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State of New York
GOVERNOR'S COMMISSION ON DOMESTIC VIOLENCE

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A Report to the Governor on

LEGISLATION TO REFORM STATUS SEX OFFENSE LAWS

NCJRS
SEP 25 1987
ACQUISITIONS

June 6, 1984

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INTRODUCTION

Public attention has focused recently on child sexual abuse and sexual abuse of other vulnerable victims. The Governor's Commission on Domestic Violence has a special interest in this issue because its investigations have revealed that the home is often where this abuse occurs. Parents, siblings, relatives, caretakers and family friends have the unobserved opportunity to abuse children sexually, frequently without leaving physical evidence.¹ The psychological damage that results is, however, serious and long-lasting.²

Because of our concern, we were happy to participate in the three recent public hearings on New York's status sex offense laws.³ Many expert and victim witnesses testified that those laws are presently insufficient to encourage proper identification, intervention and treatment.

Fortunately, the Legislature and the Governor have begun to address the deficiencies. They took the first step by enacting Chapter 89 of the Laws of 1984, signed on April 17. It repeals that portion of Penal Law sec. 130.16 which requires corroboration of status sex offenses based on the age of the victim.

The hearings identified the following additional areas for remedial attention:

- o Enactment of the Child Sexual Abuse Reform Act (S.7200/AB345)
- o Repeal of Penal Law Sections 130.16 and 260.11 in their entirety
- o Treatment programs for victims, offenders and their families
- o Preventive education for children
- o Intervention training for professionals
- o Child protective court procedures
- o Increased penalties for offenders

This report summarizes the evidence presented by witnesses who described the incidence of such sexual abuse, the consequences for victims and families, and strategies, both legal and programmatic, which the state could adopt to more effectively address this problem.

CHILD SEXUAL ABUSE REFORM ACT

One hundred expert and victim witnesses testified in support of the "Child Sexual Abuse Reform Act" (S7200/A8345). They argued that this bill enhances our ability to offer greater protection against sexual exploitation to children, mentally retarded people and those incapacitated by mental illness, drugs or alcohol.⁴ It would bring New York's practice into conformity with that of 48 other states, which in the last fifteen years have strengthened their laws against sexual abuse of children.⁵

This comprehensive measure repeals the extraordinary requirement that a minor or incapacitated victim's testimony be corroborated by independent evidence of all elements: the act; the identity of the defendant; the time, the date, and place of the act (Penal Law sec. 130.16 and 260.11). Neither of the other two corroboration jurisdictions, Nebraska and the District of Columbia, require corroboration of the prosecutor's case in chief, nor of all elements of the crime. Corroboration of sex offenses was not required at common law regardless of the mental condition of the victim. Many states never adopted a corroboration requirement; all but two of those that did repealed them.⁶ At the hearings only two witnesses opposed repeal of the corroboration requirement, asserting that without corroboration defendants would have less protection.⁷

The Child Sexual Abuse Reform Act amends the definition of "incest," Penal Law sec. 255.25, by adding "deviate sexual intercourse" and making it gender neutral (S7200/A8345 sec. 3). It amends the definition of "sexual contact," Penal Law sec. 130.00 (3), by specifying that the act: is for the purpose of "sexually arousing" either party; is comprised of "touching of the actor by the victim, as well as the touching of the victim by the actor,

whether directly or through clothing;" and defining "intimate parts" as the groin, anal area, inner thighs, buttocks and breasts. The description of the victim as "not married to the actor" is deleted (S7200/A8345 sec. 8). The definition of "foreign object," Penal Law sec. 130.00 (9), is amended to include a "finger," and the requirement that the "foreign object," be capable of causing injury is deleted (S7200/A8345 sec. 9).

These amendments were supported by 33 witnesses who testified that they address common modes of sexual abuse of very young children with whom sexual intercourse cannot be accomplished.⁸ A conviction for aggravated sexual abuse was dismissed because the injury was caused by a finger. The Appellate Division Fourth Department held that a finger is not a "foreign object" under Penal Law 130.00 (9).⁹ The victim was 29 months old. Children are initially subjected to mutual touching, then digital penetration and oral sexual activity, which presently are included in the definition of "deviate sexual intercourse" (Penal Law sec. 130.00 (2)). Deviate sexual intercourse, however, is not now included in the definition in incest. Therefore, parents siblings and other close relatives have the opportunity to perpetrate these forms of abuse without fear of penalty.¹⁰

Three witnesses criticized the proposed addition of the requirement that the sexual contact be for the purpose of "sexually arousing" either the victim or actor. They urged that there would be no witness who could testify to the motive of the actor.¹¹ No other witness specifically testified in opposition to this change. These same witnesses were also opposed to the existing

language which defines sexual contact as touching "for the purpose of sexual desire of either party" (Penal Law sec. 130.00 (3)).

The penalty increase and new offense sections are more controversial. Although there is much support for the entire bill, criminal defense lawyers, social workers and mental health professionals testified both in support and opposition to the increased penalties for the newly created degrees of incest and sexually endangering the welfare of a child.¹² These penalties are parallel to those of sex offenses in Penal Law article 130 and are based on the age differences between the victim and offender (S7200/A8345 sec. 3, 4 and 7).

REPEAL OF PENAL LAW SECTIONS 130.16 AND 260.11

Ninety-nine out of the total of 101 witnesses urged repeal of the corroboration requirement without reservation. Two expert witnesses were entirely opposed to repeal of the corroboration requirement.¹³ Eighteen expert witnesses expressly urged repeal of corroboration for the mentally defective and mentally incapacitated victim as well as for the child victim.¹⁴ The bill repealing only corroboration for status sex offenses based on age (S7657/A9016), was printed just three days before the Albany hearing on February 14, 1984. Therefore, it was not mentioned in the hearing notice and none of the New York City witnesses commented on the retention of corroboration requirement for status sex offenses based on the victim's mental incapacity or mental "defect."

Those few Albany witnesses who knew of the proposal to repeal only the requirement for age-based offenses urged that Penal Law sec. 130.16 and 260.11 be repealed in their entirety.¹⁵ They testified that the mentally "defective" (that is retarded) victim or the mentally ill, drugged or drunken victim who is capable of a subsequent narrative account of the victimization should be sufficient witness to the same extent that uncorroborated testimony can form the basis of a conviction for any other crime. (This assumes the victim can satisfy the testimonial capacity test of Criminal Procedure Law sec. 60.20). Flora Colao, C.S.W., who has treated sex crimes victims for eight years and conducts sex crimes training for the New York City Police Department, testified that most mentally retarded people are incapable of the abstract thinking necessary to construct a lie, but they can accurately relate and demonstrate what was done to them. James S. Cameron, Executive Director of

the New York State Federation on Child Abuse and Neglect, also testified that the retarded do not fabricate stories of sexual abuse.

The irony of Penal Law sec. 130.16 as amended by Chapter 89, Law 1984, is that a mentally retarded ten year old child whose sexual abuse is charged as an age offense could testify without corroboration. That same individual at age 21, whose victimization must be charged under the mental defect provision, could not testify without corroboration.

Representatives of the District Attorneys of Albany, Bronx, Erie, Monroe, New York and Onondaga Counties stressed that the testimonial capacity standard of Criminal Procedure Law sec. 60.20 is sufficient protection for sex crimes defendants as it is for defendants charged with other offenses. They pointed out that juries are capable of assessing the truthfulness and accuracy of mentally retarded witnesses in all other types of cases and of evaluating complex white collar crime charges and insanity defenses.

Larry Earl Wraight, Vice President of the New York State Federation on Child Abuse and Neglect, who has ten years of experience in child protective work in sexual abuse cases, pointed out the special vulnerability of mentally "defective" and mentally incapacitated children. He stated, "Several child molesters I know of purposely seek out limited children because of their ability to control them more effectively." He recited the instance of an offender who switched to mentally retarded victims after a "normal" child he had sexually abused reported him. (There was no prosecution for that crime because of insufficient corroboration.) Other expert witnesses also testified to instances of child sexual abusers who targeted the mentally handicapped.¹⁶

Thus, this remaining vestige of prejudice against sex crimes victims (that once included a corroboration requirement for forcible sex offenses against adults as well as children) must be repealed.

TREATMENT NEEDS

Expert and victim witnesses all agreed that treatment programs for victims, their families and offenders are essential. Victim treatment is necessary to prevent future abuse. Without treatment, victims of child sexual abuse have an exceptionally high probability of experiencing problems such as juvenile delinquency, self-mutilation, teenage suicide, running away and adolescent pregnancy. In addition, victims not receiving treatment are more likely to become perpetrators of child abuse and neglect particularly child sexual abuse.¹⁷ A recent study shows that 50 percent of 188 psychiatric inpatients had histories of sexual and physical abuse by family members.¹⁸

Leonard Dunston, Director of the New York State Division for Youth, testified that in DFY's Adirondak facility for juvenile delinquent boys, 19 out of a total of 20 residents had been sexually abused by males in their own families. In the Auburn facility for girls, 16 out of a total of 18 residents had been sexually abused by family members. At least one-third of those DFY aided in its shelters and runaway programs reported sexual abuse in their homes. Teenage sex offenders report that they were victims of sexual abuse in their families. Fiona Burde testified for Family Planning Advocates that there is a high correlation between incest and child sexual abuse and teenage pregnancy based on the records of the 100 member agencies.

There are not enough programs for incest and sexual abuse victims.¹⁹ Insurance coverage is not available for treatment of victims, offenders or other family members who do not manifest symptoms indicative of specified diagnostic codes.²⁰ Medicaid reimbursement which is available only for one contact per family per day, precludes payment for individual, peer group and

family sessions conducted in succession on the same day to save travel time and expense.²¹

Prosecution and the threat of prison are essential to impose control over and responsibility on the offender. Many expert witnesses urged court-ordered treatment as an alternative to imprisonment.²² Community-based treatment for adolescent and adult sex offenders is often successful and costs a fraction of the price of imprisonment without treatment.²³ Treatment in prison, although more costly, can be equally as effective.²⁴ On the other hand, the failure to provide any treatment, with or without incarceration, guarantees continuation of the offensive behavior.²⁵ For those who are not treatable, long prison sentences are urged because of the extraordinarily high recidivism rate and multiple offenses committed by these offenders.²⁶

Funding for victim and offender treatment programs is essential. This may be the most important child welfare and child abuse prevention service the state can provide. Reverend Marie C. Jerge, testifying for the Office of Governmental Ministry of the Lutheran Church in America, stated, "If we educate people to understand sexual abuse and encourage them to report it and prosecute, we find that the existing support services—counseling for all parties—simply are not adequate to deal with the cases....There are several programs that have begun locally (in Chautauqua County) with seed money... maintenance funding has not been forthcoming and the programs have been lost."²⁷ Recent media coverage of child sexual abuse, including fictional portrayals, news stories, and documentaries, has produced a sudden, increased demand for services by victims, former victims and offenders. This demand cannot be satisfied. All witnesses argued that funding for treatment is the most important response in the battle against child sexual abuse.

PREVENTIVE EDUCATION FOR CHILDREN

Many witnesses and scholars specifically urged development of preventive education materials for young children.²⁹ All of the 20 victims and 12 of the expert witnesses stressed the utility of teaching children, in a non-threatening way, about "good and bad touch," whom to tell when someone touches in a way that the child does not like, and how to keep telling until someone responds with help. There are several models being tested in elementary schools which could form the basis of required course content.³⁰ Witnesses stressed that more treatment programs must be available to accept the additional cases that will be disclosed by a program of preventive education.³¹

INTERVENTION TRAINING FOR PROFESSIONALS

Criminal justice professionals, child protective service workers and mental health professionals emphasized the need for special training for intervention and treatment services.³² Experts agreed that interdisciplinary training, intervention and treatment teams are most effective.³³ Of particular importance is judicial education. Child protective service and mental health professionals noted that judges lack information for victim protection and offender sentencing. Judges need to learn about the treatment needs of both the victim and the offender and the requirements of controls for the offenders.³⁴

CHILD PROTECTIVE COURT PROCEDURES

Many experts urged procedural innovation to protect the victim of a child sex offense from the trauma of public trial, confrontation of the defendant, and repetition of the details of the offense.³⁵ Judges, lawyers, prosecutors, law professors and child protective workers proposed making use of video taped depositions, redesigning court procedures to be more appropriate for children and barring public disclosure of the victim's name.³⁶ One legal scholar has suggested that legal proceedings involving child sexual abuse are analogous to situations where a closed courtroom is required because the defendant is a juvenile, or permitted because there is an adult defendant, witness or informant whose welfare requires confidentiality.³⁷

These issues require scrutiny by the Executive and the Legislature. Nearly all witnesses agreed that it is essential that the state intervene to stop child sexual abuse because of the serious psychological and physical harm done to the child. They stressed, however, that this intervention must not further injure the child. Statutes and case law in other jurisdictions, as well as technology, are well enough developed to allow adoption of procedures which protect the rights of both the defendant and the child sex crime victim.³⁸

INCREASED PENALTIES

Fourteen witnesses expressly supported the increased penalty schemes of S7200/A8345.³⁹ Approximately two witnesses specifically opposed this aspect of the legislation.⁴⁰ Most witnesses did not comment on this issue.

Those who supported a tougher penalty structure for incest and sexually endangering the welfare of a child stressed that the child sexual abuser requires strong controls. Limits must be placed on his activities, and social condemnation must be made clear. Actual prosecution and the threat of heavy penalties are essential to successful treatment for offenders who can be helped. In those cases in which the offender is not treatable, long prison sentences are necessary to protect the children who would be his future victims.⁴¹

Examination of the existing provisions of Penal Law articles 130, 255 and 260 is necessary to ascertain if they contain sufficient choices to permit plea bargaining for appropriate sentencing including community-based treatment and long prison terms.

NOTES

1. Finkelhor, David, "Removing the Child - Prosecuting the Offender in Cases of Sexual Abuse: Evidence From the National Reporting System for Child Abuse and Neglect," Child Abuse and Neglect, vol. 7, pp. 195-205 (1983); Landis, Judson T., "Experiences of 500 Children with Adult Sexual Deviation", Psychiatric Q. Supp., pp., 91-109 (1956); SDSS testified that there were 4331 family sexual abuse cases reported in 1983, an 85% increase over 1979 reported cases.
2. Sgroi, Suzanne M., Sexual Abuse of Children, Community Council of Greater New York, pp. 5-8 (1979).
3. A copy of the hearing notice, the bills distributed with it and the lists of witnesses are attached.
4. Witnesses who expressly endorsed S7200/A8345 in its entirety were:
 - Robert Abrams, Esquire, New York State Attorney General
 - Cesar A. Perales, Commissioner, NYS Department of Social Services
 - Larry Earl Wraight, Vice President New York State Federation Child Abuse and Neglect
 - Robert Clark, Esquire, Domestic Violence and Child Abuse Bureau Chief, Monroe County District Attorney's Office
 - Karen S. Mayer, Esquire
 - Marie C. Jerge, Reverend, Dean of Lutheran Congregations Chautauqua and Cattaraugus Counties, for Office of Governmental Ministry, Lutheran Church in America.
5. Karen S. Mayer, Esquire, Albany testimony; David W. Lloyd, Esquire, Albany testimony and "The Corroboration of Sexual Victimization of Children", in Child Sexual Abuse and the Law, pp. 106-7 (American Bar Association 1983); Professor Irving Praeger, Esquire, New York City testimony.
6. Id.
7. The Legal Aid Society of New York City, by Archibald Murray, Esquire; Oren Root, Esquire, who described himself as a former Legal Aid criminal defense lawyer.
8. List of witnesses who supported "deviate sexual intercourse", sexual contact and foreign object changes:
 - Elizabeth Holtzman, Esquire, District Attorney, Kings County
 - Nancy Berko, Esquire, Supervising Attorney, Crime Victims Assistance Unit, Bronx
 - Kathryn Conroy, Deputy Coordinator of Youth Services, Criminal Justice Coordinator's Office
 - Marcella Maxwell, Chairperson, NYC Commission on the Status of Women
 - Shelley Mitchell, Esquire, Chairperson, State Legislation Committee, Brooklyn Bar Association
 - Gail Kong, Deputy Administrator, NYC Human Resources Administration
 - Judith Becker, M.D., NYS Psychiatric Institute, Sexual Behavior Clinic

Brenda Hart, Co-Chair, Bronx Child Abuse and Neglect Task Force
 Howard Schwartz, M.D., Bronx Medical Society
 Cesar A. Perales, Commissioner, NYS Department of Social Services
 Johanna Ferman, M.D., Deputy Commissioner, Office of Mental Hygiene, on
 behalf of Commissioner Stephen Katz
 Rema Goldstein, District Director, Capitol District Parent Teacher
 Association
 Karen Mayer, Esquire, Attorney and parent of victim
 Judith Condo, Executive Director, Albany Rape Crisis Center
 Jo-Ann Beasley, Albany Rape Crisis Center, Child Sexual Abuse
 Prevention, Counselor
 Diane Erne, Director, Alliance
 David Wall, Sargeant, Abused Persons Unit, Onondaga County Sheriff's
 Department
 Eugene Aronowitz, Commissioner of Community Mental Health, Westchester
 County, New York
 Committee on the Prevention of Child Sexual Abuse, Westchester County,
 New York
 Mental Health Association of Westchester County, Inc.
 The Junior League of Albany, Inc.
 Sue Ellen Dodell, Chair, Legislative Committee, NYC Advisory Task Force
 on Rape
 Cindy Smith, Director, Rensselaer County Rape Crisis Program
 Maud Easter, Lobbyist, National Organization for Women on behalf of
 Carol Kope
 Jewish Board of Family and Children's Services
 Sandy Oliva, Director, Coalition for Abused Women, Inc., Nassau County
 George Marshall Worthington, International Health and Development
 Consultant
 Robert Clark, Esquire, Monroe County Special Assistant District
 Attorney, Bureau Chief, Domestic Violence Bureau
 Larry Earl Wraight, Vice-President, NYS Federation on Child Abuse and
 Neglect, Onondaga County Child Protective Services
 Andrew V. Coughlin, Jr., C.S.W., Orchard Park Central School District
 Marie C. Jerge, Reverend, Office of Governmental Ministry, Lutheran
 Church
 Honorable Daniel D. Leddy, Jr., New York City Family Court Judge
 Joseph D'Elia, Nassau County Social Services Commissioner

9. Diane Erne, Director, Alliance; Flora Colao, C.S.W., Albany testimony; Larry Earl Wraight, Vice President, NYS Federation on Child Abuse and Neglect, Onondaga County Child Protective Services, Buffalo testimony; Regarding "finger" as a foreign object, Peo. v. James Peet, Appellate Division, 4th Department, April 1984, slip opinion.
10. Sgroi, Susan M., Sexual Abuse of Children, Community Council of Greater New York, pp. 5-7, (1979); Diane Erne, Executive Director of Alliance, Coordinated Services for Families at Risk, Syracuse, testimony, Albany; Larry Earl Wraight, Vice-President, NYS Federation on Child Abuse and Neglect, Onondaga County Child Protective Services, Buffalo testimony.
11. Larry Earl Wraight, Vice-President, NYS Federation on Child Abuse and Neglect, Onondaga County Child Protective Services, Buffalo testimony; Betsy Glaser Hurley, Esquire, Second Assistant District Attorney, Niagara

County, Buffalo testimony; David Wall, Sargeant, Abused Persons Unit, Onondaga County Sheriff's Department, submitted testimony, Albany Transcript.

12. Increased Penalties:

a) Witnesses in support of increased penalties:

Elizabeth Holtzman, Esquire, District Attorney, Kings County
Nancy Berko, Esquire, Supervising Attorney, Crime Victims Assistance Unit, Bronx
Kathryn Conroy, Deputy Coordinator of Youth Services, Criminal Justice Coordinator's Office
Marcella Maxwell, Chairperson, NYC Commission on the Status of Women
Shelley Mitchell, Esquire, Chairperson, State Legislative Committee, Brooklyn Bar Association
Gail Kong, Deputy Administrator, NYC Human Resources Administration
Judith Becker, M.D., NYS Psychiatric Institute, Sexual Behavior Clinic
Brenda Hart, Co-Chair, Bronx Child Abuse and Neglect Task Force
Howard Schwartz, M.D., Bronx Medical Society
Katherine Grim, M.D., Director, Ambulatory Pediatrics, Mt. Sinai Medical Center
Robert Abrams, Esquire, Attorney General of New York State
Cesar A. Perales, Commissioner, NYS Department of Social Services
Karen Mayer, Esquire, Attorney and parent of victim
Judith Condo, Executive Director, Albany Rape Crisis,
Jo-Ann Beasley, Albany, Rape Crisis Center, Child Sexual Abuse Prevention, Counselor
Diane Erne, Director, Alliance
David Wall, Sargeant, Abused Persons Unit, Onondaga County Sheriff's Department
Eugene Aronowitz, Commissioner of Community Mental Health, Westchester County, New York
Committee on the Prevention of Child Sexual Abuse, Westchester County, New York
Mental Health Association of Westchester County, Inc.
The Junior League of Albany, Inc.
Sue Ellen Dodell, Chairperson, Legislative Committee, NYC Advisory Task Force on Rape
Cindy Smith, Director, Rensselaer County Rape Crisis Program
Maud Easter, Lobbyist, National Organization for Women on behalf of Carol Kope
John Ehrlich, Esquire, Chief of the Family Crime Bureau of Suffolk County District Attorney's Office
Jewish Board of Family and Children's Services
Sandy Oliva, Director, Coalition for Abused Women Inc., Nassau County
George Marshall Worthington, International Health and Development Consultant
Robert Clark, Esquire, Monroe County Special Assistant District Attorney, Bureau Chief, Domestic Violence Bureau
Larry Earl Wraight, Vice-President, NYS Federation on Child Abuse and Neglect, Onondaga County Child Protective Services
James August, Erie County Task Force on Sexually Abusing Families
Andrew V. Coughlin, Jr., C.S.W., Orchard Park Central School District
Honorable Daniel D. Leddy, Jr., New York City Family Court Judge

b) Witnesses against increased penalties:

Archibald Murray, Esquire, Attorney-in-Chief, The Legal Aid Society
James Baxter, C.S.W., A.C.S.W, Children's Services Coordinator,
Dutchess County Department of Mental Hygiene

13. See note 7.

14. List of witnesses who expressly testified for repeal of corroboration when victim is mentally defective or incapacitated:

Paul Der Ohannesian, II, Esquire, Assistant District Attorney, Sexual Offense Unit, Albany District Attorney's Office

Allan Traegar, Commissioner, Westchester County Department of Mental Health

Karen Mayar, Esquire, parent of victim

Flora Colao, C.S.W., Co-Author, Your Children Should Know; Co-Director, Children's Creative Safety and Fitness Exchange

James S. Cameron, Executive Director, NYS Federation on Child Abuse and Neglect

Patricia Foscatto Shaw, C.S.W., Coordinator, St. Anne Institute, Sex Abuse Prevention Project

Judith Condo, Executive Director, Albany Rape Crisis Center

Norman Katz, Director for Public Social Policy, Federation of Protestant Welfare Agencies

George Marshall Worthington, International Health and Developmental Consultant

Len Lenihan, Erie County Legislator

Shepard Goldberg, Ph.D., Executive Director, Child and Adolescent Psychiatric Center

John Mikhalek, Esquire, Assistant District Attorney for Richard Arcara, Erie County District Attorney

Phyllis Schiff, Family Advocates Services of Rochester

Jen Henry, Child and Adolescent Psychiatric Center

Larry Earl Wraight, Vice-President, NYS Federation on Child Abuse and Neglect, Onondaga County Child Protective Services

Robert Young, President Genesee County Interagency Council

Dennis Whitman, Genesee County Sheriff's Department

Howard Relin, Esquire, Monroe County District Attorney

15. Karen S. Mayer, Esquire, Parent of victim, Albany testimony. She found no different standard for the retarded or mentally incapacitated witness other than an easing of restrictions to facilitate their testimony and assure their protection. She pointed out that the federal rules, adopted by 15 states, no longer use any test of testimonial capacity, but let the jury weigh every witness and decide who is credible.

16. Phyllis Schiff, Family Services of Rochester, Buffalo testimony; Jen Henry, Child and Adolescent Psychiatric Clinic, Inc., Buffalo testimony; Andrea Berger, Director, Children and Family Services, Albany County Department of Social Services, Albany testimony.

17. Larry Earl Wraight, Vice-President, NYS Federation on Child Abuse and Neglect, Onondaga County Child Protective Services, Buffalo testimony; Richard M. Hamill, Coordinator, Juvenile Sex Offense Project, St. Anne

Institute, Albany testimony; Leonard Dunston, Director, NYS Division for Youth, Albany testimony; Johanna Ferman, Deputy Commissioner, NYS Office of Mental Health, for Commissioner Steven Katz, Albany testimony; Flora Colao, C.S.W., Albany testimony; Shepard Goldberg, Ph.D., Executive Director, Child and Adolescent Psychiatric Center, Buffalo Testimony; Sgroi, Suzanne M., Handbook of Clinical Intervention in Child Sexual Abuse, Lexington Books, Massachusetts, chapters 4-10 (1981).

18. Carmen, Reker and Mills, "Victims of Violence and Psychiatric Illness," Am. J. Psychiatry, pp. 141, 378-83 (March 1984).
19. At least 25 expert witnesses specifically critized the dearth of treatment programs. Among the strongest critics were: James S. Cameron, Executive Director, NYS Federation on Child Abuse and Neglect, Albany Testimony; Shepard Goldberg, Ph.D., Executive Director, Child and Adolescent Psychiatric Center, Buffalo Testimony; Marie C. Jerge, Reverend, Office of Gov. Ministries, Lutheran Church, Buffalo Testimony; Charles Syms, Child Protective Services Worker, on behalf of Erie County Department of Social Services, Albany Testimony; Allan Traeger, Commissioner, Westchester County Department of Mental Health, Albany Testimony.
20. Carol Francis, R.N., New York State Nurses Association, Albany Testimony.
21. Shepard Goldberg, Ph.D., Executive Director, Child and Adolescent Psychiatric Center, Buffalo Testimony.
22. Groth, Nicholas A., Men Who Rape, Plenum Press, New York, p.10, 1979; List of witnesses urging court-ordered treatment:

Leonard Dunston, Director, NYS Division for Youth
Joanna Ferman, M.D., Deputy Commissioner, NYS Office of Mental Health
on behalf of Commissioner Stephen Katz
Allan Traegar, Commissioner, Westchester County Department of Mental
Health
Paul Der Ohannesian, II, Esquire, Assistant District Attorney, Sexual
Offense Unit, Albany District Attorney's Office
Richard Hamill, Coordinator, Juvenile Sex Offense Project, St. Anne
Institute
Van Zwisohn, Esquire, Executive Director, NYS Coalition for Criminal
Justice
James Cameron, Executive Director, NYS Federation on Child Abuse and
Neglect
Patricia Foscatto Shaw, C.S.W., Coordinator, St. Anne Institute, Sex
Abuse Prevention Project
Judith Becker, M.D., NYS Psychiatric Institute, Sexual Behavior Clinic
Jo-Ann Beasley, Albany Rape Crisis Center, Child Sexual Abuse Prevention
Counselor
Carol Francis, R.N., NYS Nurses Association
Janet Sherman, Step 6 Project for Abused Children of Schenectady
James Baxter, C.S.W., A.C.S.W., Children's Services Coordinator, Dutchess
County Department of Mental Hygiene
Andrea Burger, C.S.W., Director, Children and Family Services, Albany
County Department of Social Services
Kevin Karpowicz, M.D., Pediatrician
Eugene Aronowitz, Commissioner of Community Mental Health, Westchester

County, New York

The Junior League of Albany, Inc.

Larry Earl Wraight, Vice-President, NYS Federation on Child Abuse and Neglect, Onondaga County Child Protective Services

Cindy Smith, Director, Rensselaer County Rape Crisis Program

Executive Committee of New York City Advisory Council on Alcoholism

Jewish Board of Family and Children's Services

Philip C. Brockmyre, Coordinator of Child Protective Services, County of Monroe, Department of Social Services

Marie C. Jerge, Reverend, Office of Gov. Ministry, Lutheran Church

Sandra C. Becker, M.S., Niagara Falls Community Mental Health Center

Honorable Norman Joslin, Buffalo Supreme Court

Shepard Goldberg, Ph.D., Executive Director, Child and Adolescent Psychiatric Center

Jen Henry, Child and Adolescent Psychiatric Center

Phyllis Schiff, Family Advocates Services of Rochester

Henry Gugino, Reverend, Catholic Charities of Buffalo

Maureen Dressler, Erie County Child and Family Services

Ann Birnbach, Schuyler County Mental Health

Andrew Coughlin, Jr., C.S.W., Orchard Park Central School District

Michael Merrick, Executive Director, Buffalo Area Council of Alcoholism

The Queensboro Society for the Prevention of Cruelty to Children

Joseph D'Elia, Nassau County Social Services Commissioner

23. Judith Becker, M.D., NYS Psychiatric Institute, Sexual Behavior Clinic, New York City and Albany Testimony; Richard Hamill, Coordinator, Juvenile Sex Offense Project, St. Anne Institute, Albany Testimony; Van Zwishon, Esquire, Executive Director, NYS Coalition for Criminal Justice, Albany Testimony; Giarretto, Henry, "Humanistic Treatment of Father-Daughter Incest", in US Department of Health and Human Services, Sexual Abuse of Children p. 45 (1980); Sgroi, Suzanne M., Sexual Abuse of Children, Community Council of Greater New York, pp. 11-19 (1979).
24. Paul Der Ohannesian, II, Esquire, Assistant District Attorney, Sexual Offense Unit, Albany District Attorney's Office, Albany Testimony.
25. Judith Becker, M.D., NYS Psychiatric Institute, Sexual Behavior Clinic, New York City and Albany Testimony; Larry Earl Wraight, Vice-President, NYS Federation on Child Abuse and Neglect, Onondaga County Child Protective Services, Buffalo Testimony; Groth, Nicholas A., Men Who Rape, Plenum Press, New York, pp. 219-221, 1979.
26. Judith Becker, M.D., NYS Psychiatric Institute, Sexual Behavior Clinic, New York City and Albany Testimony; Larry Earl Wraight, Vice-President, NYS Federation on Child Abuse and Neglect, Onondaga County Child Protective Services, Buffalo testimony; Groth, Nicholas A., Men Who Rape Plenum Press, New York, p. 10.
27. Marie C. Jerge, Reverend, Office of Gov. Ministry, Buffalo Testimony.
28. Phyllis Shiff, Family Advocates Services of Rochester, Buffalo Testimony.

29. List of witnesses who support the development of preventive education materials for children:

Elizabeth Holtzman, Esquire, District Attorney, Kings County
Kathryn Conroy, Deputy Coordinator of Youth Services, Criminal Justice
Coordinator's Office
Shelley Mitchell, Esquire, Chairperson, State Legislative Committee,
Brooklyn Bar Association
Brenda Hart, Co-Chair, Bronx Child Abuse and Neglect Task Force
Phyllis Wallace, LIVE (Let Incest Victims Emerge)
Eileen Wolfe
Cesar A. Perales, Commissioner, NYS Department of Social Services
Fiona Burde, Family Planning Advocates of New York State
Van Zwisohn, Esquire, Executive Director, New York State Coalition for
Criminal Justice
Ellen Kelly-Lind, Schenectady Girls Club
Flora Colao, C.S.W., Co-Author, Your Children Should Know; Co-Director,
Children's Creative Safety and Fitness Exchange
James Cameron, Executive Director, NYS Federation on Child Abuse and
Neglect
Patricia Foscatto Shaw, C.S.W., Coordinator, St. Anne Institute, Sex
Abuse Prevention Project
Jo-Ann Beasley, Albany Rape Crisis Center, Child Sexual Abuse
Prevention Counselor
Carol Fancis, R.N., NYS Nurses Association
Janet Sherman, Step 6 Project for Abused Children of Schenectady
James Baxter, C.S.W., A.C.S.W., Children's Services Coordinator,
Dutchess County Department of Mental Hygiene
Diane Erne, Director, Alliance
Kevin Karpowicz, M.D., Pediatrician
David Wall, Sargeant, Abused Persons Unit, Onondaga County Sheriff's
Department
Eugene Aronowitz, Commissioner of Community Mental Health, Westchester
County, New York
The Junior League of Albany, Inc.
Cindy Smith, Director, Rensselaer County Rape Crisis Program
John Ehrlich, Esquire, Chief of Family Crime Bureau of Suffolk County
District Attorney's Office
Jewish Board of Family and Children's Services
Norman Katz, Director for Public Social Policy, Federation of
Protestant Welfare Agencies
Sandra C. Becker, M.S., Niagara Falls Community Mental Health Center
George Marshall Worthington, International Health and Development
Consultant
Len Lenihan, Erie County Legislator
Jen Henry, Child and Adolescent Psychiatric Center
Robert Clark, Esquire, Monroe County Special Assistant District
Attorney, Bureau Chief, Domestic Violence Bureau
Kristina Young, Executive Director, Buffalo Planned Parenthood
Andrew Coughlin, Jr., C.S.W., Orchard Park Central School District
Lee Lyons, Executive Director, YWCA, Buffalo and Erie County
Bonnie Chollet, United Cerebral Palsy, and Handicapped Children's
Association of Chemung County, Inc.
Ruby Green, Erie County Department of Health
Honorable Daniel D. Leddy, Jr., New York City Family Court Judge

Sharon Blatchley, Director of Services, Cortland County Department of Social Services

30. Girls Club of Schenectady; Step-6 Project, Albany Testimony.
31. Phyllis Shiff, Family Advocates Services of Rochester, Albany testimony; Charles Syms, Child Protective Services Worker, on behalf of Erie County Department of Social Services, Buffalo testimony.
32. List of witnesses who support professional training:

Elizabeth Holtzman, Esquire, District Attorney, Kings County
Eileen Treacy, Chairperson, NYC Task Force on Rape
Gail Kong, Deputy Administrator, NYC Human Resources Administration
Howard Schwartz, M.D., Bronx Medical Society
Katherine Grim, M.D., Director, Ambulatory Pediatrics, Mt. Sinai Medical Center
Robert Abrams, Esquire, Attorney General of New York State
Leonard Dunston, Director, NYS Division for Youth
Cesar A. Perales, Commissioner, NYS Department of Social Services
Jacqueline Parker, Esquire, Professor, Albany Law School
Richard M. Hamill, Coordinator, Juvenile Sex Offense Project, St. Anne Institute
Van Zwisohn, Esquire, Executive Director, NYS Coalition for Criminal Justice
Rema Goldstein, District Director, Capital District PTA
Flora Colao, C.S.W., Co-Author, Your Child Should Know; Co-Director, Children's Creative Safety and Fitness Exchange
Patricia Foscatto Shaw, C.S.W., Coordinator, Sex Abuse Prevention Project, St. Anne Institute,
Judith Becker, M.D., NYS Psychiatric Institute, Sexual Behavior Clinic
Carol Francis, R.N., NYS Nurses Association
Anne Paille, Director, AEGIS Battered Women's Project
James Baxter, C.S.W., A.C.S.W., Children's Services Coordinator, Dutchess County Department of Mental Hygiene
Diane Erne, Director, Alliance
Andrea Burger, C.S.W., Director, Children and Family Services
Kevin Karpowicz, M.D., Pediatrician
Irene Jackson, Author of A Preliminary Survey of Adolescent Sex Offenses in New York: Remedies and Recommendations, on behalf of NYS Council of Churches
Eugene Aronowitz, Commissioner of Community Mental Health, Westchester County, New York
The Junior League of Albany, Inc.
Susan A. Murtha, A.C.S.W., Saratoga County Mental Health Center
Cindy Smith, Director, Rensselaer County Rape Crisis Program
Executive Committee of NYC Advisory Council on Alcoholism
Sandra Becker, M.S., Niagara Falls Community Mental Health Center
Len Lenihan, Erie County Legislator
Reverend Henry Gugino, Catholic Charities of Buffalo
James August, Erie County Task Force on Sexually Abusing Families
Bonnie Chollet, Director, United Cerebral Palsy and Handicapped Children's Association of Chemung County, Inc.
Helen Rodriguez-Trias, M.D., Associate Director of Pediatrics, St. Lukes-Roosevelt Hospital Center

Steven Schwartz, New York State Coalition for the Children of Alcoholic Families, Inc.

33. Sgroi, Suzanne M., Sexual Abuse of Children, Community Council of Greater New York, pp. 13-14 (1979); Sgroi, Suzanne M. Handbook of Clinical Intervention in Child Sexual Abuse, Lexington Books, Massachusetts, chapter 12, (1979).
34. Charles Syms, Child Protective Services Worker on behalf of Erie County Department of Social Services, Buffalo Testimony; Larry Earl Wraight, Vice-President, NYS Federation on Child Abuse and Neglect, Onondaga County Child Protective Services, Buffalo Testimony; The State Department of Social Services conducts interdisciplinary training and has offered to train judges.
35. List of witnesses who support innovations in child protective court procedures:
 - Elizabeth Holtzman, Esquire, District Attorney, Kings County
 - Shelley Mitchell, Chairperson, State Legislative Committee, Brooklyn Bar Association
 - Howard Schwartz, M.D., Bronx Medical Society
 - Ann Bindman, M.D., Executive Director, Brooklyn Society for Prevention to Cruelty to Children
 - Robert Shack, New York County Lawyer's Association
 - Katherine Grim, M.D., Director, Ambulatory Pediatrics, Mt. Sinai Medical Center
 - Robert Abrams, Esquire, Attorney General of New York State
 - Cesar A. Perales, Commissioner, NYS Department of Social Services
 - Jacqueline Parker, Esquire, Professor, Albany Law School
 - David W. Lloyd, Esquire, Counsel, Division of Child Protection, Children's Hospital National Medical Center
 - Karen Mayer, Esquire, Attorney and parent of victim
 - Anne Paulle, Director, AEGIS Battered Women's Project
 - Kevin Karpowicz, M.D., Pediatrician
 - The Junior League of Albany, Inc.
 - Honorable Norman Joslin, Buffalo Supreme Court
 - Robert Young, President, Genesee County Sheriff's Department
 - Larry Wraight, Vice President, NYS Federation On Child Abuse and Neglect, Onondaga County Child Protective Services
 - Ann Brinbach, Schuyler County Mental Health
 - Betsy Glaser Hurley, 2nd Assistant District Attorney, Niagara County
 - Reverend Marie C. Jerge, Office of Gov. Ministry
 - Bonnie Chollet, Director, United Cerebral Palsy and Handicapped Children's Association of Chemung County, Inc.
 - Honorable Glenn R. Morton, Genesee County Court Judge
 - The Queensboro Society for the Prevention of Cruelty to Children
 - Honorable Daniel D. Leddy, Jr., New York City Family Court Judge
36. Parker, J. Y., "The Child Witness Versus the Press: A Proposed Legislative Response to Globe vs. Superior Court," 47 Albany L. Rev. pp. 408, 431-55 (1983).
37. Loc cit. pp. 449-62.

38. Loc cit., Cassim; Jacqueline Parker, Esquire, Albany Testimony; American Bar Association, National Legal Resource Center for Child Advocacy and Protection, Child Sexual Abuse and the Law, chapters 8,9,10,11 (1983).

39. List of fourteen witnesses who expressly supported the increased penalty schemes of S7200/A8345:

Robert Abrams, Esquire, Attorney General of New York State
John G. Ehrlich, Esquire, Chief of Family Crime Bureau of Suffolk
County District Attorney's Office
Phyllis Schiff, Family Advocates Services of Rochester
Robert Young, President, Genesee County Interagency Council
Dennis Whitman, Genesee County Sheriff's Department
Robert Clark, Esquire, Monroe County Special Assistant District
Attorney, Bureau Chief, Domestic Violence Bureau
Maureen Dressler, Erie County Child and Family Services
Larry Wraight, Vice President, NYS Federation on Child Abuse and
Neglect, Onondaga County Child Protective Services
Andrew Coughlin, Jr., C.S.W., Orchard Park Central School District
Reverend Henry Gugino, Catholic Charities of Buffalo
James F. August, Erie County Task Force on Sexually Abusing Families
Lee Lyons, Executive Director, YMCA Buffalo and Erie County
Kahterine Grimm, M.D., Director Ambulatory Pediatrics, Mt. Sinai
Medical Center
Honorable Daniel D. Ledy, Jr., New York City Family Court Judge

40. Two witnesses who opposed the increased penalty scheme of S7200/A.8345:

James Baxter, C.S.W., A.C.S.W., Children's Services Coordinator,
Dutchess County Department of Mental Hygiene
James F. August, Erie County Task Force on Sexually Abusing Families

41. Robert Abrams, Esquire, Attorney General of New York State, Albany
Testimony; Judith Becker, M.D., NYS Psychiatric Institute, Sexual
Behavior Clinic, New York City and Albany Testimony; Maureen Dressler,
Erie County Child and Family Services, Buffalo Testimony; Henry Gugino,
Reverend, Catholic Charities of Buffalo, Buffalo Testimony; Mt. Sinai
Hospital, submitted Testimony; Larry Earl Wraight, Vice-President, NYS
Federation on Child Abuse and Neglect, Onondaga County Child Protective
Services, Buffalo Testimony; Groth, Nicholas A., Men Who Rape, Plenum
Press, New York, pp. 219-220, 1979.

THE EXECUTIVE

THE SENATE
STATE OF NEW YORK
ALBANY



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

HEARING NOTICE

The New York State Senate and Assembly Committees on Codes, the New York State Assembly Task Force on Women's Issues, the New York Senate Standing Committee on Child Care, the New York State Assembly Committee on Children and Families, and the Governor's Commission on Domestic Violence will conduct a series of public hearings to examine issues relating to child sexual abuse. The hearings will begin at 10:00 A.M. as follows:

December 14, 1983	44th Floor Hearing Room Two World Trade Center New York, New York
February 14, 1984	Assembly Parlor Room 306 - State Capitol Albany, New York
April 12, 1984	Part 1 Mahoney State Office Bldg. Buffalo, New York

Nearly 4,000 children were reported victims of sexual abuse in 1982. The hearings are for the purpose of determining what legislative action can address this serious problem. Parent groups, educators, medical and mental health professionals, social workers, counseling services, attorneys who work in the field, and others familiar with the problems involved are invited to testify. Attached is a list of questions designed to focus the inquiry on a few suggested topics. The list, however, is not intended to preclude discussion or suggestions which are otherwise relevant to the area.

Persons interested in testifying should complete the form below and return it to Andrea D. Zaretzki, Coordinator for these hearings a week before the hearing date. Oral testimony will be limited to 10 minutes. Time may not permit all persons who are interested in testifying to present their testimony; however, written testimony may be submitted and will be included as part of the official hearing record. Twenty copies of prepared testimony should be presented at the time of the hearing.

Will Attend _____	Will Not _____	December 14, 1983	44th Floor Hearing Room Two World Trade Center New York, New York
Will Attend _____	Will Not _____	February 14, 1984	Assembly Parlor Room 306 - State Capitol Albany, New York
Will Attend _____	Will Not _____	April 12, 1984	Part 1 Mahoney State Office Bldg. Buffalo, New York

Return to: Ms. Andrea D, Zaretzki, Coordinator
N.Y.S. Assembly Committee on Codes
659 Legislative Office Building
Albany, New York 12248

Tel: (518) 455-4477

Name _____

Organization _____

CHILD SEXUAL ABUSE - QUESTIONS

1. Is there accurate data on the frequency of sexual abuse of children? Does the data reflect how this is carried out? Is violence frequently connected with child sexual abuse? Physical injury? Physical force? Threats of force or injury?
2. Who are the most likely offenders? Who are the victims? What are the long-term effects?
3. How is the offense discovered? What evidence is available? How is it handled by local and state agencies? Social Services? Police? Prosecutors? Courts? Are parents, teachers, medical authorities reluctant to report incidents? If so, what should be done?
4. Traditionally, in New York, a child's complaint must be corroborated. Is this appropriate? Are children subject to influence, suggestion, or manipulation in this regard?
5. Should the rule of law be different if: (1) the accused is a member of the family? (2) the accused is an unrelated member of the household? (3) the complaint is immediate or greatly delayed? (4) force is used? (5) threat of force?

6. If the corroboration rule is to be abolished, should some other mechanism of judicial review be established? Can juries decide the issued without judicial screening? Do the charges tend to inflame or prejudice juries? Some contend that cross-examination of a child is not possible in front of a jury because of the sympathies that are aroused; is there merit to this argument?
7. If a judge is permitted to inquire into the facts of the case for the purpose of dispensing with the corroboration requirement, will this traumatize the child? Will it harm the child? Copies of Assembly Bills A.4852-A/S.3720-A, A.4852-B/S.3720-B, and Senate Bill 3822-A are enclosed. We welcome comment on the three bills. What protections does each afford the victims? the accused? Should the penalties for incest be structured in the same way as the penalties for other non-forcible sex offenses against children? Should the Penal Law be amended to include sexual contact (fondling) with the intent to degrade or humiliate the victim? Should the definition of sexual contact be amended to include touching the victim's sexual parts through clothing? Should a new crime of "sexually endangering" a child be added to the Penal Law?
8. Will any of the three enclosed bills result in more prosecutions? More convictions? Unjust results? Will any of the three bills help to reduce the incidence of child sex abuse?
9. What services are available to victims? Are they adequate? What are the most effective methods of helping the victim? What do they cost?
10. What services are available to offenders? Are they adequate? What is the effect of the mandatory imprisonment now provided by law? Has it worked to deter others, reduce recidivism, or escalate witness intimidation? Would mandatory treatment as an alternative to incarceration work?
11. What preventive or remedial devices are available? Should schools be more involved in identifying and reporting incidences of child sex abuse? Should children be removed from a home environment where the problem has arisen? Can we protect children without removing them from their homes? Can we prevent sexual abuse while keeping a family together?

STATE OF NEW YORK

S. 7657

A. 9016

SENATE—ASSEMBLY

February 13, 1984

IN SENATE -- Introduced by Sens. GOODHUE, STAFFORD, BRUNO, DALY, FLYNN, LAVALLE, LEVY, PADAVAN, PISANI, ROLISON, SCHERMERHORN, SMITH, TRUNZO, TULLY, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

IN ASSEMBLY -- Introduced by M. of A. NEWBURGER, WEINSTEIN, PATTON, DANIELS, SLAUGHTER, M. H. MILLER, HOYT, BRODSKY, RETTALIATA, WESLEY -- Multi-Sponsored by -- M. of A. BARBARO, BARRAGA, CATAPANO, CONNELLY, CONNERS, COOKE, DAVIS, DeI TORO, DUGAN, ENGEL, FELDMAN, FLANAGAN, FREDA, - GOLDSTEIN, GRABER, GRANNIS, HARENBERG, HIKIND, HINCHEY, HO-BLOCK, JACOBS, KREMER, LAFAYETTE, LASHER, - LIPSCHUTZ, MADISON, MARSHALL, MAYERSOHN, McPHILLIPS, MURTAUGH, NADLER, NORMAN, NOZZOLIO, ORAZIO, PASSANNANTE, PERONE, PORDUM, PROUD, ROBACH, W. J. RYAN, SALAND, SANDERS, SCHIMMINGER, SERRANO, SIEGEL, SPANO, TALLON, TEDISCO, - VITALIANO, WALDON, WEPRIN, YEVOLI, ZIMMER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to certain offenses requiring corroboration

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Section 130.16 of the penal law, as added by chapter four-
- 2 teen of the laws of nineteen hundred seventy-four, is amended to read as
- 3 follows:
- 4 § 130.16 Sex offenses; corroboration.
- 5 A person shall not be convicted of consensual sodomy, or an attempt to
- 6 commit the same, or of any offense defined in this article of which lack
- 7 of consent is an element but results solely from incapacity to consent
- 8 because of the [alleged] victim's [age,] mental defect, or mental inca-
- 9 pacity, or an attempt to commit the same, solely on the testimony of the
- 10 [alleged] victim, unsupported by other evidence tending to:
- 11 (a) Establish that an attempt was made to engage the [alleged] victim
- 12 in sexual intercourse, deviate sexual intercourse, or sexual contact, as
- 13 the case may be, at the time of the [alleged] occurrence; and

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [] is old law to be omitted.

LBD13327-02-4

1 (b) Connect the defendant with the commission of the offense or at-
2 tempted offense.

3 § 2. Section 260.11 of such law, as amended by chapter fourteen of the
4 laws of nineteen hundred seventy-four, is amended to read as follows:

5 § 260.11 Endangering the welfare of a child; corroboration.

6 A person shall not be convicted of endangering the welfare of a child,
7 or of an attempt to commit the same, upon the testimony of [the alleged]
8 a victim who is incapable of consent because of mental defect or mental
9 incapacity as to conduct that constitutes an offense or an attempt to
10 commit an offense referred to in section 130.16, without additional evi-
11 dence sufficient pursuant to section 130.16 to sustain a conviction of
12 an offense referred to in section 130.16, or of an attempt to commit the
13 same.

14 § 3. This act shall take effect on the first day of November next suc-
15 ceeding the date on which it shall have become a law.

STATE OF NEW YORK

8345

IN ASSEMBLY

(Prefiled)

January 4, 1984

Introduced by M. of A. NEWBURGER, HOYT, WEINSTEIN, PATTON, DANIELS, BRODSKY, SLAUGHTER -- Multi-Sponsored by -- M. of A. BARBARO, CATA-PANO, CONNELLY, CONNERS, DAVIS, DELTORO, DUGAN, ENGEL, GRABER, GRAN-NIS, HARENBERG, HIKIND, HINCHEY, JACOBS, LAFAYETTE, LASHER, LIPSCHUTZ, MAYERSOHN, NADLER, PASSANNANTE, PERONE, PROUD, W. J. RYAN, SANDERS, SERRANO, SIEGEL, TALLON, VITALIANO, YEVOLI -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to sexual abuse of children and repealing sections 130.16 and 260.11 of such law relating to corroboration

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Short title. This act shall be known as and may be cited as
2 "The child sexual abuse reform act of 1984."
3 § 2. Legislative intent. The legislature hereby finds and declares
4 that the molestation of children by authority figures who take advantage
5 of the trust of a vulnerable child creates a deep disturbance in the
6 child that is carried into adulthood.
7 It is further found that it is the public policy of the state to pre-
8 vent the sexual abuse of children by relatives, strangers or persons
9 known to the child and to declare that such offenses must be met with
10 stringent penalties.
11 § 3. Section 255.25 of the penal law is amended to read as follows:
12 § 255.25 Incest in the fourth degree.
13 A person is guilty of incest in the fourth degree when he or she mar-
14 ries or engages in sexual intercourse or deviate sexual intercourse with
15 a person whom he or she knows to be related to him or her, either legi-
16 timately or [illegitimately] out of wedlock, as an ancestor, descendant,
17 brother or sister of either the whole or the half blood, uncle, aunt,
18 nephew or niece.
19 Incest in the fourth degree is a class E felony.
20 § 4. Such law is amended by adding four new sections 255.26, 255.27,
21 255.28 and 255.29 to read as follows:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [] is old law to be omitted.

LBD06602-10-4

1 § 255.26 Incest in the third degree.

2 A person is guilty of incest in the third degree when he or she com-
3 mits the crime of incest in the fourth degree and the actor is twenty-
4 one years old or more and the victim is less than seventeen years old.

5 Incest in the third degree is a class D felony.

6 § 255.27 Incest in the second degree.

7 A person is guilty of incest in the second degree when he or she com-
8 mits the crime of incest in the fourth degree and the actor is eighteen
9 years old or more and the victim is less than fourteen years old.

10 Incest in the second degree is a class C felony.

11 § 255.28 Incest in the first degree.

12 A person is guilty of incest in the first degree when he or she com-
13 mits the crime of incest in the fourth degree and the actor is sixteen
14 years old or more and the victim is less than eleven years old.

15 Incest in the first degree is a class B felony.

16 § 255.29 Incest; no defense.

17 In any prosecution for incest it is no defense that the victim was not
18 in fear or acquiesced in the act.

19 § 5. Sections 130.16 and 260.11 of such law are REPEALED.

20 § 6. Section 260.10 of such law, subdivision one as amended by chapter
21 three hundred eighty-nine of the laws of nineteen hundred seventy and
22 subdivision two as amended by chapter nine hundred twenty of the laws of
23 nineteen hundred eighty-two, is amended to read as follows:

24 § 260.10 Endangering the welfare of a child in the fourth degree.

25 A person is guilty of endangering the welfare of a child in the fourth
26 degree when:

27 1. He or she knowingly acts in a manner likely to be injurious to the
28 physical, mental or moral welfare of a [male child less than sixteen
29 years old or a female] child less than seventeen years old or directs or
30 authorizes such child to engage in an occupation involving a substantial
31 risk of danger to his life or health; or

32 2. Being a parent, guardian or other person legally charged with the
33 care or custody of a child less than [eighteen] ~~seventeen~~ years old, he
34 or she fails or refuses to exercise reasonable diligence in the control
35 of such child to prevent him from becoming an "abused child," a
36 "neglected child," a "juvenile delinquent" or a "person in need of
37 supervision," as those terms are defined in articles ten, three and
38 seven of the family court act.

39 Endangering the welfare of a child in the fourth degree is a class A
40 misdemeanor.

41 § 7. Such law is amended by adding four new sections 260.11, 260.12,
42 260.13 and 260.14 to read as follows:

43 § 260.11 Endangering the welfare of a child in the third degree.

44 A person is guilty of endangering the welfare of a child in the third
45 degree when such person is twenty-one years old or more and engages in a
46 course of conduct or repeatedly commits acts which subject a child less
47 than seventeen years old to sexual contact and such person is:

48 1. A parent, guardian or other person legally charged with the care,
49 control, supervision or custody of such child; or

50 2. A relative of such child either legitimately or out of wedlock as
51 an ancestor, descendant, brother, or sister of either the whole or the
52 half blood, uncle, aunt, nephew or niece; or

53 3. Unrelated to the child but is an occupant or a guest in the same
54 residence as the child.

1 Endangering the welfare of a child in the third degree is a class E
2 felony.
3 § 260.12 Endangering the welfare of a child in the second degree.
4 A person is guilty of endangering the welfare of a child in the second
5 degree where such person is a person described in subdivision one, two
6 or three of section 260.11 of this article, is eighteen years old or
7 more and engages in a course of conduct or repeatedly commits acts which
8 subject a child less than fourteen years old to sexual contact.
9 Endangering the welfare of a child in the second degree is a class D
10 felony.
11 § 260.13 Endangering the welfare of a child in the first degree..
12 A person is guilty of endangering the welfare of a child in the first
13 degree when such person is a person described in subdivision one, two,
14 or three of section 260.11 of this article, is sixteen years old or more
15 and engages in a course of conduct or repeatedly commits acts which sub-
16 ject a child less than eleven years old to sexual contact.
17 Endangering the welfare of a child in the first degree is a class C
18 felony.
19 § 260.14 Sexual contact; definition.
20 For the purposes of this article, sexual contact shall have the same
21 meaning ascribed to it by subdivision three of section 130.00 of this
22 chapter.
23 § 8. Subdivision three of section 130.00 of such law is amended to
24 read as follows:
25 3. "Sexual contact" means any touching of or by the sexual or other
26 intimate parts of a person [not married to the actor] for the purpose of
27 sexually arousing or gratifying sexual desire of either party. It in-
28 cludes the touching of the actor by the victim, as well as the touching
29 of the victim by the actor, whether directly or through clothing.
30 "Intimate parts" means the genital area, groin, anal area, inner thighs,
31 buttocks of any person or the breast of a female.
32 § 9. Subdivision nine of section 130.00 of such law, as amended by
33 chapter six hundred ninety-six of the laws of nineteen hundred eighty-
34 one, is amended to read as follows:
35 9. "Foreign object" means any instrument or article [which, when] in-
36 serted in the vagina, urethra, penis or rectum[, is capable of causing
37 physical injury]. For the purposes of this subdivision the term "foreign
38 object" shall include a finger.
39 § 10. This act shall take effect on the first day of November next
40 succeeding the date on which it shall have become a law.

STATE OF NEW YORK

S. 3720--A

A. 4852--A

1983-1984 Regular Sessions

SENATE--ASSEMBLY

March 1, 1983

IN SENATE -- Introduced by Sens. GOODHUE, LACK, KNORR, PISANI, ROLISON -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. NEWBURGER, HOYT, PATTON, DANIELS, WEINSTEIN -- Multi-Sponsored by -- M. of A. BARBARO, BRANCA, CATAPANO, CONNELLY, CONNERS, COOKE, DAVIS, DELTORO, DUGAN, ENGEL, GRABER, GRANIS, HARENBERG, HIKIND, HINCHEY, JACOBS, KREMER, LAFAYETTE, LASHER, LIPSCHUTZ, MARSHALL, MAYERSOHN, McPHILLIPS, MURTAUGH, NADLER, NINE, PASSANNANTE, PERONE, PORDUM, PROUD, ROBACH, W. J. RYAN, SANDERS, SER-RANO, SIEGEL, SLAUGHTER, TALLON, VITALIANO, YEVOLI, ZIMMER -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to sexual abuse of children and repealing sections 130.16 and 260.11 of such law relating to corroboration

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Short title. This act shall be known as and may be cited as
- 2 "The child sexual abuse reform act of 1983."
- 3 § 2. Legislative intent. The legislature hereby finds and declares
- 4 that the molestation of children by authority figures who take advantage
- 5 of the trust of a vulnerable child creates a deep disturbance in the
- 6 child that is carried into adulthood.
- 7 It is further found that it is the public policy of the state to pre-
- 8 vent the sexual abuse of children by relatives, strangers or persons
- 9 known to the child and to declare that such offenses must be met with
- 10 stringent penalties.
- 11 § 3. Section 255.25 of the penal law is amended to read as follows:

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [] is old law to be omitted.

LBD06602-07-3

1 § 255.25 Incest in the fourth degree.
2 A person is guilty of incest in the fourth degree when he or she mar-
3 ries or engages in sexual intercourse or deviate sexual intercourse with
4 a person whom he or she knows to be related to him or her, either legi-
5 timately or [illegitimately] out of wedlock, as an ancestor, descendant,
6 brother or sister of either the whole or the half blood, uncle, aunt,
7 nephew or niece.
8 Incest in the fourth degree is a class E felony.
9 § 4. Such law is amended by adding four new sections: 255.26, 255.27,
10 255.28 and 255.29 to read as follows:
11 § 255.26 Incest in the third degree.
12 A person is guilty of incest in the third degree when he or she com-
13 mits the crime of incest in the fourth degree and the actor is twenty-
14 one years old or more and the victim is less than seventeen years old.
15 Incest in the third degree is a class D felony.
16 § 255.27 Incest in the second degree.
17 A person is guilty of incest in the second degree when he or she com-
18 mits the crime of incest in the fourth degree and the actor is eighteen
19 years old or more and the victim is less than fourteen years old.
20 Incest in the second degree is a class C felony.
21 § 255.28 Incest in the first degree.
22 A person is guilty of incest in the first degree when he or she com-
23 mits the crime of incest in the fourth degree and the actor is sixteen
24 years or more and the victim is less than eleven years old.
25 Incest in the first degree is a class B felony.
26 § 255.29 Incest; no defense.
27 In any prosecution for incest it is no defense that the victim was not
28 in fear or acquiesced in the act.
29 § 5. Sections 130.16 and 260.11 of such law are REPEALED.
30 § 6. Section 260.10 of such law, subdivision one as amended by chapter
31 three hundred eighty-nine of the laws of nineteen hundred seventy and
32 subdivision two as amended by chapter nine hundred twenty of the laws of
33 nineteen hundred eighty-two, is amended to read as follows:
34 § 260.10 Endangering the welfare of a child in the fourth degree.
35 A person is guilty of endangering the welfare of a child in the fourth
36 degree when:
37 1. He or she knowingly acts in a manner likely to be injurious to the
38 physical, mental or moral welfare of a [male child less than sixteen
39 years old or a female] child less than seventeen years old or directs or
40 authorizes such child to engage in an occupation involving a substantial
41 risk of danger to his life or health; or
42 2. Being a parent, guardian or other person legally charged with the
43 care or custody of a child less than [eighteen] seventeen years old, he
44 or she fails or refuses to exercise reasonable diligence in the control
45 of such child to prevent him from becoming an "abused child," a
46 "neglected child," a "juvenile delinquent" or a "person in need of
47 supervision," as those terms are defined in articles ten, three and
48 seven of the family court act.
49 Endangering the welfare of a child in the fourth degree is a class A
50 misdemeanor.
51 § 7. Such law is amended by adding four new sections 260.11, 260.12,
52 260.13 and 260.14 to read as follows:
53 § 260.11 Endangering the welfare of a child in the third degree.
54 A person is guilty of endangering the welfare of a child in the third
55 degree when such person is twenty-one years old or more and engages in a

1 course of conduct or repeatedly commits acts which subject a child less
2 than seventeen years old to sexual contact and such person is:
3 1. A parent, guardian or other person legally charged with the care,
4 control, supervision or custody of such child; or
5 2. A relative of such child either legitimately or out of wedlock as
6 an ancestor, descendant, brother, or sister of either the whole or the
7 half blood, uncle, aunt, nephew or niece; or
8 3. Unrelated to the child but is an occupant or a guest in the same
9 residence as the child.
10 Endangering the welfare of a child in the third degree is a class E
11 felony.
12 § 260.12 Endangering the welfare of a child in the second degree.
13 A person is guilty of endangering the welfare of a child in the second
14 degree where such person is a person described in subdivision one, two
15 or three of section 260.11 of this article, is eighteen years old or
16 more and engages in a course of conduct or repeatedly commits acts which
17 subject a child less than fourteen years old to sexual contact.
18 Endangering the welfare of a child in the second degree is a class D
19 felony.
20 § 260.13 Endangering the welfare of a child in the first degree.
21 A person is guilty of endangering the welfare of a child in the first
22 degree when such person is a person described in subdivision one, two,
23 or three of section 260.11 of this article, is sixteen years old or more
24 and engages in a course of conduct or repeatedly commits acts which sub-
25 ject a child less than eleven years old to sexual contact.
26 Endangering the welfare of a child in the first degree is a class C
27 felony.
28 § 260.14 Sexual contact; definition.
29 For the purposes of this article, sexual contact shall have the same
30 meaning ascribed to it by subdivision three of section 130.00 of this
31 chapter.
32 § 8. Subdivision three of section 130.00 of such law is amended to
33 read as follows:
34 3. "Sexual contact" means any touching of or by the sexual or other
35 intimate parts of a person [not married to the actor] for the purpose of
36 sexually arousing or gratifying sexual desire of either party. It in-
37 cludes the touching of the actor by the victim, as well as the touching
38 of the victim by the actor, whether directly or through clothing.
39 "Intimate parts" means the genital area, groin, anal area, inner thighs,
40 buttocks of any person or the breast of a female.
41 § 9. Subdivision nine of section 130.00 of such law, as amended by
42 chapter six hundred ninety-six of the laws of nineteen hundred eighty-
43 one, is amended to read as follows:
44 9. "Foreign object" means any instrument or article [which, when] in-
45 serted in the vagina, urethra, penis or rectum[, is capable of causing
46 physical injury]. For the purposes of this subdivision the term "foreign
47 object" shall include a finger.
48 § 10. This act shall take effect on the first day of September next
49 succeeding the date on which it shall have become a law.

STATE OF NEW YORK

S. 3720--B

A. 4852--B

1983-1984 Regular Sessions

SENATE--ASSEMBLY

March 1, 1983

IN SENATE -- Introduced by Sens. GOODHUE, LACK, KNORR, PISANI, ROLISON -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. NEWBURGER, WEINSTEIN, PATTON, DANIELS, SLAUGHTER, M. H. MILLER, HOYT, BRODSKY, WESLEY -- Multi-Sponsored by -- M. of A. BARBARO, BRANCA, CATAPANO, CONNELLY, CONNERS, COOKE, DAVIS, DELTORO, DUGAN, ENGEL, FLANAGAN, GRABER, GRANNIS, HARENBERG, HIKIND, HINCHEY, HOBLOCK, JACOBS, KREMER, LAFAYETTE, LASHER, LIPSCHUTZ, MADISON, MARSHALL, MAYERSÖHN, McPHILLIPS, MURTAUGH, NADLER, NINE, PASSANNANTE, PERONE, PORDUM, PROUD, ROBACH, W. J. RYAN, SALAND, SANDERS, SERRANO, SIEGEL, SPANO, TALLON, VITALIANO, YEVOLI, ZIMMER -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the criminal procedure law, in relation to corroboration of a victim's testimony in the prosecution of sex offenses and to repeal section 130.16 of the penal law relating to such corroboration

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section.1. Section 130.16 of the penal law is REPEALED.
- 2 § 2. The criminal procedure law is amended by adding a new section
- 3 60.21 to read as follows:
- 4 § 60.21 Rules of evidence; corroboration of testimony in certain sex
- 5 offenses.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [] is old law to be omitted.

LBD06602-09-3

1 1. A person shall not be convicted of consensual sodomy or an attempt
2 to commit the same, or of an offense defined in article one hundred
3 thirty of the penal law, or an attempt to commit the same, of which lack
4 of consent is an element and which results solely from incapacity to
5 consent because of the alleged victim's mental defect, mental incapacity
6 or, except as provided in subdivision two, because of the age of the al-
7 leged victim when such victim was under twelve years of age at the time
8 of the alleged occurrence, solely on the testimony of the alleged vic-
9 tim, unsupported by other evidence tending to:

10 (a) Establish that an attempt was made to engage the alleged victim in
11 sexual intercourse, deviate sexual intercourse, or sexual contact, as
12 the case may be, at the time of the alleged occurrence; and

13 (b) Connect the defendant with the commission of the offense or at-
14 tempted offense.

15 2. A person may be convicted solely on the testimony unsupported by
16 evidence otherwise required by subdivision one of the victim of an of-
17 fense enumerated in subdivision one resulting from incapacity to consent
18 because of the age of the victim, when such victim was under twelve
19 years of age at the time of the occurrence, as provided in this
20 subdivision. Upon application of the district attorney, the victim shall
21 be examined concerning the facts which form the basis of the charge and
22 the victim's ability to recount them. Such examination shall be con-
23 ducted at the request of the district attorney either prior to or at
24 trial. If at trial, it shall be conducted outside the presence and hear-
25 ing of the jury and before reception of the victim's testimony. The exa-
26 mination may be conducted at the same time as an inquiry conducted pur-
27 suant to section 60.20. If at the conclusion of the examination the
28 court is satisfied that in light of the victim's demeanor and responses,
29 as well as the surrounding facts and circumstances, notwithstanding a
30 lack of supporting evidence otherwise required by subdivision one, there
31 exists sufficient indicia of reliability, then such evidence shall not
32 be required for conviction.

33 § 3. This act shall take effect on the sixtieth day after it shall
34 have become a law.

STATE OF NEW YORK

3822--A

1983-1984 Regular Sessions

IN SENATE

March 1, 1983

Introduced by Sens. VOLKER, GOODHUE -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to corroboration of children's testimony in prosecution for sex offenses

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Section 130.16 of the penal law, as added by chapter four-
2 teen of the laws of nineteen hundred seventy-four, is amended to read as
3 follows:
4 § 130.16 Sex offenses; corroboration.
5 [A] 1. Except after a finding by the court as provided in subdivision
6 two, a person shall not be convicted of consensual sodomy, or an attempt
7 to commit the same, or of any offense defined in this article of which
8 lack of consent is an element but results solely from incapacity to con-
9 sent because of the alleged victim's age, mental defect, or mental inca-
10 capacity, or an attempt to commit the same, solely on the testimony of the
11 alleged victim, unsupported by other evidence tending to:
12 (a) Establish that an attempt was made to engage the alleged victim
13 in sexual intercourse, deviate sexual intercourse, or sexual contact, as
14 the case may be, at the time of the alleged occurrence; and
15 (b) Connect the defendant with the commission of the offense or at-
16 tempted offense.
17 2. In any prosecution for an offense defined in this article, or an
18 attempt to commit the same, of which lack of consent is an element and
19 which results solely from incapacity to consent because of the alleged
20 victim's age, the court must, upon application of the district attorney,
21 permit examination by the parties of the alleged victim concerning the
22 facts which form the basis of the charge and witness' ability to recount

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [] is old law to be omitted.

LBD02198-03-3

1 them. Such inquiry shall be conducted either prior to trial or, if at
2 trial, outside the presence and hearing of the jury and before reception
3 of the witness' testimony. If, at the conclusion of such inquiry, the
4 court is satisfied that, in light of the witness' demeanor, testimony,
5 and all the surrounding facts and circumstances, there exist sufficient
6 indicia of reliability, notwithstanding a lack of corroboration as
7 otherwise required by subdivision one, it may permit the witness to
8 testify and the prosecution to proceed to judgment.
9 § 2. This act shall take effect immediately.

WITNESS LIST (New York City)

December 14, 1984

Elizabeth Holtzman, Esq.	District Attorney, Kings County
Eileen Treacy	Chairperson, New York City Task Force on Rape
Archibald R. Murray, Esq.	Executive Director, Attorney-in-Chief, The Legal Aid Society
Eileen Treacy	"A Voice"
Karen Andrews	Supervisor, Crime Victims Assistance Unit, Bronx Nancy Borko Supervising Attorney, Domestic Violence Unit—Office of Mario Marola
Jeanine Pirro, Esq.	Domestic Violence Unit, Westchester County, D.A.
Oren Root, Jr., Esq.	Private Attorney
Dr. Marvin Blumberg	Chairman, Committee on Child Abuse NYS Medical Society
Ms. Helen Neuborne	Deputy Coordinator for Juvenile Affairs, Criminal Justice Coordinator's Office, presenting Kathryn Conroy's testimony—Officer of Coordinator of Youth Services
Marcella Maxwell	Chairperson, New York City Commission on the Status of Women
Shelley Mitchell, Esq.	Chairperson, State Legislative Committee, Brooklyn Bar Association
Sheila Cohen	Chairman of Legislative Activity, New York Congress of Parents and Teachers, Inc.
Valerie Heller	VOICES (Victims of Incest Can Emerge Survivors)
Dr. Judith Becker	NYS Psychiatric Institute, Sexual Behavior Clinic
Florence Rush	Author
Dr. Irving Praeger, Esq.	Director, Children's Justice Center, La Verne, California
Lillian Paoli	First Assistant Deputy Administrator, New York City Human Resources Administration, on behalf of Gail Kong, Deputy Administrator
Emelia Colon	Social Worker, Ambulatory Health Care Facility Founder of Incest Survivors Self-Help Organization
Louise Armstrong	Author
Dr. Deborah S. Saunders	Assistant Professor of Pediatrics, Albert Einstein College of Medicine
Pat Lamp	Director, Bronx Community Offices, Victim Services Agency
Dr. Howard S. Schwartz	Bronx Medical Society
Brandia J. Hart	Co-Chair, Bronx Child Abuse and Neglect Task Force

WITNESS LIST (New York) cont'd

Marion Lindauer	Psychiatric Social Worker
Ann Bindman	Executive Director, Brooklyn Society for the Prevention of Cruelty to Children
Robert J. Schack, Esq.	Chairman, Committee on Law, Psychology and Psychiatry and Medical Jurisprudence, New York County Lawyer's Association
Phyllis Wallace	LIVE (Let Incest Victims Emerge)
Eileen Wolfe	Private Citizen
Linda Fairstein, Esq.	Assistant District Attorney, New York County DA's office

WITNESS LIST (Albany)

February 14, 1984

Robert Abrams, Esq.	Attorney General of New York State
Leonard G. Dunston	Director, NYS Division for Youth
Judy Eimicke	Associate Commissioner, NYS Department of Social Services, on behalf of Commissioner Cesar A. Perales
Johanna Ferman, M.D.	Deputy Commissioner for Clinical Services, New York State Office of Mental Health, on behalf of Commissioner Steven E. Katz
Professor Jacqueline Parker, ESQ.	Albany Law School "The Child Witness versus the Press: A Proposed Legislative Response to <u>Globe v. Superior Court</u> " "The Rights of Child Witnesses: Is the Court a Protector or Perpetrator?" Monroe County District Attorney
Howard Relin, Esq.	Associate Director, Family Planning Advocate of New York State
Fiona Burde	Assistant District Attorney, Sexual Offense Unit, Albany District Attorney's Office
Paul Der Oannesian, II, Esq.	Division of Child Protection, Children's Hospital National Medical Center
David W. Lloyd, ESQ.	Project Director, Victims of Incest Program, Westchester Jewish Community Services
Alan Trager, ACSW	Co-coordinator, Sex Abuse Prevention Project
Richard M. Hamill, Ph.D.	Executive Director, NYS Coalition for Criminal Justice, Inc.
Van Zwisohn, ESQ.	Juvenile Protection Chairperson, Capital District PTA
Rema Goldstein	Parent of Victim
Karen Mayer, ESQ.	Schenectady Girls Club, Inc.
Ellen Kelly-Lind	CSW, Co-author, <u>Your Children Should Know</u> , Co-Director, Children's Creative Safety and Fitness Exchange
Flora Colao	Executive Director, NYS Federation on Child Abuse and Neglect
James S. Cameron	Coordinator, St. Anne Institute Sex Abuse Prevention Project
Patricia Foscatto Shaw, C.S.W.	Parent of Victim
Barbara C. Miller	Sexual Behavior Clinic, NYS Psychiatric Institute
Doctor Judith Becker	

WITNESS LIST (Albany) cont'd

Virginia Davidson	Schenectady Citizens Task Force on Child Abuse/Neglect
Jo Ann C. Beasley	Child Sexual Abuse Prevention Counselor, Albany Rape Crisis Center
Judith V. Condo	Director, Albany County Rape Crisis Center National Coalition Against Sexual Assault, Region I Representative
Carol Francis, MS, R.N.	Member of the NYS Nurses Association
Janet M. Sherman	Project Coordinator, Schenectady Citizen's Task Force on Child Abuse and Neglect, the Step 6 Project
Anne Paulle	Program Director, Aegis Battered Women's Shelter of the Project Return Foundation
Diane Erne	Director, Alliance
Andrea Burger, C.S.W.	Director, Children and Family Services
James Baxter, C.S.W., A.C.S.W.	Children's Services Coordinator, Dutchess County Department of Mental Hygiene

WITNESS LIST (Buffalo)

April 12, 1984

Elizabeth Holtzman, Esq.	Kings County District Attorney
Honorable Norman Joslin	Buffalo Supreme Court
Len Lenihan	Erie County Legislature
Shepard Goldberg	Child and Adolescent Psychiatric Center
Jen Henry	Child and Adolescent Psychiatric Center
John Mikhalek, Esq.	Assistant District Attorney for Richard Arcara, District Attorney, Erie County
	Vice President of New York State District Attorney's Association
Dorothy Brown	Haven House
Phyllis Shiff	Family Advocates Services
Reverend Henry Gugino	Catholic Charities of Buffalo
Dennis Wittman	Community Service/Victim Assistance Coordinator, Genesee County Sheriff's Department
Kristina Young	Executive Director, Buffalo Planned Parenthood
Michael Merrick	Executive Director, Buffalo Area Council of Alcoholism
Helen Claus	Parent of a Victim
Robert Clark, Esq.	Monroe County Special Assistant District Attorney, Bureau Chief, Domestic Violence Bureau
Maureen Dressler	Child and Family Services
Larry Wraight	NYS Federation of Child Abuse and Neglect, Child Protective Services, Onondaga County
Rhonda Mays	Children's Services Unit, Schuyler County Department of Social Services
Wendy	Survivor
Marie	Survivor
Fran Okel	Parents Anonymous of Buffalo and Erie County
James F. August	Erie County Task Force on Sexually Abusing Families
Ann Birnbach	Schuyler County Mental Health
Glenna-Jo	Survivor
Carol	Survivor
William Burke	Alcoholics Anonymous
Ruby Green	Erie County Department of Health
Betsy Glaser Hurley, Esq.	2nd Assistant District Attorney, Niagara County
Andrew V. Coughlin	Orchard Park Central School, District Child Protection Liaison
Charles Syms	Erie County Child Protective Services, Department of Social Services
Jeanne A. Smith	Incest Survivor

WITNESS LIST (Buffalo) cont'd

Reverend Marie C. Jerge	Office of Gov. Ministry
Elizabeth Gerber	Private Citizen
Judith Perry Walters	Parent of Abused Children
Mary Rattle	Private Citizen
Steven Schwartz	New York State Coalition for the Children of Alcoholic Families, Inc.

SUBMITTED TESTIMONY

Rape Crisis Service of
Schenectady, Inc.

Kevin Karpowicz, M.D.

Saratoga County Task Force
on Child Abuse and Neglect, Inc.

SGT. David M. Wall

Irene Jackson

Estelle Friedman, M.S.W., C.S.W.

Eugene Aronowitz

Committee on the Prevention
of Child Sexual Abuse

Mental Health Association of
Westchester County, Inc.

Robert K. Houser, M.S.W.

The Junior League of Albany, Inc.

Gerry Ronneburger

Sue Ellen Dodell

Susan A. Murtha, A.C.S.W.

Cindy Smith

Maud Easter

Executive Committee of New York
City Advisory Council on Alcoholism

John G. Ehrlich, ESQ.

Jewish Board of Family and
Children's Services

Pediatrician

Abused Persons Unit, Onondaga County
Sheriff's Department

Author of A Preliminary Survey of Adolescent
Sex Offenses in New York: Remedies &
Recommendations, on behalf of NYS Council
of Churches

Clinical Director, Rockland Family Shelter
for Victims of Domestic Violence

Commissioner of Community Mental Health,
Westchester County, New York

Westchester County, New York

Administrative Supervisor, Child Protective
Services, Broome County Department of
Social Services

Director, RASCAL (Reform All Sexual Child
Abuse Laws)

Chair, Legislative Committee, New York City
Advisory Task Force on Rape

Supervising Social Worker-Team Leader,
Saratoga County Mental Health Center

Director, Rensselaer County Rape Crisis
Program, Member of Rensselaer County Task
Force on Child Abuse and Neglect

Lobbyist, National Organization for Women,
on behalf of Carol Kope

Chair, Sexual Assault Task Force

Chief of the Family Crime Bureau of Suffolk
County District Attorney's Office

SUBMITTED TESTIMONY

(cont'd)

Sandy Oliva	Director, Coalition for Abused Women, Inc., Nassau County
Norman Katz	Director for Public Social Policy, Federation of Protestant Welfare Agencies
Philip C. Brockmyre	Coordinator of Child Protective Services, County of Monroe, Department of Social Services
Sandra C. Becker, M.S.	Niagara Falls Community Mental Health Center, Niagara Falls Memorial Medical Center
Dr. Katherine Grimm,	Director, Ambulatory Pediatrics, Mt. Sinai Medical Center
Ms. Virginia Walther	and CSO Social Work Dept.
The Queensboro Society for the Prevention of Cruelty to Children	
Honorable Daniel D. Leddy, Jr.	New York City Family Court Judge
Joseph A. D'Elia	Nassau County Social Services Commissioner
Irwin Rockoff	Ontario Social Services Commissioner
Ms. Sharon Blatchley	Director of Services, Cortland County Department of Social Services
George Marshall Worthington	International Health and Development Consultant
Joanne Sadler	Helping Teacher Curriculum, Buffalo Public Schools
Bonnie Chollet	Director, United Cerebral Palsy and Handicapped Children's Association of Chemung County, Inc.
Lee Lyons	Executive Director, YWCA, Buffalo and Erie County
Peter M. Patten	11 Duane Avenue, Binghamton, New York
Dr. Helen Rodriguez-Trias	Associate Director of Pediatrics, St. Lukes-Roosevelt Hospital Center
Ex-Husband of Barbara Miller (Name Withheld)	
Peter J. Mancuso, Jr.	Sergeant, New York City Police Department

SUBMITTED TESTIMONY

(cont'd)

Doe Stevens

Robert Young

Honorable Glenn R. Morton

Director, S.H.A.R.F. Program

President, Genesee County Interagency Council

Genesee County Court Judge