

# CHILD SEXUAL ABUSE CASE REPORTS: IMPORTANCE, MISUSE, ETHICAL AND LEGAL ISSUES

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## DISCLAIMER:

It is not my place to pass judgment. I am here to tell the facts of the story as I recall them and to allow you to make of them what you will. I share my impressions as a means of providing the perspective of a subject whose identity was uncovered and exploited.

# BACKGROUND INFORMATION

- My parents divorced when I was a young child.
- I made allegations of sexual abuse against my biological mother.
- David Corwin, M.D. was appointed by the court to conduct a custody evaluation.
- During his interviews with me, he video recorded my telling of the alleged abuse.

# BACKGROUND CONTINUED

- When I was 16 years old, my father passed away.
- I had regained some contact with my biological mother, but was living in a foster home.
- Foster mom and biological mom had a falling out, causing biological mom to leave my life again.
- I felt confused and alone, and wanted to understand what had gone on in my early life that I had arrived at a place without my father or my biological mother.

# BACKGROUND CONTINUED

- Before my dad died, Dr. Corwin contacted my father who was in a convalescent home at the time, and who gave Dr. Corwin my phone number.
- Dr. Corwin called me, and after agreeing to allow him to show the videos of me in order to help other kids, I asked to send me the videos of myself at 5 and 6 years old.
- Dr. Corwin suggested that I wait until he could be there to show them to me, and I agreed.

# BACKGROUND CONTINUED

- A year later, an opportunity arose. Dr. Corwin had some trouble reaching me and ultimately called my high school guidance counselor, who gave Dr. Corwin my phone number.
- Dr. Corwin also recorded the session of me at 17 years old.
- There was a lengthy period of consent, then Dr. Corwin started to ask me questions about what I could remember.
- While I initially said that I could not recall anything about any allegations of sexual abuse, I suddenly said “Wait, yes I do...” and started to talk about a memory I was having in that moment.
- This was before I watched the videos of myself as a child.

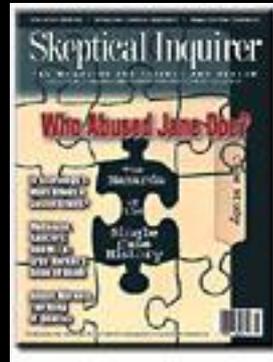
# WHAT HAPPENED NEXT...

- I was 19 years old, and a freshman at the University of San Diego (1997).
- A friend from my hometown called, and said that there was a private investigator looking around for me.
- Case study was the only thing out of the ordinary I had ever been involved in, so...
- I called Dr. Corwin.
- Investigator was working with Dr. Elizabeth Loftus.
- Contact was made; Dr. Loftus was asked to discontinue her efforts to contact me.

# WHAT HAPPENED CONT.

- She didn't stop.
- I contacted the University of Washington Ethical Use of Human Subjects committee.
- Two years pass while they deliberate.
- They ask Dr. Loftus to take an ethics class.
- Dr. Loftus leaves the University of Washington for UC Irvine.

# WHAT HAPPENED CONT.



- Skeptical Inquirer articles.
  - Dr. Loftus had formed a relationship with my biological mother, and used information she gained from that relationship in her articles.
  - Described my father, who had been deceased for several years, in a less than favorable light. My dad was my best friend, and the inspiration for many of my life choices.
  - According to ‘foster mother’ Loftus represented herself as an associate of Dr. Corwin’s and his superior.

# WHAT HAPPENED CONT.

- I filed a civil suit in my hometown.
  - In such a lawsuit, money damages are the goal.
  - My intent was to make the extent of my emotional pain clear, and to make sure that my lawyer (who took the case pro bono) was compensated.
- Court denied Loftus et al's motion for dismissal.
- Loftus et al. appealed.
- Appellate court allowed the case to proceed.
- Loftus et al. appealed.

# WHAT HAPPENED CONT.

- The defense appealed the case to the California Supreme Court.
- I settled with Dr. Loftus (for \$7500) just before decision announced.
- Remaining defendants; only one cause of action stood.
- I was assessed attorney's fees for the causes of action that were overturned.
- \$250,000

# WHY DID I SETTLE?

- I was stationed in Hawaii, many miles from my support system.
- I was concerned for my future husband; wanted to protect him from possible negative side effects of a bankruptcy.
- I was exhausted; I wanted the whole thing to be over.
- The stream of editorials published by Loftus and her supporters seemed never-ending. My lawyer and I simply did not have the resources to match, much less counter the endless propaganda we were up against.

# WHAT HAPPENED CONT.

- Without attempting to contact me, attorneys garnished my military wages.
  - This is looked negatively upon by the Navy; negative fitness reports.
  - Started to fall behind on my payments (for the first time in my life).
  - No other option but to get out of the Navy and file bankruptcy.
  - Lost two houses, car towed in front of my neighbors, creditors, guilt/shame.

# OTHER OUTCOMES

- How many of my professors know about this?
- Do they agree with me? Do they agree with Loftus?
- I had a professor refuse to give me a letter of recommendation as an undergrad.
- Another told me that Loftus had every right to do what she did (comparing my case to that of HM).
- I was not ready to deal with alleged abuse, but was forced to.

# MY IMPRESSIONS...

- Loftus testifying; ‘I can’t tell you her name, but I’ll give you her initials...NT’
- Loftus at press conference; ‘Can you believe that this woman is serving in the United States Navy?’
- I felt discounted as an individual and as a member of the US Navy.
- It was never going to end.

# MY IMPRESSIONS...

- I was silent for over 10 years, out of a desire to fulfill the commitment I made to my country, and out of fear...
  - Loftus seems to have unlimited legal and media resources at her disposal.
  - In interviews over the years, she has painted herself as someone who was attacked by me. I would like to state clearly for the record that this simply is not true.

# WHO AM I?

- Graduated in the top 5% of my high school class.
- United States Navy:
  - Enlisted at age 18.
  - Navy Nuclear Power School.
  - USD (NROTC scholarship – BA in psychology).
  - Navy Helicopter pilot.
- Master of Science in General Psychology.
- Master of Arts in Clinical Psychology.
- Ph.D. in Clinical Psychology.
- Licensed psychologist in both CA and IN.





# DISSENTING OPINIONS

- Professionals within the field of psychology absolutely have the right to publish dissenting opinions.
- Without dissenting opinions, the field fails to be scientific in nature, and would become stagnant.
- There has to be a way to do this without traumatizing individual participants in case studies/case reports.

# WOULD I CHANGE IT?

- No.
- I acted in accordance with my beliefs, and I am proud that I did so.
- Even if I knew then what I know now, I would not change the fact that I participated in the initial case report, or the action that I took as a result of the investigation that ensued.
- It is my firm belief that some good can come of this situation, which is why I decided to break my silence and speak publicly on this issue after so many years.

# APA ETHICAL CONSIDERATIONS

- According to the APA Ethics Code (2002), we as psychologists shall “...take care to do no harm” (APA Ethics Code Principle A: Beneficence and Nonmaleficence, p. 1065).
- Section 4.04 of the APA Ethics Code (2002) discusses minimizing intrusions on privacy, which was clearly not a matter of great concern in this instance.
- Principle E of the APA Ethical Code discusses how psychologists should respect the rights of all people, including their right to privacy and confidentiality.

# MY QUESTIONS

- What are the rights of a participant in a case study/report?
- What does this mean for future participants in case studies/reports?
- What negative ramifications could this have for psychology in the view of outsiders?
- What does this mean for researchers studying controversial topics?
- Is a psychologist always a psychologist?
- What are the duties of a psychologist to guard the privacy of another mental health professional's patients/clients?
- What are the risks in terms of exacerbating the effects of previous trauma?

# FUTURE CASE STUDY PARTICIPANTS

- What does this mean for future participants in case reports, or other types of psychological research?
- If we as a profession cannot ensure the privacy of would-be participants, and we do not provide sufficient opportunity for redress should a violation of privacy actually occur, is it even ethical to ask people to participate in case studies?
- How might we do a better job of ensuring that confidentiality and privacy practices are sufficient to protect our participants?
- A possible first step might be for the APA to take a strong stand in opposition to behavior such as that described here.

# DUTY TO PATIENTS

- What are the duties of a mental health professional to guard the safety of the patients of another mental health professional (Kluemper, 2014)?
- Again, the APA Ethical Code (2002) does not address this issue directly. Principle B: Fidelity and Responsibility, calls psychologists to work with other professionals in an effort to serve the best interests of the client.
- According to this principle, Dr. Loftus should have consulted with Dr. Corwin at the outset of her inquiry, and together they might have been able to determine a course of action that was slightly less harmful in nature.

# SEEKING REDRESS

- As a case report participant, what rights did I have in terms of seeking redress for this situation? Again, because Dr. Loftus was not a member of APA, nor was she licensed in the state of CA, the typical procedures that are outlined in the State of CA Department of Consumer Affairs' *Laws and Regulations Relating to the Practice of Psychology* (California Board of Psychology, 2009) simply do not apply.
- However, was there a more appropriate action that I might have sought? Some would argue that there was, although none have been able to specifically list those options for me. This leads me to believe that there is insufficient guidance from either the APA Ethics Code, or CA law, to inform such a judgment.

# PUBLICATIONS

- For additional information, including the original publication regarding this case and the commentary that appeared in *Child Maltreatment* in 1997, see:

<http://leadershipcouncil.org/1/lg/taus.html>

- The Skeptical Enquirer articles and other articles by Loftus about this matter can be found by searching “Elizabeth Loftus” online