McAuliff

Frontmatter/Prelims

[More information](#)

Acknowledgments

The seeds of this book were sown while two of us (BLB and MBK) co-chaired the Children and Law Subcommittee of the American Psychology-Law Society's Women and Law Committee. Through conversations with other members of this subcommittee, it became clear that there was a need for a single resource on children and the law to which researchers, legal scholars, policy makers, and front-line professionals could turn for advice and inspiration. We are grateful to those women who so generously gave of their time and knowledge while we began to form our vision of what such a resource would encompass.

We would also like to extend our appreciation to people who supported us throughout the development of this book. Special thanks go to our celebrated colleagues who have contributed the excellent chapters herein. Each of them spent a significant amount of time preparing a chapter highlighting legal and social science issues relevant to children's special circumstances. Julia Hough, our Cambridge editor, has been a model of patient support. We each have special mentors and colleagues, both past and current, whose advice has guided us as we have sculpted our own academic careers. Some of them are authors of chapters in this book. Finally, our family

Cambridge University Press

0521662982 - Children, Social Science, and the Law - Edited by Bette L. Bottoms, Margaret Bull Kovera and Bradley D. McAuliff

Frontmatter/Prelims

[More information](#)

xii

Acknowledgments

members, including those who arrived midway during the project (baby Hope Kovera), provided the secure base from which we worked.

Bette L. Bottoms; *Chicago, Illinois*

Margaret Bull Kovera; *Miami, Florida*

Bradley D. McAuliff; *Lincoln, Nebraska*

Cambridge University Press

0521662982 - Children, Social Science, and the Law - Edited by Bette L. Bottoms, Margaret Bull Kovera and Bradley D. McAuliff

Frontmatter/Prelims

[More information](#)

Contributors

Kristen Weede Alexander, B.A., is a doctoral candidate in human development at the University of California, Davis. She received her bachelor's degree in human development at the University of California, Riverside.

Rosemary J. Avery, Ph.D., is Professor and Associate Chair in the Department of Policy Analysis and Management at Cornell University. She received her doctorate from Ohio State University.

Steven L. Berman, Ph.D., is Assistant Professor of Psychology at the University of Central Florida. He received his Ph.D. in developmental psychology at Florida International University.

Paola Castelli received her Laurea in psychology at the University "La Sapienza" in Rome and completed an internship in psychology and law with an emphasis on children's involvement in the legal system at the University of California, Davis.

Rebecca A. Colman, M.A., is a doctoral candidate in the developmental psychology program at the University of Nebraska-Lincoln.

Howard Davidson, J.D., is Director of the American Bar Association Center on Children and the Law. He received his J.D. from Boston College Law School.

Cambridge University Press

0521662982 - Children, Social Science, and the Law - Edited by Bette L. Bottoms, Margaret Bull Kovera and Bradley D. McAuliff

Frontmatter/Prelims

[More information](#)

xiv

Contributors

Charlene E. Depner, Ph.D., is Supervisor of Research and Grant Programs at the Center for Families, Children, and the Courts in San Francisco. She received her Ph.D. in social psychology from the University of Michigan.

Howard J. Doueck, M.S.W., Ph.D., is Professor of Social Work, Director of the doctorate program, and Chair of the Children and Youth concentration at the State University of New York at Buffalo.

Robin S. Edelstein, M.A., is a doctoral student in the Department of Psychology at the University of California, Davis. She received her B.A. in psychology from the University of California, Berkeley, and her M.A. from the University of California, Davis.

Carrie S. Fried, M.A., is a doctoral candidate in psychology at the University of Virginia. She received her B.A. from Rice University and her M.A. from the University of Virginia.

Megan Fulcher, M.A., is a doctoral candidate in the developmental psychology program at the University of Virginia.

Simona Ghetti, M.A., is a doctoral candidate in the Department of Psychology at the University of California, Davis. She received her Laurea in psychology at the University of Padua, Italy, and her M.A. in psychology from the University of California, Davis.

Gail S. Goodman, Ph.D., is Professor of Psychology at the University of California, Davis. She received her Ph.D. in developmental psychology from the University of California, Los Angeles, and conducted postdoctoral research at the University of Denver and the Université René Descartes in Paris, France.

Ann M. Haralambie, J.D., is an attorney who resides and practices in Tucson. She received her J.D. from the University of Arizona.

Jeffrey J. Haugaard, Ph.D., is Director of Undergraduate Studies and Associate Professor of Human Development at Cornell University. He received his Ph.D. in clinical psychology from the University of Virginia.

William M. Kurtines, Ph.D., is Professor of Psychology at Florida International University. He received his Ph.D. in psychology from the Johns Hopkins University.

Cambridge University Press

0521662982 - Children, Social Science, and the Law - Edited by Bette L. Bottoms, Margaret Bull Kovera and Bradley D. McAuliff

Frontmatter/Prelims

[More information](#)

Contributors

xv

Murray Levine, Ph.D., J.D., is Distinguished Service Professor of Psychology and Adjunct Professor of Law at the State University of New York at Buffalo. He received his Ph.D. from the University of Pennsylvania and his J.D. from the State University of New York at Buffalo.

Susan P. Limber, Ph.D., M.L.S., is Director of the Center for Youth Participation and Human Rights at the Institute on Family and Neighborhood Life and Associate Professor of Psychology at Clemson University. She received her Ph.D. in developmental psychology and her M.L.S. from the University of Nebraska-Lincoln.

Thomas D. Lyon, J.D., Ph.D., is Associate Professor of Law at the University of Southern California Law School. He received his J.D. from Harvard Law School and his Ph.D. in developmental psychology from Stanford University.

Mia McFarlane, J.D., M.S.W., is an attorney at the Children's Legal Center in Buffalo, New York. She received her J.D. and M.S.W. at the State University of New York at Buffalo.

Gary B. Melton, Ph.D., is Director of the Institute on Family and Neighborhood Life and Professor of Psychology at Clemson University. He received his Ph.D. in clinical-community psychology from Boston University.

Kari L. Nysse-Carris, M.A., is a doctoral candidate in social psychology at the University of Illinois at Chicago. She received her B.A. from Hope College and her M.A. from the University of Illinois at Chicago.

Charlotte J. Patterson, Ph.D., is Professor of Psychology at the University of Virginia. She received her Ph.D. from Stanford University.

N. Dickon Reppucci, Ph.D., is Professor of Psychology and Director of Graduate Studies at the University of Virginia. He received his Ph.D. in clinical psychology from Harvard University.

Randall T. Salekin, Ph.D., is Assistant Professor of Psychology and Director of the Child Forensic Psychology Laboratory at the University of Alabama. He received his B.A. from Simon Fraser University and his Ph.D. from the University of North Texas.

Cambridge University Press

0521662982 - Children, Social Science, and the Law - Edited by Bette L. Bottoms, Margaret Bull Kovera and Bradley D. McAuliff

Frontmatter/Prelims

[More information](#)

xvi

Contributors

Jennifer M. Schaaf, Ph.D., is an investigator at the Frank Porter Graham Child Development Center at the University of North Carolina, Chapel Hill. She received her B.A. from the University of California, Los Angeles, and her Ph.D. from the University of California, Davis.

Melinda G. Schmidt, M.A., is a doctoral candidate in community psychology at the University of Virginia, where she received her B.A.

Wendy K. Silverman, Ph.D., is Professor of Psychology and Director of the Child and Family Psychosocial Research Center at Florida International University, Miami. She received her Ph.D. in clinical psychology from Case Western Reserve University, Cleveland.

Mark A. Small, J.D., Ph.D., is Professor of Psychology at the Institute on Family and Neighborhood Life at Clemson University. He received his Ph.D. in social psychology and his J.D. from the University of Nebraska-Lincoln.

Jennifer Wainright, M.A., is a doctoral candidate in the community and developmental psychology programs at the University of Virginia.

Brian L. Wilcox, Ph.D., is Professor of Psychology and Director of the Center on Children, Families, and the Law at the University of Nebraska-Lincoln. He received his Ph.D. in community psychology from the University of Texas at Austin.

Jennifer L. Woolard, Ph.D., is Assistant Professor of Criminology and Psychology at the University of Florida's Center for Studies in Criminology and Law. She received her Ph.D. in psychology from the University of Virginia.

Jennifer M. Wyatt, M.A., is a doctoral candidate in developmental psychology at the University of Nebraska-Lincoln.