

THE VALIDATION FUNNEL:
Sexual Abuse Investigations
in a Western Canadian Province

PART II

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INTRODUCTION AND CASE SUMMARY

Few of us can imagine an event more horrendous than having the State make an allegation that you have sexually abused children that you love. Here in Manitoba, however, such an allegation is made more traumatic by the fact that the institution of child protection can make such allegations, and deprive the accused of the right to hear the evidence against them, as well as the right to defend themselves. The Northern CFS has advised that there will be no court process for the accused paternal grandparents in the case which is the subject of this report. It is standard policy in Manitoba to deny a court hearing to all accused who are not primary caretakers of children.

The Steele case here under discussion begins in January of 1996 when the marriage between Doug and Carol Steele reached a point of crisis sufficient to cause Doug to leave the marital home. There are two children of the marriage: Chantal, four years old, and Grant, 2 years of age. In addition, the family includes a child of the wife by a previous relationship, fourteen year old Sharon.

Actions subsequently taken by Carol Steele is what would soon bring the family to the attention of the Manitoba Child and Family Service, several weeks following the separation. Within three weeks from the day that Carol and Doug separated there were allegations of domestic violence, and sexual abuse allegations made against several parties which would eventually lead to the CFS validation of an allegation against the paternal grandfather.

Once allegations arose, the paternal grandmother approached Parents Helping Parents for guidance in ensuring that the investigation of the allegations would be conducted competently and according to the standards of conduct as found in the professional literature. This report will show that the Northern CFS office conducts investigations according to standards and philosophies that have not been current since 1984.

In brief, the CFS investigation follows the practice of the "children don't lie" school of thought. This school takes at face value the simple disclosure of a child as being evidence of abuse. Without analyzing the substance of disclosure to determine whether it in fact reflects an actual event, CFS creates a "validation funnel", whereby all of the details of a case which point to the substantiation of an allegation are given credence, while all of those details which discredit the validity of an allegation are summarily ignored.

The validation funnel problem is not limited to Northern CFS but is in fact widespread throughout Manitoba, and this has created an explosive environment for false allegations. This is especially true when an allegation arises in the context of a marital separation, as it has in the subject family of this report, because CFS will automatically champion the parent who supports an allegation, and cause serious problems for the parent who does not.

Once an allegation of sexual abuse is made, it can exert a powerful force of its own in the very

processes of clinical fact finding and how those facts are subsequently interpreted¹. This is why it is critical that the sexual abuse investigator approach a case with a neutral, fact finding orientation in order to safeguard children from being manipulated into false allegations of sexual abuse. He or she should approach an investigation with an objective, clinical manner--not allowing herself or himself to be drawn into the emotional storms such allegations can stir². Interviewers must be open to the possibility that an accusation might be false and that the "alleged" perpetrator may be an innocent victim³.

Assessments can be derailed when a professional is committed prematurely to the truth of an allegation⁴. A balanced and thorough evaluation can become short circuited by bias. In the Steele case, the bias towards the accused is blatant as the evaluator has never attempted to speak to him, or his non-accused wife who has nevertheless been treated just like her accused partner. In addition, the evaluator did not speak to the father of the disclosing child until she had already reached a conclusion about the validity of the allegation against the paternal grandfather.

Social workers are significantly more likely to reach a finding that a child has been sexually abused than are clinical psychologists⁵. Court workers, attorneys, child advocates and psychotherapists agree that in most communities there are professionals with well known biases who inevitably reach the same conclusion in every case; some evaluators predictably find all accused parties fit the profile of an offender⁶. Unfortunately for children, Northern CFS is oblivious to the trauma and damage that a child experiences when they are submitted to a false allegation.

¹Horner, Thomas MD, Melvin Guyer Phd, Neil M Kalter Phd (1993) "Clinical expertise and the assessment of child sexual abuse". *American Academy of Child and Adolescent Psychiatry*. **32:5**. pp 926.

²Green, Arthur (1986) "True and false allegations of sexual abuse in child custody disputes". *Journal of the American Academy of Child and Adolescent Psychology*. **25:4**. pp 449-456.

³Robin, Michael (1991) "Beyond validation interviews: an assessment approach to evaluating sexual abuse allegations". In Michael Robin (ed) Clinical Evaluations of Sexual Abuse. Haworth Press: New York. pp 98.

⁴Wehrspann W, Steinhauer P, Klajner-Diamond H (1987b) "Criteria and methodology for assessing credibility of sexual abuse allegations". *Canadian Journal of Psychiatry*. **32**. pp 615-623.

⁵Horner and Guyer (1993) pp 930.

⁶Nicholson, EB and Josephine Bulkley (1988) "Sexual abuse allegations in custody and visitation cases". American Bar Association. pp 10.

There was a time when a child's allegation of sexual abuse was never believed, but today, the pendulum has swung so that a child who gives an account of sexual abuse, even a very young child, often is believed without question. With that swing has come such broad generalizations as "children never lie" about sexual abuse, or "the younger the child, the more likely the story is true⁷."

These generalizations fail to recognize that a young child who has not yet entered the school system is overly dependant and made vulnerable to manipulation from adults who may have their own agendas for initiating a false allegation of sexual abuse. Adults teach children under five about Santa Claus, the Tooth Fairy, and the Easter Bunny, and there are those adults who use the young child's receptive and trusting nature for their own malevolent ends. The tragedy of equating the validation of an allegation with effective advocacy for children, is that such a policy fails to recognize the impact of a false allegation on a child.

⁷de Young, Mary (1986) "A conceptual model for judging the truthfulness of a young child's allegation of sexual abuse". *American Journal of Orthopsychiatry*. **56:4**. pp 551.

Some have likened a false allegation to the experience of being raised in a war zone, where your whole world has been disrupted and you don't know where the next hit is going to come from. Children become excessively anxious, depressed and fearful⁸. Dr. Ralph Underwager has said that the damage to children from a false abuse claim is traumatic to a child, and adds: "It is extremely violent to treat children who haven't been abused as if they have. The consequence is an unresolved conflict between the child's own perception of reality with the distorted perception of revered authority figures, such as parents and social workers⁹." Benedek and Schetky note that professionals are now seeing many children who are in psychotherapy for sexual abuse that probably did not happen. They caution that treatment creates new iatrogenic illness in children so treated, who are separated from reality, and are bewildered in a permanent way with the world around them¹⁰.

In addition, most professionals in the field recognize that whether an allegation is true or false, a child is always at risk when an allegation has been made, since a false allegation is indicative of parental disturbance in the same way as is the presence of sexual abuse¹¹. The child's trusting relationships with adults can be effectively destroyed by a false allegation, causing significant and long term behavioral problems that are not unlike those resulting from sexual abuse¹².

The children are not left unaffected by the deprivation of loving relationships either. Mantell observes that the process of evaluating an accusation may result in greater harm to the interests of the child and the child's primary relationships than the alleged act in question¹³.

⁸Farr V and Yuille J (1988) "Assessing credibility". *Preventing Sexual Abuse*. **1:1**. pp 8-13.

⁹McGovern, Celeste (1994) "Assessing the disclosure of children". *Alberta Report*. October 3 issue. pp 44.

¹⁰Benedek, Elissa MD and Diane Schetky MD (1987) "Clinical experience: problems in validating allegations of sexual abuse. Part 2: Clinical evaluation". *Journal of the American Academy of Child and Adolescent Psychiatry*. **26:6**. pp 916-921.

¹¹Bresse P, Stearns GB, Bess BH, Packer LS (1986) "Allegations of child sexual abuse in child custody disputes: a therapeutic assessment model". *American Journal of Orthopsychiatry*. **56:4**. pp 560-569.

¹²Meadow, Roy (1993) "False allegations of abuse and Munchausen Syndrome by Proxy". *Archives of Diseases in Childhood*. **68**. pp 444-447.

¹³Mantell, DM (1988) "Clarifying erroneous child sexual abuse allegations". *American Journal of Orthopsychiatry*. **58**. pp 618-621.

A child who is the victim of a false allegation may be made to believe they were sexually abused when in fact they have never had the experience. This has been proven time and again by the wild and unsubstantiated disclosures that have been made by children in the famous cases such as Jordan, the McMartin Preschool case, as well as the recent Canadian case in Martensville. The key to ensuring that a child, particularly a child as young as four years old, has not been pressured into false disclosure, lies in the methods of investigation used to understand the case. The Steele case will be fully analyzed using the standards of analysis that are found in the professional literature.

As long as CFS continues to believe that a false allegation is harmless to the child, they will continue to ignore the professional literature that has been amassed over the past ten years that chronicle effective investigative measures for sexual abuse allegations. Until the trauma of false allegation is recognized by CFS, thousands of adults and children will have their lives shattered by their own government institution of child protection.

If that were not enough, continued ignorance of effective investigative procedures will eventually undermine society's commitment to ending child sexual abuse, as many who have been exposed to the system are now speaking out and telling the public at large that the system does not work, and we are all vulnerable to its incompetence^{14 15 16}. This process has already begun in the province of Manitoba, and will continue until CFS is compelled to focus some of its energies on bringing their investigative procedures up to date with the modern professional guidelines.

The legal and social implications of documented sexual abuse are profound for both accused and child, and there is therefore no room for avoidable errors when an opinion is rendered¹⁷; errors which can be avoided by effective investigative procedures. For the accused, the outcome is obvious: they will never see the child again. In the Steele case, the accused has undergone a polygraph test and the Crown has elected not to press charges as a result.

¹⁴Hechler, David (1988) The Battle and the Backlash: the Child Sexual Abuse War. Lexington Books: Toronto.

¹⁵Kendrick, Martyn (1988) Anatomy of a Nightmare: the Failure of Society in Dealing with Child Sexual Abuse. MacMillan: Toronto.

¹⁶Wakefield, Hollida MA and Ralph Underwager (1991) "Sexual abuse allegations in divorce and custody disputes". *Behavioral Sciences and the Law*. **9**. pp 451-468.

¹⁷Benedek, Elissa MD and Diane Schetky MD (1985) "Allegations of sexual abuse in child custody and visitation disputes". In: Schetky DH, Benedek, EP, eds. Emerging Issues in Child Psychiatry and the Law. New York: Brunner/Mazel

Nevertheless, the Agency's validation of the allegation ensures that he and his partner, Mary Steele, will never see the children again. Since many cases investigated by CFS do not result in formal criminal charges, it is the destruction of cherished relationships that is the principal traumatic outcome of CFS validation of abuse.

PHP is an organization that has arisen to assist people who are dealing with the Child and Family Service in Manitoba. In speaking particularly of sexual abuse allegations, PHP attempts to ensure that those who have been accused are entitled to a full and fair investigation. This analysis will show that the Northern CFS did not assess the allegation in this matter, but instead, created a validation funnel which ignored evidence that the four year old child making the allegations was being manipulated into a false allegation.

In sexual abuse investigations, no single source of information can provide a complete picture. To arrive at a confident conclusion, evaluation procedures should be based on a multi-dimensional approach which examines a variety of factors¹⁸. An adequate investigation of a sexual abuse allegation should include the following information:

- (1) How access by the alleged perpetrator was achieved;
- (2) How the child was engaged in the inappropriate activity and how the activity was represented to the child;
- (3) Progression of activities over time;
- (4) What rewards, threats, bribery, coercion, and/or intimidation was used to maintain the child's silence;
- (5) Where the contact occurred and the frequency of contact;
- (6) The child's description of how he or she felt when engaged in the contact; and

¹⁸ Heiman, Marsha L (1992) "Annotation: Putting the puzzle together and validating allegations of child sexual abuse". *Journal of Child Psychology and Psychiatry*. **33:2**. pp 311-329.

- (7) specific details of what the child experienced and any discomfort associated with the events, including observations by the child regarding bleeding, bruises, or ejaculate.¹⁹

This report will show that the Northern CFS investigation failed to obtain or seek out this information, and instead, validated the allegation and submitted the child, as well as the accused, to the trauma of a false allegation.

The remainder of this project will analyze the evidence in this case in more detail, and by reference to the professional literature that details the effective methods of sexual abuse investigations. The insufficiencies of the CFS investigation of sexual abuse allegations as disclosed by Chantal Steele will be dealt with under subheadings which should provide clarity to the formal objections being made.

MEDICAL EVIDENCE

In the March 23/96 meeting between Marg Mulish and Doug Steele, the social worker advised that the Agency "had a disclosure supported by medical evidence." Mulish said that an examination of Chantal conducted by Dr. Prayer of the Child Protection Centre, had found "a healed tear" of the hymenal tissue, and that the offence to the hymen occurred "at least one month ago, and probably six months ago." There are several problems with this information as provided by CFS social worker Marg Mulish.

1. It is customary for doctors of the CPC to provide a diagnostic letter that articulates the doctor's findings in a clear manner. In the Steele case, the father was asked to take Mulish's word that physical evidence had been found, and CFS refused to provide the father with a copy of the diagnostic letter.

¹⁹Reece, Robert M MD (1994) Child Abuse: Medical Diagnosis. Lea & Febiger: Baltimore. pp 200-245.

2. Mulish's verbal information that a "healed tear" had been noted by the examining doctor, masks the difficulty of observing healed injuries to hymenal tissue^{20 21 22 23}. For this reason, the medical literature on sexual abuse examinations admonishes all doctors to use the magnification and photographic support of colposcopic equipment^{24 25 26 27}. The CPC has this expensive technology at its disposal, and yet it chooses not to use it for the sake of budget cuts²⁸.

Five years ago, the CPC was considered a world class operation and could boast of exceptionally modern procedures. Today, largely due to budget constraints, the CPC now relies solely on the CFS for historical details about allegations, a scenario that is ripe for validating false allegations since social workers may be predisposed to presenting validated findings of sexual abuse.

²⁰McCann, John MD et al (1992) "Genital injuries resulting from sexual abuse: a longitudinal study". *Pediatrics*. **89:2**. pp 307-317.

²¹Lamb, Michael MD et al. (1994) "The investigation of child sexual abuse: an interdisciplinary consensus statement". *Child Abuse and Neglect*. **18:12**. pp 1021-1028.

²²Paradise, Jan E MD, Anthony L Rostain MD, Madelaine Nathanson PhD (1988) "Substantiation of sexual abuse charges when parents dispute custody or visitation". *Pediatrics*. **81:6**.

²³Reece, Robert M MD (1994),pp 222-227.

²⁴Emans SJ MD, et al (1987) "Genital findings in sexually abused symptomatic and asymptomatic girls". *Pediatrics*. **79**. pp 778

²⁵Grunseit, Ferry MD (1989) "Child sexual abuse: the medical examination and the Doctor's report". In Winfield, Rosalind (ed) The Expert Medical Witness. Federation Press: New South Wales. pp 142.

²⁶Enos, William MD et al. (1986) "Forensic evaluation of the sexually abused child". *Pediatrics*. **78:3**. pp 385-398.

²⁷Paul DM MD (1986) "What really happened to Baby Jane?: the medical aspects of the investigation of alleged sexual abuse of children". *Medical Science and the Law*. **26**. pp 85-102.

²⁸For a full discussion of the proper procedures required to obtain medical evidence in sexual abuse investigations, see Malenfant, Louise (1995) "Sexual Abuse Investigations in a Western Canadian Province: A Case Study". Unpublished manuscript submitted to Manitoba CFS and the Government of Manitoba.

As well, disputes regarding what the doctor saw during examination would be eliminated if the CPC utilized the colposcopic equipment available to them, which is capable of magnifying the examining area 100x, and in addition, provides the ability to create permanent photographic records of physical findings. To observe a healed tear that may be six months of age, is to say that the tear is very difficult to observe with the naked eye. In short, such evidence requires the use of magnifying equipment and photographic record to be considered significant evidence in a sexual abuse investigation. A photographic record ensures that the child will not need to be re-examined when findings are disputed, and also ensures that a second opinion can be obtained by examining the photos²⁹.

²⁹Bays, Jan and David Chadwick (1992) "Medical diagnosis of the sexually abused child". *Child Abuse and Neglect*. 17. pp 91-110.

Failure to obtain permanent evidence of the alleged damage forces everyone who has an interest in the case, into accepting the beliefs of the examining doctor in a manner that suggests infallibility. This is simply not acceptable in the tenuous world of sexual abuse examinations, where it is well noted by responsible practitioners that evidence should be gathered to ensure the ability to reproduce the evidence in court, as well as to ensure that the child will not need to be re-examined to confirm the finding^{30 31 32}.

It should be noted that the examining doctor in the Steele matter is also one of the doctor's in a matter currently before the College of Physicians and Surgeons on a formal complaint regarding the substandard procedures used by the CPC in conducting medical examinations for sexual abuse. In that case as in this one, the findings were disputed because the CPC failed to obtain photographic evidence of alleged abuse. The child in the case was re-examined using the colposcope, where it was determined that the child showed no evidence of any prior abuse.

A notoriously pro-CFS Winnipeg psychologist who has worked almost exclusively in the field of child protection for the past twenty years, nevertheless had this to say about the investigations conducted by Dr. Prayer and her colleagues:

"This will not be the first time that I have had to consult in a case confused by contrasting opinions by two recognized experts in the field employed by the same agency. Indeed, the previous occasions have involved the same two personalities in the same order. In the previous cases as in this, the two experts and the CPC experts never...consulted to help us understand how two so seemingly opposite findings could occur..."

We are not passing judgement on the competence of Dr. Prayer. What we are saying is that evidence of these small tissues is often difficult to detect, and any two doctors can see entirely different conditions in the same child. It is for this reason that Parents Helping Parents has pursued the issue of using the colposcopic equipment in these sensitive examinations, which can change the lives of many people in a permanent way.

³⁰Cantwell, HB MD (1981) "Vaginal inspection as related to child sexual abuse in girls under thirteen". *Child Abuse and Neglect*. 7. pp 171-176.

³¹Goff, CW MD et al (1989) "Vaginal opening measurement of prepubertal girls". *American Journal of Disorders in Children*. 143. pp 1366.

³²Heger A MD and Emans SJ MD (1990) "Introital diameter as criterion for sexual abuse: a commentary". *Pediatrics*. 85. pp 222

In conclusion, we suggest that the verbal report of a social worker concerning medical evidence seen by a doctor who has been disputed on several occasions in the past, is not the concrete evidence that the Agency should be relying upon. Doug Steele has been asked to accept the Agency's investigative findings as established fact. He has been asked to believe that the man who raised him for ten years has abused his own daughter in the most vile way. He has been coerced into validating the Agency's investigation with the implied threat that to do otherwise would threaten his own relationship and visitation with his children.

The medical evidence in this matter must be produced if such a drastic outcome as the permanent dislocation of the family relationships herein discussed is to be legitimized.

SEXUAL ALLEGATIONS IN DIVORCE (SAID Syndrome)

Many social work and psychology practitioners in the field of sexual abuse investigation have made note of the rise of sexual allegations arising in the context of divorce and custody suits. All of the modern clinical protocols that have been developed since 1985 caution investigators to recognize that there are decided self interests in making such allegations when a custody battle is taking place between divorcing couples. Some parents have exploited society's concern about child sexual abuse by initiating false allegations of sexual misconduct in order to promote their own interests, at the expense of the children who will be affected by this course of action^{33 34 35}.

Sexual Allegations in Divorce (SAID Syndrome) has become a certain way of depriving an accused of access to children who are alleged to have been abused. This is not harmless to the children involved. PHP has found that many cases of SAID in Manitoba contain the element of an allegation against paternal grandparents; we believe that the motive for this is to discredit the paternal side of the family. This achieves the goal of undermining the father's attempt to obtain custody almost as effectively as does an allegation against the father. It is essential that the field of child protection learn to recognize the signs of false allegation, for to continue on its present

³³ Green, Arthur H. (1991) *Factors contributing to false allegations of child sexual abuse in custody disputes* in Michael Robin (ed) Assessing Child Maltreatment Reports: The Problem of False Allegations, Haworth Press: New York.

³⁴ Jones D. and Seig A. (1988) *Child sexual abuse allegations in custody or visitation cases: a report of 20 cases* in E.B. Nicholson & J. Bulkley (eds) Sexual Abuse Allegations in Custody and Visitation Cases, Washington: American Bar Association.

³⁵ Cole, Wendy MD (1990) *False allegations of sexual abuse in custody and access cases* in Child Sexual Abuse Allegations: Custody and Access Litigation. Published by the Continuing Legal Education Society of British Columbia, pp. 7.1.04.

course will ensure that more and more divorcing parents will use this serious charge to deprive children of relationships with important people in their lives.

Without exception, all of the clinical protocols which have been developed since 1985 clearly recognize that where allegations arise in the context of divorce, it is essential to carefully examine the actions and motivations of both parents to determine whether an allegation is true or false^{36 37}³⁸. In the Steele matter, the Northern CFS did what has become standard operating procedure in the province of Manitoba. This office provided all of its support and resources to the parent who supported the accusations, the mother, and made no effort to examine the accused party, or the father who required evidence to believe the accusation made against his step father.

DISCLOSURE

³⁶Jones D and Seig A (1988), pp 104

³⁷Wallerstein JS (1985) "Children of divorce: emerging trends". *Psychiatr Clin North Am.* 8. pp 75-85.

³⁸Brown, TL and M J McHale (1990) Child Sexual Abuse Allegations: Custody and Access Litigation. Published by the Continuing Legal Education Society of British Columbia. pp 67-104.

Key indicators have been delineated to determine whether a child's disclosure represents an actual abuse event, or whether someone has influenced a young child to make disclosures of an event.

Marsha Heiman identifies four key indicators based on her own clinical experience as well as an extensive review of the literature:

1. A detailed description of events, containing contextual distinguishing and affective details;
2. A verbal description which elaborates a progression of activities over time and may include elements of secrecy, bribery, pressure and coercion;
3. Sexual themes, re-enactments and description of sexual events portrayed across modalities;
4. Congruence of emotional affect and description of abuse events³⁹.

In the Steele case, disclosure of sexual abuse originally took place during the children's stay in Balmoral House shelter for abused women. In this disclosure, Chantal indicated that she had been abused by "Bad John", and by "a man with a moustache". Shortly after these disclosures were made, the child was brought to the office of the Manitoba Child and Family Service, where the child made a clear statement that "Grandpa George stabbed me in my private parts and it hurt".

The March 12, 1996 meeting was attended by Parent Advocate Louise Malenfant, who raised concerns about the initial wildness of the disclosure, which subsequently became the neat and certain allegation made against her paternal grandfather in the presence of Agency staff.

In addition, in April of 1996 Doug Steele was denied access to the children when the Agency advised him that Chantal had now made an allegation of sexual abuse against him. He was further advised that this allegation would be reported to the police, and until such time as their investigation was complete, he would not be allowed to see his children, even under supervised circumstances.

Perhaps the most disturbing aspect of the four year old child's disclosure is that the only elaboration she is able to give about the alleged abuse incident is that a knife was used to violate her. Such an act of violence bears no resemblance to human sexuality, and would be extremely difficult if not impossible to keep secret for five months. More importantly, the child's disclosure is indicative of a child who is being terrorized into a false allegation of sexual abuse.

Once the police investigation was completed, the Agency re-instituted communications with Doug Steele, and advised him that they did not take Chantal's allegation against him with seriousness.

As a result of this allegation, the father was understandably unnerved, and demanded an explanation as to why one allegation was taken with more seriousness than others. He also expressed grave concerns for the psychological well being of his children. He was given the unsatisfactory explanation that "this just happens sometimes." Nevertheless, the Agency demanded that he provide in writing a document stating that "he believed Chantal" concerning her allegations against George Steele, before they would agree to allow him to see his children⁴⁰.

³⁹Heiman, Marsha L. (1992) 314.

⁴⁰ see letter from Manitoba CFS to Doug Steele dated May 29, 1995, Appendix Item #4.

Visitation between the father and his children began shortly after he had submitted to a police investigation as well as a polygraph test. Though the paternal grandfather has submitted to the same procedure, he and his partner, as well as the maternal grandparents, are prohibited from seeing the Steele children.

CONTEXTUAL DETAILS

When a child is using his or her memory to recall an event, there is often idiosyncratic details such as the colour of the wall paper, or where others were when the event happened, that give the disclosure the flavour of truth. On the other hand, when a child has been coached to make statements, their words are originally those of an adult and do not represent descriptions of actual situations or the real feelings associated with them^{41 42 43}.

In a real disclosure of sexual abuse, the child can provide details which give the ring of truth to the telling. Mary de Young advises sexual evaluators to obtain details when an allegation is made such as elaborations of the sexual event, the context in which it took place, the pressure for secrecy and the emotional responses to each. CFS social worker Marg Mulish noted in the meeting of March 23, 1996 that she was unable to obtain any of these details from Chantal about the alleged abuse incident with George Steele.

Beyond specific details about the sexual acts, abused children can often elucidate the context of the abuse and supply peripheral idiosyncratic information⁴⁴. Many children remember where significant others were during the time of the contact, where abuse took place, and what was said or done to get them to comply⁴⁵. The timing of disclosure is also significant. What made the child tell now? Strong agreement among professionals exists that the degree to which the child can provide elaborated and developmentally advanced sexual and contextual details, the more likely the child has actually experienced the abuse.

⁴¹Bresse et al. (1986) pp 568.

⁴²Haugaard J and ND Repucci (1988) The Sexual Abuse of Children. San Francisco: Jossey-Bass.

⁴³MacFarlene K (1986) "Child sexual abuse allegations in divorce proceedings". In K. MacFarlene and J Waterman (eds) Sexual abuse of young children.

⁴⁴Bernet, William MD (1993) "False statements and the differential diagnosis of abuse allegations". *Journal of the American Academy of Child and Adolescent Psychiatry*. **32:5**. pp 903-910.

⁴⁵Lindblad, Frank (1989) "Evaluation of Allegations--A hermeneutical approach". *Acta Paediatrica Scvandinavica*. **Supp 358**. pp 32-43.

Elterman and Ehrenberg note that in improbable cases, the child is unable to remember details, or the details will change between interviews, because there is no permanent image from which the child is describing their experience. In improbable cases, sexually specific behaviour such as orgasm, the perpetrators actions, words and experience (i.e. moaning, view of penis, ejaculate, etc.) are often lacking.⁴⁶

It is significant that the child, Chantal, is unable to provide any sexual details that would indicate the accused was sexually excited at the time of the alleged abuse. In addition, the child is now disclosing that a knife thrust up into her vagina was the technical abuse incident, an event that is highly unlikely for a first time sexual abuse event.

⁴⁶Elterman Michael F and Marion F Ehrenberg (1987), pp 22.

A young child coerced into lying is probably unable to provide elaborate details of the alleged abuse, shows no abuse specific indicators, and does not demonstrate the kind of vulnerabilities that are documented in the literature⁴⁷. Heiman notes that, although contextual details and emotional affect are not present in every case of sexual abuse, a child who has never experienced abuse would certainly have no way of describing or understanding abuse in such a personal way⁴⁸.

Where these factors do not exist, as is the case in the Steele investigation, more attention must be given to an examination of all parties who are significant in a particular investigation. As noted earlier, the CFS has aligned itself with the accusing mother in this matter who supports the allegation, despite the absence of contextual detail presented by the child.

EMOTIONAL AFFECT

Many victims of sexual abuse show feelings and perceptions which set them apart from children who have never been abused, therefore, affective portrayal can provide a powerful means of establishing credibility⁴⁹. Sexually abused children describe a sense of helplessness, powerlessness, betrayal and shame when they have been abused by someone in a trusted position⁵⁰. For this reason, the evaluator can often detect feelings of shame, worthlessness, guilt, damage and isolation as the child discloses abusive events^{52 53}.

⁴⁷de Young, Mary (1986) pp 557.

⁴⁸Heiman, Marsha L. (1992), pp 321.

⁴⁹Heiman, Marsha L. (1992), pp. 321.

⁵⁰Faller, K and David L. Corwin (1993) "Children's interview statements and behaviors: role in identifying sexually abused children". *Child Abuse and Neglect*. **19:4**. pp 71-82.

⁵¹Sink, Frances PhD (1988) "A hierarchical model for evaluation of child sexual abuse". *American Journal of Orthopsychiatry*. **58:1**. pp 129-135.

⁵²Browne A. and Finklehor D (1986) "Impact of child sexual abuse: a review of the research". *Psychological Bulletin*. **99:1**. pp 66-77.

⁵³McLeer S, Deblinger E, Atkins M, Foa E, Ralph D (1988) "Post traumatic stress disorder in sexually abused children". *Journal of the American Academy of Child and Adolescent Psychiatry*. **27**. pp 650-654.

Mary de Young says that affective responses should be congruent with the acts being spoken of; the more congruent a child's feelings are with the specific act, the higher the index of suspicion that the act did occur⁵⁴. Heiman says that validating an allegation comes from reviewing all relevant factors, including the communication content of the child who is disclosing. Observations as it regards the child's tone of voice, facial expression, gestures, mannerisms, and any emotional changes, should all be carefully scrutinized to determine whether they correspond with the content of the disclosure⁵⁵.

⁵⁴de Young, Mary (1986) pp 554-55.

⁵⁵Heiman, Marsha (1992), pp 320.

In the Steele case, no emotional affect or changes in demeanor can be noted when Chantal makes her statements about being sexually abused. The disclosures often occur in the context of other normal conversations taking place with the child, and she shows no emotional changes when the subject of the abuse is discussed. Mulish reported at the March 23, 1996 meeting that Chantal does not exhibit any indications that she has been traumatized by the alleged abuse. Jones and McGraw note that a lack of accompanying emotion when describing the abuse is frequently found in fictitious reports⁵⁶.

ADULT LANGUAGE USED - EASE OF OBTAINING DISCLOSURE

As has already been noted, Chantal has no difficulty talking about the alleged abuse incident. CFS Social Worker Marg Mulish reported that she was able to obtain disclosure of the event in the first meeting with the child. Arthur Green, a noted sexual abuse specialist, surveyed more than 100 articles written since 1980 on the subject of sexual abuse investigations. He notes that "in improbable cases, details of sexual activity are spontaneous and more easily obtained during the first interview. The child is outspoken and non-defensive in his or her description without significant changes in mood or affect⁵⁷.

In the Steele case, the child uses the same words to describe the events in all of her disclosures about George Steele, and there is no variation of details. The disclosure as made to the social worker, and subsequently, to the police and others, has consistently repeated the same event in the same language, "George stabbed me in my private parts". The only elaboration she can provide is the use of the knife in the alleged commission of the act. George Awad, a doctor specializing in sexual abuse investigations, says that the words a child uses to describe the abuse should change in subsequent tellings, with an accompanying emotional affect consistent with the abuse incident. He further notes that "when a child speaks the same lines over in a reciting manner, the possibility must be considered that the child has been indoctrinated"⁵⁸.

Jones and McGraw reviewed 576 reports of child sexual abuse made to a Denver department of social services in 1983. They noted that fictitious reports frequently lacked detail. The children involved in a false allegation demonstrated little or no accompanying emotion while describing the abuse. Descriptions of threats were absent from the accounts, and often, the mothers of the

⁵⁶Jones D and McGraw J (1987) "Reliable and fictitious accounts of sexual abuse to children". *Journal of Interpersonal Violence*. **2**. pp 27-45.

⁵⁷Green, Arthur (1986), pp 452-454.

⁵⁸ Awad, George MD and H McDonough (1991) "Therapeutic management of sexual allegations in custody and visitation disputes". *American journal of Psychotherapy*. **15**. pp. 113-123.

children were involved in custody disputes⁵⁹. In improbable cases, the mother will appear unwilling to consider the possibility that the child was not abused, and will also appear indifferent about the impact of the investigative process on the child⁶⁰.

PHP has found that false allegations are most likely to occur when the child has not yet reached school age, and is therefore completely dependant on the custodial parent. In particular, in an acrimonious marital separation the child has already lost one of their parents, and may fear in an excessive way losing the other. A parent who wishes to impose a false allegation during a custody suit then takes advantage of this fear, and may induce an allegation by way of threatening the child that they will lose both parents if they do not do what they are told. In addition, we have noted that a false allegation will often include the phenomenon of a custodial parent who has a history of manipulation and deceit, and often, these cases will include an allegation against the paternal grandparents in order to ensure that the father has no support from this source.

It should be noted that the Steele case involves all of these factors, and yet these have been ignored by the evaluating social worker.

BRAINWASHING

⁵⁹Jones and McGraw (1987) pp 30-33.

Elterman MF and Ehrenberg MF (1987) "Differentiating true and false allegations of child sexual abuse in custody cases". Paper presented to Annual Conference of Family Court Counsellors. Vancouver, Canada.

Professional literature is now accumulating which examines the possibility that children may fabricate or be coached into making false allegations⁶¹. In a brainwashing case, the custodial parent will consciously and deliberately concoct stories of sexual abuse, which are then repeated to the young child to the point where he or she comes to believe the stories are true^{62 63}. Preschoolers appear to be more vulnerable to suggestion. The form of the question and the authority of the questioner may be important factors^{64 65}. A child can be coerced into producing

⁶¹Benedek, Elissa MD and Diane Schetky MD (1987) pp 920-921.

⁶²Benedek, Elissa MD and Diane Schetky MD (1987), pp 918.

⁶³Mikkelsen EJ MD, TG Gutheil MD and M Emens BA (1992) "False sexual abuse allegations by children and adolescents: contextual factors and clinical subtypes". *American Journal of Psychotherapy*. **156:4**. pp 556-570.

⁶⁴Nicholson EB and Josephine Bulkley (1988), "Sexual abuse allegations in custody and visitation cases". American Bar Association. pp 10.

⁶⁵Nurcombe, Barry MD (1986) "The child as witness: competency and credibility". *Journal of the American Academy of Child Psychiatry*. **25:4**. pp 473-480.

a facile disclosure of abuse through their dependency and by potential disapproval and loss of love⁶⁶.

The power of an adult to inveigle or coerce a child into a false allegation must be taken very seriously⁶⁷. Kaplan and Kaplan cited one case report of two children who falsely accused their father and paternal grandparents of sexual assault, and attributed the false allegations to brainwashing and the phenomenon of foli à deux⁶⁸.

⁶⁶Wehrspan et al. (1987b), pp 615.

⁶⁷Raskin, D and J. Yuille (1989) "Problems in evaluating interviews of children in sexual abuse cases". In S. Ceci, DF Ross and MP Toglia (eds) Children Take the Stand: Adult Perceptions of Children's Testimony. New York: Springer-Verlag. pp 184-207.

⁶⁸Kaplan S and Kaplan S (1981) "The child's accusation of sexual abuse during a divorce and custody struggle". *The Hillside Journal of Clinical Psychiatry*. 3. pp 81-95.

In the wake of sexual abuse allegations being used as weapons in divorce and custody battles, enough anecdotal and case study evidence has been accumulated to show how real the problem is⁶⁹.

Children can be manipulated by vengeful or disturbed adults to come to believe stories about themselves being sexually abused when they have not been⁷⁰.

Since the conclusion of the Agency's investigation, the four year old Chantal continues to exclaim regularly and without any emotional affect that "George stabbed my private parts". Significantly, the child says that she was "stabbed" with a large knife, rather than a finger such as CFS abuse specialist Mulish maintains. We suggest that this is indicative of brainwashing, whereby some adult has taught the child to say that she has been "stabbed" in her private parts, but that same adult has neglected to provide the child with the item she was stabbed with. The child connects stabbing with a knife, ergo, her disclosure reflects that she was stabbed with a knife in her private parts. The fact that Marg Mulish did not report the use of a knife in the alleged incident is indicative of how superficial her investigation was, and how eager she was to validate the allegation of abuse.

FAMILY DYNAMICS

An assessor should utilize a defined methodology and replicable criteria to structure the evaluation, and organize and report their findings⁷¹. Such an assessment needs to examine the existing level of family dysfunction and family dynamics, to understand the background of an allegation⁷². In addition, properly conducted investigations will draw on information from sources outside of the family⁷³. Benedek and Schetky (1988) argue that a separate psychiatric examination of each parent should complement the evaluation, and these provide additional clues about the reliability of the child's testimony, and the family psychodynamics contributing to incest, or to a false allegation⁷⁴.

⁶⁹de Young, Mary (1986), pp 557.

⁷⁰Schuman, D (1987) "Psychodynamics of exaggerated accusations: positive feedback in family systems". *Psychiatric Annals*. 17. pp 242-247.

⁷¹Wehrspann, W MD, H Klajner-Diamond MSW, Paul Steinhauer (1987b) "Assessing the credibility of young children's allegations of sexual abuse: clinical issues". *Canadian Journal of Psychiatry*. 32. pp 610 - 614.

⁷²Cole, Wendy MD (1990) "False allegations of sexual abuse in custody and access cases. In Child Abuse Allegations: Custody and Access Litigation. Published by the Continuing Legal Education Society of British Columbia.

⁷³Wehrspann (1987b), et al. pp 615.

⁷⁴Benedek and Schetky (1988). pp 111.

Thoroughness of investigation is a sacred duty that must not be taken lightly, given the consequences of an erroneous determination of abuse or false abuse⁷⁵. Kathleen Faller encourages evaluators to "systematically collect and weigh data from a range of sources, and then attempt to integrate this information to formulate a conclusion"⁷⁶.

In the Steele investigation, the accusing mother was the principal source of information for the CFS. The Agency gave its full support to Carol Steele during the conduct of their investigation, and excluded the father until they had reached their conclusions. In the end, CFS not only validated the sexual abuse allegation against the child's paternal grandfather, they also demanded that the father validate the allegations and "believe Chantal", in spite of their lack of evidence. Significantly, the CFS also demanded that Doug Steele validate the charge of domestic violence as also produced by his estranged wife, and they went on to blame the children's growing disturbance during the course of the investigation as arising from the alleged abuse.

⁷⁵Emans, Robert L. (1988) "Psychology's responsibility in false accusations of child abuse. *Journal of Clinical Psychology*. **44:6**. pp 1000-1004.

⁷⁶Faller, Kathleen (1988) Child Sexual Abuse. Columbia University Press: New York. pp 141.

A young child who is being forced to lie experiences the pressure as stress just as surely as does a child who is being coerced into secrecy by a sexual abuser⁷⁷. In the first meeting between the father and CFS social worker Marg Mulish, Mulish indicated that Chantal did not seem traumatized by the sexual abuse, and that Chantal was anxious to see her father. In the child's first visit with her father, Mulish noted how happy Chantal was to see her Dad. This is in marked contrast with what subsequently followed.

In the next meeting with the Agency taking place April 12, 1996⁷⁸, Mulish advised Doug Steele that Chantal did not wish to see her father, and was also refusing to speak to the social worker.

Approximately four days after this meeting, the four year old Chantal made a sexual allegation against her father. As the investigation progressed, it seemed apparent that the child was being influenced by someone to feel alienated towards her father, and this lent itself to suspicions about influences which were creating the abuse disclosures. Though PHP had predicted an allegation against the father based on what the social worker was indicating on April 12/96, the Agency blamed the father. The Agency attributed all these signs of disturbance to the father refusing to admit he was violent⁷⁹, as well as to the alleged abuse which by the CFS theory occurred at least six months prior to the investigation, and in addition, contradicts Mulish's previous assertion of March 23, 1996 that Chantal exhibited no traumatic effects from the alleged abuse incident.

Doug Steele describes his departure from the marital home much differently than his estranged wife Carol Steele. Since the events of that evening are subject to future judicial review, they will not form a large part of this report. One point however, does have relevance to the CFS investigation and is referred to in their letter to Doug Steele dated May 29, 1996⁸⁰. On the

⁷⁷Salfer JB et al (1979) "The awesome burden upon the child who must keep a family secret". *Child Psychiatry and Human Development*. **10:1**. pp 35-40.

⁷⁸See minutes of April 12/95 meeting between Darcy Woodland and Marg Warner.

⁷⁹See letter from CFS addressed to Doug Steele and dated May 29, 1995, Appendix Item #5.

⁸⁰ See attached Appendix, CFS letter to Doug Steele dated May 29, 1995.

evening that Doug Steele left the home, he states that he hugged his children with tears in his eyes, and told them, "I'll see you guys real soon." He then went to his parent's home in Winnipeg.

Though events are disputed, as has been noted, of interest here is the fact that the children were told that, "Daddy had to leave because he was going to hurt Mommy (March 23/96 CFS meeting)." In a subsequent meeting between CFS and Doug Steele (April 12/96), the remark had evolved into "Daddy had to leave because he was going to kill Mommy."

Doug Steele insists that no such remarks were ever made, and so the Agency must also consider the possibility that Carol Steele made these remarks to the children. If this is the case, it would indicate that Carol has no compunctions about drawing her small children into the dispute with her husband, and indeed, such remarks could very likely cause the children to be frightened of their father. It is worth noting that the father has made absolutely no attempts to contact or communicate with his estranged wife since leaving the marital home, and this behaviour does not fit the profile of a violent, frightening husband.

This report will suggest that these remarks made to the children will not be the only evidence that Carol is using the children in her dispute with her estranged husband. For example, the letter allegedly written by the fourteen year old Sharon and provided to Doug Steele during a supervised visit with Agency personnel present gives further indication of this phenomenon. The letter contains detailed demands to "plead guilty" to the domestic violence charges, and contains other information that clearly show that the child was provided information which could only have come from either Carol or Doug. In spite of the child's effort to put events in a bad light, it is significant that she did not indicate that she had witnessed any violent acts in the home. Tragically, signs of the 14 year old Sharon's disturbance since the commencement of the CFS investigation have been downplayed; the girl attempted suicide approximately two weeks after the letter was given to her stepfather.

Since Doug had no access to the children once the domestic violence allegations were made, the information could only have come from Carol. We suggest that drawing the children into the marital dispute is a clear indication that Carol Steele is placing her own needs before those of her children, and these signs of her manipulative character have been ignored by the CFS personnel who have conducted the investigation of this matter. Indeed, the Agency exceeded their mandate and demanded that Doug admit to the allegations of domestic violence "for the sake of his children."⁸¹

The CFS attributes the growing disturbance of the children to the validity of the allegations made by Carol, when it is just as possible that the children are suffering from the investigation conducted by the Agency, as well as the validation they have provided to the allegations made by Carol Steele. Significantly, the children were described as happy and anxious to see their Dad in

⁸¹ See attached Appendix, CFS letter to Doug Steele dated May 29, 1995.

the March 23/96 meeting. Marg Mulish said that "Chantal does not appear to be traumatized" by the alleged abuse incident. By April 12th, only three weeks later, Marg Mulish described the children as being anxious and fearful, that Chantal did not name her father as a member of the family and that she no longer wished to see him or the social worker. Four days after this meeting, Chantal accused her father of sexual abuse.

FAILURE TO OBTAIN A HISTORY OF THE FAMILY

Many concerns were raised by both the father and the Advocate at the March 12 meeting with social worker Marg Mulish, all of which were ignored by the Agency social worker. Carol's relationship with her father-in-law has always been strained, and there has never been a close relationship between these two parties. This was in part due to what George Steele considered "strange" or "rude" behavior on the part of Carol Steele.

Example: When the Steele family visited the home of George Steele and Mary Steele, Carol and her eldest daughter Sharon would often retire to a secluded room in the house for hours, without coming out to join the rest of the family.

Example: During meals shared together, Carol made no effort to assist with preparation or clean up, and this was disturbing to George Steele.

Example: When Mary Steele asked to babysit the grandchildren, Carol always refused to leave the children with their grandparents, which was upsetting to Mary and thus, upsetting to George Steele.

Carol's strained relationship with the grandparents and the subsequent fact that George Steele had no access to the grandchildren when they were alone, provides significant doubt as to how George Steele would have had the opportunity to have committed a crime against any of these children.

The Agency has not considered the prior relationship between the accusing parent and the accused as a mitigating factor in the allegation. The accusing mother has a significant self interest in destroying the paternal grandparents as a possible support system for her husband in the event that he would be considering seeking custody of his children.

FAILURE TO EXAMINE BOTH PARENTS WHEN AN ALLEGATION IS MADE IN THE CONTEXT OF MARITAL DISPUTE

For the first two months of the CFS investigation, social worker Marg Mulish made no attempt to speak to the father of the allegedly abused child. All information about the family was obtained from the parent supporting the accusation, the mother Carol Steele. An effective investigation

should attempt to obtain a thorough psychodynamic profile of the mother, particularly in child custody cases⁸². Benedek and Schetky point out that in a "before divorce" period, an allegation of sexual abuse may allow one parent to have temporary custody of a child, and prevent the other parent from attempting to obtain sole or joint custody.⁸³

Two months after commencing their investigation, the CFS social worker Marg Mulish met with the father of the Steele children for the first time. In this meeting taking place March 12, 1996⁸⁴, Mulish advised Doug Steele that the Agency had concluded that his four year old child, Chantal, had been sexually abused by George Steele, and they arrived at this conclusion because they had "a disclosure supported by medical evidence". This meeting demonstrated that the father would not be contributing any information about the family which would be taken into consideration in the investigation.

In the March 23/96 meeting between Doug Steele and Marg Mulish, the father attempted to provide information about his estranged wife. In particular, the father expressed concerns about his children being put through a disturbing process of investigation which failed to consider all the factors existing in his family circumstance. The following is some of the information that was provided to CFS about the accusing parent, Carol Steele:

⁸²Awad, George MD (1987) "The assessment of custody and access disputes in cases of sexual abuse allegations". *Canadian Journal of Psychiatry*. 32. pp 539-544.

⁸³ Benedek, Elissa MD and Diane Schetky MD (1987), pp 916.

⁸⁴ see Appendix 4, Minutes of meeting of March 12, 1995.

1. In the year prior to the allegation being made against father-in-law George Steele, Carol's best friend, Wanda Eviltwin, made similar allegations against her father-in-law. Though records of this allegation would be easily accessible to the Agency, they have made no effort to investigate this connection. It seems highly coincidental that these two women, who share a very close friendship, would both have fathers-in-law who were sexually abusing their children. It seems more likely that Carol would have gotten the idea of making an allegation against her father-in-law from her best friend.
2. Immediately following the allegations being made, Carol Steele isolated herself from everyone she knew, including her own parents. She refused to answer the door, and she also had her telephone number changed so that no one could contact her. While it could be expected that a mother of a sexually abused child would welcome the support of her family, in this case, the mother has isolated herself from everyone who knows her. Doug Steele has asked the social worker Marg Mulish to speak to Carol's other family members who know his wife, and her well known propensity for manipulating others. The Agency has declined to speak to anyone who knows Carol.
3. Carol Steele has often said that she herself was a sexually abused child and the victim of incestuous attentions from her father. While married, Doug Steele often heard this and made certain attempts to determine the truth of these remarks. His wife Carol would become evasive, however, when he asked specific questions, and she described her memories as being vague because she had not yet "recovered" them fully. Doug Steele also spoke to Carol's family about the allegations, and her sisters said no such behaviour ever occurred. They viewed such remarks as "typical" of Carol, who seeks attention by what ever means necessary.

In spite of these allegations, she often used her parents for babysitting, and also left the children with her parents for a week in September of 1994, the time period when the abuse against Chantal is alleged to have occurred. Doug Steele found no evidence to believe her assertions of childhood abuse, since she would answer no questions, and he would not want his in-laws to be going through an allegation such as his family is experiencing. It does, however, show how carelessly Carol discusses sexual abuse.

4. In a similar way, Carol has also said that her fourteen year old daughter Sharon was once "abused", but no one is clear about the details of this allegation either. Throughout the four year marriage between Doug and Carol, the matter of Sharon's prior abuse was often brought up in discussions between the couple.
5. In a rambling six page letter written by Carol Steele approximately two weeks after the father was cleared of allegations made against him, Carol insisted as a stipulation to visitation with the father that all family members, including both paternal and maternal aunts, uncles, cousins and grandparents would have no contact with the children. Carol Steele is deciding for her children that they will not have relationships with any external

family members, and these children are too young to speak for themselves. Why would anyone demand such extreme isolation from known family members unless it is to hide something from them, or ensure that the children have only her to turn to? Carol's attorney pointedly indicated that his client was insisting on writing the letter herself. The numerous conditions she attempted to place on the father, without the advice of counsel, are the dark result of what can happen when the Agency unquestioningly empowers a woman at the time of a marital separation.

6. Further indication that the Agency is unconcerned about the actions of Carol Steele can be identified by CFS failure to obtain the credentials of the "Church counsellor" that Carol Steele is bringing Chantal to since the allegations were made. The church is known as The Church of the Living Springs, a non-affiliated organization that has been in media reports in recent years for unorthodox and isolationist practices. When CFS social worker Marg Mulish was advised of this development she indicated that "counselling is up to the parents". CFS had effectively destroyed the father's ability to protect Chantal from potentially damaging "counselling", but at the same time, they ignored their own responsibility for the wellbeing of the child in order to support the child's mother.

In conclusion, it can be said that the Agency has accepted Carol Steele's presentations of herself without investigating her history, or speaking to anyone who knows her.

PATTERN OF INCEST

The Agency has given no consideration to the limited access to the children as a result of the strained relationship between George Steele and Carol Steele. While both incest and pedophilia are patterns of behaviour that require opportunity to commit the crime, and most often develop over time with an increase of abusive events culminating in full sexual contact, the Agency in this case has given credence to the scenario that the grandfather quickly took one opportunity to radically victimize the child.

Wehrspan et al. note that "the more novel, traumatic and singular the episode of abuse, the more details a child can be expected to produce"⁸⁵. Most reasonable people would consider it an understatement to describe the "knife in the private parts" event that Chantal describes in this moderate fashion, but it truly stretches the bounds of credulity to suggest that such an event happened and the child was subsequently silent about it for the next five months.

⁸⁵Wehrspan et al.(1987b), pp 616-617.

Northern CFS abuse specialist Marg Mulish advised Doug Steele that the child can provide few contextual details about the abuse, could not tell Mulish what, if anything, was said during the abuse, or whether there had been any threats made to ensure Chantal's silence⁸⁶.

Evidence of fear or intimidation lends credence to an allegation of sexual abuse. An adult will use a variety of techniques to coerce the child into silence in a true incident of sexual abuse which could include threats of violence against the child or loved ones, threats of abandonment or consequences such as jail, or threats that the family will be broken up. The more details the child can offer about the pressure for secrecy, the higher the index of suspicion that the alleged abuse occurred^{87 88 89}.

⁸⁶Minutes of March 23, 1995 meeting between Mulish and Doug Steele, and video tape of the same date.

⁸⁷de Young, Mary (1986) "A conceptual model for judging the truthfulness of a young child's allegation of sexual abuse". *American Journal of Orthopsychiatry*. **56:4**. pp 554.

⁸⁸Summit, Roland (1983) "The child sexual abuse accommodation syndrome". *Child*

Abuse and Neglect. **7:2.** pp 177-193.

⁸⁹de Young, Mary (1981) "Promises, threats and lies: keeping incest secret. *Journal of Humanics.* **9:1.** pp 61-71.

The Northern CFS alleges that disclosure was delayed in spite of the fact that there is no evidence that any coercion was used to obtain the child's secrecy. It is alleged in the Steele matter that the child was abused some time in September, and did not disclosed until her mother and father separated five months later, when custody arose as a substantial issue between her parents. The professional literature clearly shows that delays in disclosure are most often related to the degree of pressure for secrecy the child is submitted to immediately following the abuse^{90 91 92}.

Since so much intrafamilial abuse and non-familial abuse evolves with a progression of sexual activities over time, a young child's description of such a sequence can "raise the index of suspicion that the incidents really did occur"^{93 94}. Marsha Heiman says that

"children who have experienced abuse often describe the progression of activities, how they were initially engaged into the abuse, and how the abuser maintained the abuse and kept them secretive. Their recounting of events contains sexual details and knowledge which exceed their developmental years"⁹⁵.

In addition to an increased awareness of sexual behaviour and the ability to describe or demonstrate sexual events experienced with an older person, the presence of one or more of the following symptoms were included as part of the diagnostic criteria for sexual abuse: initial reluctance to discuss sexual abuse, history of repeated attempts to engage others in sexual behaviour, age excessive preoccupation with genitals, excessive masturbation, nightmares triggered by the abuse, dissociation, and unexplained avoidance reactions^{96 97}. It is significant that the subject child of this report demonstrates none of these typical signs of sexual abuse.

⁹⁰Hunter, RS et al. (1985) "Sexually abused children: identifying masked presentations in a medical setting. *Child Abuse and Neglect*. **9:1**. pp 17-25.

⁹¹Weinberg SK (1955) Incest Behaviour. New York: Citadel. pp 134.

⁹²Farrell MK et al., (1981) "Prepubertal gonorrhoea: a multidisciplinary approach". *Pediatrics*. **67:1** pp 151-153.

⁹³de Young (1982) The Sexual Victimization of Children. McFarland: Jefferson, N.C. pp 54.

⁹⁴Meiselman, KC (1978) Incest: a Psychological Study of Causes and Effects. Jossey-Bass: San Francisco. pp 132.

⁹⁵Heiman, Marsha (1992), pp 314.

⁹⁶Green, Arthur H. (1993) "Child sexual abuse: immediate and long-term effects and intervention". *Journal of the American Academy of Child and Adolescent Psychiatry*. **32:5**. pp 890-902.

In the Steele case, the CFS alleges that one incident of sexual abuse took place without any history of prior incidents. Since CFS did not speak to any other children known to the accused, it would appear that the Agency is not concerned that any prior acts of sexual abuse were committed by the accused.

Children who are sexually abused are most likely to be part of a specifically dysfunctional family that exhibits the following characteristics, as noted by Mary de Young:

⁹⁷Beitchman, Joseph II, Kenneth Zucker, Jane Hood, Granville DaCosta, Donna Akman (1991) "A review of the short-term effects of child sexual abuse". *Child Abuse and Neglect*. **15**. pp 537-556.

A young child who has little accurate sexual knowledge, has few self protective coping skills, has been sexually abused before, has a stepfather living in the home, or has a weak or conflictual bond with the mother, is more likely to be sexually abused⁹⁸.

Everyone who knows Chantal describes her as a "bright, precocious, assertive and extremely articulate" child, and does not fit the profile of a child who can be sexually abused and terrorized into silence. As noted above, there is no evidence that any coercion was used to obtain Chantal's secrecy about the alleged events, and in any case, her personality is not one that would be easily intimidated. De Young adds that if none of these factors exist, then the abuser may have used significant threats to pressure the child for secrecy. If the elicited details do not support this conclusion, says de Young, and no vulnerabilities are found in the child, "then this step of analysis may be the litmus test for judging the truthfulness of an allegation."⁹⁹

FAILURE TO INTERVIEW ALL PARTIES

All of the clinical protocols written since 1985 specifically encourage evaluators to speak to all relevant parties involved in a particular allegation, and this includes the accused. In the March 23, 1996 meeting with CFS, Marg Mulish indicated that she would eventually be speaking to the accused once the police had completed their investigation, but no such interview has ever taken place. The failure to interview the accused grandparents in this matter is indicative of a predisposing bias held by the evaluator.

The professional literature is especially clear when it comes to sexual allegations arising during a marital breakdown, where secondary gain is distinctly present for the custodial parent. It is noted that an evaluator should be prepared to meet with all parties in order to determine whether someone is overtly or covertly influencing the child, and obtain any other confirming or disconfirming information for the allegation.

An assessment approach to an allegation, instead of the CFS "validation funnel approach", requires an unbiased perspective to the investigation. It is recommended that the evaluator not align themselves with any particular party, and interview every person who is involved in the situation¹⁰⁰. The willingness to see all parties in multiple interviews to access and review all related materials is indicative of the objectivity of the assessor¹⁰¹.

⁹⁸de Young, Mary (1986), pp 557.

⁹⁹de Young, (1986) pp 558.

¹⁰⁰Robin, Michael (1991) "Beyond validation interviews: an assessment approach to evaluating sexual abuse allegations". In Michael Robin (ed) Clinical evaluations of sexual abuse.

Haworth Press: New York. pp 97.

¹⁰¹Cole, Wendy (1990) "False allegations of sexual abuse in custody and access cases. In Child Abuse Allegations: Custody and Access Litigation. published by the Continuing Legal Education Society., pp 7.1.04.

The assessment needs to examine the accused to determine if the man did it and if so, why. Such factors as personal and family history needs to be looked at, particularly if access to other children has been regular¹⁰². Marsha Heiman says "it is crucial to interview other children who may have come into contact with the suspect and appear at risk, particularly if the accused has had unlimited access to children"¹⁰³. In addition, the accused's capacity for impulse control (ie unusual sexual practices, alcoholism, drug addiction, anger management) should also be determined by inquiring about previous aggressive or antisocial behaviour¹⁰⁴. Of special interest will be information regarding such important factors for prognosis and treatment planning as the perpetrator's overall functioning, superego functioning, and the extent of the sexually abusive behaviour¹⁰⁵.

PHP examination of the accused grandfather has found a man who exhibits a calm, rational and competent personality, with no indications of any substance abuse or anger management problems whatsoever. George Steele is of course deeply mortified by the allegations made against him, but he handles this stress with the resolve of getting his family through this crisis. Prior to the allegations, George Steele would be described by community standards as a successful man, where he operates businesses with branch offices in two provinces. PHP was unable to identify any profile elements of the abuser in their investigation of George Steele.

His partner of ten years and the children's grandmother is also a prosperous and independent woman, and has been devoted to her only grandchildren. Since George Steele has never been with the children without her present, she has been tainted by the allegations by the implication that she somehow condoned or did nothing to protect her granddaughter. Though profiles of incestuous families often include a weak, ineffectual mother who is too frightened of the abuser to protect the children, Mary Steele could never be described in this fashion.

Both grandparents express a deep concern for the wellbeing of their grandchildren, more than they are concerned for themselves in this terrifying situation. They have indicated that they are prepared to commit whatever personal and financial resources are required to clear their names and become again an important part of the lives of their three grandchildren.

Experienced evaluators suggest that to be of greatest value, the evaluator should see every member of the family involved in the allegation. If full access is impossible, as it sometimes is, then any reports which draw conclusions about individuals that the evaluator never saw should be dismissed¹⁰⁶. Interviews with the victim, the alleged perpetrator, and the mother are the major

¹⁰²Awad, George MD (1987), pp 541.

¹⁰³Heiman, Marsha L (1992), pp 321.

¹⁰⁴Benedek, Elissa MD and Diane Schetky MD (1987), pp 921.

¹⁰⁵de Young (1985), pp 555.

¹⁰⁶Nicholson EB and Josephine Bulkley (1988), pp 10.

data sources for the evaluation¹⁰⁷. In addition, experienced evaluators suggest that reports based on single interviews with parties should also be viewed with caution. Most evaluators prefer to see parties alone and in various combinations. Failure to at least attempt to interview all parties involved could be fatal to the weight an evaluator's opinion is given¹⁰⁸.

In the Steele case, the evaluator relied solely on information provided by the mother of Chantal, who supported the allegation, and spoke to the father of the child only after she had already reached her conclusions. The evaluator of this case has never made any attempt to speak to the accused grandparents, nor has she spoken to any other family members who are familiar with both the mother and father. The exclusion of so many people who would have information about the personality and the family dynamics of the case is indicative of a predisposing bias towards validating the allegation.

CONCLUSIONS AND RECOMMENDATIONS

It is hoped that this report has shown that the accused in this matter was not provided with a fair and thorough investigation, as should be his right. In addition, we have shown that there is sufficient reason to consider the possibility that the child has been influenced to repeat a rehearsed abuse allegation which has no foundation in reality. The professional literature on sexual abuse

¹⁰⁷Faller, Kathleen and David L. Corwin (1993) "Children's interview statements and behaviors: role in identifying sexually abused children". *Child Abuse and Neglect*. **19:4**. pp 71-82.

¹⁰⁸Bala N and Anweiler J (1986) "Allegations of sexual abuse in a parental custody dispute: smokescreen or fire? Paper presented at the Symposium on Custody Litigation, Law Society of Upper Canada, Continuing Legal Education Program, Toronto, Ontario.

allegations suggests that when accepted criteria is used to conduct investigations, the protection of children who have been abused will be effective, and in addition, the naive acceptance of false or parentally induced allegations will be eliminated. If false allegations are not detected, they will entrap the innocent who are accused, draw professional credibility into question, and above all, ensnare helpless young children who count on us for protection into traps which will change their young lives forever.

Until now, Northern CFS operation has failed to acquire the expertise which will allow its social workers to detect false allegations. Accordingly, Manitoba now has the highest rate of sexual abuse in North America, and many of these validated cases involve innocent men and children whose lives will never be the same again. A sexual abuse allegation knows no barriers so long as our child protection system is only too willing to validate every allegation that comes its way. Indeed, we are all vulnerable to allegations so long as efficient investigative procedures are not carefully adhered to. The consequences of validating a false allegation are too significant to leave matters as they now stand. The cost to society of so many shattered lives will one day erode our commitment to fighting the occurrence of child abuse.

It is ironic that in spite of the many investigative abnormalities here depicted, PHP has noted a significant level of talent and dedication at the Northern CFS office. This bodes well for the future progress this office is able to make in the implementation of fair and effective investigative procedures for the detection of the sexual abuse of children, as well as for the detection of false allegations. We believe that this talent and dedication is corrupted by the validation funnel phenomenon that is rampant throughout the Manitoba Child and Family Service, a phenomenon which makes the social workers of this province feel that they have failed if they do not validate every sexual abuse allegation that comes their way. This attitude has created a virulent breeding ground for false allegations, particularly when allegations arise in the context of marital separation.

Is it not essential to be certain that Chantal should have to live with the memory that she was stabbed with a knife in her private parts when she was four years old, by a man she once called "Grandpa George"?

It is not too late for the Northern CFS to reconsider the process they have undertaken in the Steele case, and to some extent, undo the damage that has already been done to the Steele family. With that objective in mind, PHP makes the following recommendations:

1. THAT the Northern CFS Office withdraw its access restrictions on the paternal grandparents of the Steele children, Mary Steele and George Steele, and assist the custodial mother in accepting a program which will initiate a normalization of relationships for all family members.
2. THAT in the event that the Northern CFS office is not convinced that the Steele matter is a false allegation, that they undertake to obtain a full assessment of the family conducted by a third party practitioner in the Province of Manitoba who can accurately determine whether the child, Chantal, has been sexually abused, or whether the child has been made the victim of a false allegation.

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Addendum: Four months after the completion of the Validation Funnel advocacy report, it became known that a third allegation was made against a third part, with the similar detail of disclosure that the child, Chantal, had been violated with a knife.

In addition, it further became known that the mother of the three Steele Children reported to CFS that her three year old son had also made disclosures of sexual abuse, but this allegation was not pursued by Agency personnel.

In November of 1996, all parties were compelled to participate in a full clinical assessment as a result of intervention from the Minister of Family Services office.

In June of 1997, all accused members of the Steele family were completely exonerated. From the time the allegations were made until the time the allegations were cleared was 18 months.

Today, the family is back to normal. The father of Chantal has real time joint custody of his children who live with him four days a week. The mother no longer interferes with access, and the parents both share custody of the Steele children. The matter has not gone back to court since 1997; this case update note was written March 2000.

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