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Voices for Psychologically Injured Children: Psychoanalytic Testimony During Civil Litigation Helps Bring Social Change, Settlements and Jury Awards

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Because of its depth and scope, child psychoanalytic testimony can make major contributions to the civil justice system. Attorneys can strategically use such testimony to favorably influence institutional practices and standards of children's care. When requested by a skilled attorney, carefully integrated with that attorney's professional tasks and skills, psychoanalytic testimony can lead to more thorough and knowledgeable compensation for injured children than occurs with superficial approaches to the course of psychological pathology and care. Governments and institutions are then likely to be required by courts and juries to pay appropriate, rather than token, compensation for negligently allowing children to be traumatized in life-damaging ways. The author draws on his experience in the field of psychoanalysis and forensic child psychiatry, in over 200 separate cases, most of them civil, many with multiple victims. About 70% were requested by child plaintiffs' attorneys, and 30% by defense attorneys. Despite important failures, such as in defense of a mother accused of the scientifically questionable condition called Munchausen syndrome by proxy, the cumulative impact of the psychoanalytic forensic endeavor helps increase beneficial social change. Child protection standards improve, and major compensation is given traumatized children when the negligent or abusive parties are held financially responsible. To show the measurable significance that the judicial system gives to psychoanalytically informed evaluations and testimony, the author draws upon plaintiff children's cases through 2001. Among these cases, his reports and testimony helped attorneys bring about awards and settlements totaling over a quarter billion dollars, when the non-profit project described ended.

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