

Cheat Sheet
Expert Witness Testimony in Child Sex Cases
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For more information on this topic and a host of other evidence issues that arise in child victim cases, see my bulletin entitled Evidence Issues in Criminal Cases Involving Child Victims and Child Witnesses, here online: <http://sogpubs.unc.edu/electronicversions/pdfs/aojb0807.pdf>

1. Testimony That Sexual Abuse Occurred
 - In a sexual offense prosecution involving a child victim, an expert may offer testimony that sexual abuse in fact occurred, if a proper foundation is laid.
 - To lay a proper foundation for such testimony, the proponent must establish physical evidence consistent with abuse.
 - If there are no physical findings supporting a diagnosis of sexual abuse, such testimony is an impermissible opinion regarding the victim's credibility.

2. Profiles of Abused Children
 - An expert may testify as to the profiles of sexually abused children.
 - An expert also may testify as to whether the victim has symptoms and characteristics consistent with those profiles.

3. Identifying Defendant as the Perpetrator
 - Cases have held that in child abuse prosecutions, medical experts and experts in clinical psychology may not state an opinion about the identity of the perpetrator.
 - Note, however, that a victim's hearsay statements to a medical expert identifying a perpetrator may be admissible, such as when made for purposes of medical diagnosis and treatment.

4. Credibility, Believability, and Related Matters
 - An expert may not offer opinion testimony concerning the victim's credibility or believability or that the victim is not lying.

5. Post-Traumatic Stress Disorder
 - Evidence that a victim suffers from post-traumatic stress syndrome may not be admitted for the substantive purpose of proving that abuse has occurred.
 - However, such evidence may be admitted for other purposes, such as corroborating the victim's story, explaining delays in reporting the crime, or refuting the defense of consent.

