

High court asked: Ease rule on making abused kids testify

By Tim Richard
staff writer

A sexually abused child can give an excellent account of the event — the first couple of times he or she tells about it.

By the seventh or eighth time, the child usually feels guilty, frightened, even sick.

Six-year-old Mary, who had to testify against the stepfather who gave her venereal disease, broke down in the prosecutor's office after telling her story the seventh time.

"Eventually she wound up in the corner of the room sucking her thumb," Mary's mother told a busied state Senate Judiciary Committee hearing last week. With Mary unable to testify, the Benzie County prosecutor was forced to dismiss the charge.

THE MOTHER and her daughter's school principal were among those who said that testifying in open court was too traumatic an experience for a child.

It was exactly the kind of testimony committee Chairman Alan Cropsey, R-DeWitt, and Sen. Connie Binsfeld, R-Maple City, were looking for.

Binsfeld is a sponsor of a resolution asking the Michigan Supreme Court to make an exception to its no-hearsay rules of evidence. Hearsay is second-hand evidence.

Under the exception, an adult could present the child's story in court if the child were "of tender years." Michigan court rules contained the "tender years" exception from 1886 until they were revised in 1978, Binsfeld said.

"I'M SORRY we don't have the Supreme Court justices here," said Binsfeld after the principal, Dottie U.

Telling her story the seventh time, Mary, 6, 'collapsed to the floor with a fever of 102. She became totally non-communicative. She remained totally non-communicative for three full days.'

— School principal

Fisher of Benzie Central School, told how the incest was discovered by a boy student who noticed "very naughty drawings" in Mary's notebook and told their second-grade teacher.

Sen. Basil Brown, D-Highland Park, said he would vote for the Binsfeld resolution but recommended the Legislature enact it into law rather than beg the high court for a rules change.

Cropsey, however, said the court could, and probably would, ignore a statute and operate by its own rules.

Sen. Rudy Nichols, R-Waterford, a committee member, saw a problem with the proposed rule: the inability of the defense to cross-examine.

Sen. Richard Fessler, R-West Bloomfield, another committee member, missed the hearing in Lansing.

"MARY'S DRAWINGS were very sexually explicit," Principal Fisher recalled. "There was no way the drawings could be misunderstood."

In the following two weeks, Mary had to undergo 1) a questioning session with the teacher, 2) talking to the principal, 3) telling her mother, 4) a joint interview with a male Protective Services worker and male juvenile officer using anatomical dolls, 5) a questioning-counseling session with a commu-

ty mental health therapist, 6) an interview with a sexual abuse expert from Assault Recovery Associates, 7) an examination by a physician, 8) an examination under anesthesia at a hospital and 9) the discussion with the prosecutor.

"During this session," said Fisher, "Mary collapsed to the floor with a fever of 102. She became totally non-communicative. She remained totally non-communicative for three full days."

Mary's mother, who spoke to the committee but asked not to be identified by name, said Mary "hold me several days later that her stepfather had threatened to kill her if she told on him."

There was yet a 10th interview — with the mother's private attorney, who handled the divorce case.

A PSYCHIATRIST who is also a lawyer said the "tender years" doctrine makes sense.

"The younger they are, the less they tend to lie," said Judianne Densen-Gerber, J.D. and M.D., president of Applied Resources Corp. of Bridgeport, Conn. Children are particularly good on details when dealing with anatomical dolls, but tend to be less trustworthy on

time elements, she added.

It's important, Densen-Gerber said, to determine "who's the first person the child spoke to and exactly did they say." Later on, she said, mistreated persons will deal with the problem by "repression and denial."

She advocated use of videotapes and two-way mirrors to observe children talking about their abusers.

Homosexual child molesters, she added, frequently molest hundreds of children before being caught.

PROBATE JUDGE J. Donald Owens of Ingham County said the Probate Judges Association favors the "tender years" exception to the no-hearsay rule.

"It's difficult to elicit testimony from an adult, let alone a child," Owens told the senators. "The first story is likely to be true. They couldn't have made it up. By the time it gets to court, it (the child's) story might be changed."

Owens said that the child respects the adult molester and, if trouble results, blames himself rather than the adult perpetrator.

"We have found that children do not lie," said Val Thompson, who works for a child abuse center in Midland. She added there are many child molestation cases involving mothers.

Also favoring the rule was Henry Hofstra, of the office of children and youth services in the state Department of Social Services.

DSS dealt with 2,928 victims of molestation in a single year, he said.

Hofstra favored videotaping an expert's interview with a molested child. "Children are not miniature adults. They don't know it's a crime. They don't know they should tell someone immediately," he said.

Northwood recruiting

Northwood Institute, a Oakland County tble the Northfield Hilton, business management month. Troy. The other will be at 7:30 p.m. Monday, March 18, in the Holiday Inn, host two receptions in Thursday, March 14, in Southfield.

Classic Interiors

THE BIG LEATHER SALE

STOREWIDE SAVINGS

20% to 50% OFF THRU MARCH 16th

85" Sofa **NOW \$1388**
Reg. \$2508

Chair and Ottoman **NOW \$988**
Reg. \$1784

EXCELLENCE IN LEATHER

America's most outstanding Leather Sofa Style is now available at perhaps the most affordable price ever offered. Nothing is more inspiring, more comfortable, than the soft supple Leather pieces created by Hancock & Moore. Available in four beautiful shades of fine quality Leather.

OPEN SUNDAYS 1 pm-3 pm Thru March 10th
TO ACCOMMODATE OUR CUSTOMERS, WE WILL BE OPEN TILL 9 P.M. SAT., MAR. 16th.

20292 Middlebelt Rd. (South of Eight Mile)
Quality Service, Products & Professional Design...It's What You've Wanted All Along!
Livonia • Open Mon., Thurs. & Fri. 'Til 9 P.M. • 474-8900

Albion reception
March 6

Albion College will hold a reception for prospective students and their families at 7:30 p.m. Wednesday, March 6, in the Northfield Hilton, 5500 Crooks, Troy.

The presentation will include a short faculty address, slide presentation and student panel. The presentations will be followed by an informal reception with refreshments.

Griffiths to speak

"Women and Economic Opportunity" will be the focus of guest speaker Lt. Gov. Martha W. Griffiths at the Feb. 28 dinner meeting of Women in Communications.

The meeting will begin at 6 p.m. with a cash bar, dinner at 7 p.m. and program at 8 p.m. in Dearborn Inn, 20301 Oakwood Boulevard, Dearborn.

For more information call 791-1277.

A former U.S. representative, Griffiths will talk about pay equity and the economic status of Michigan women.

oakland NURSING UNLIMITED
Incorporated

PRIVATE DUTY NURSING CARE

(313) 540-2360

FEBRUARY CLEARANCE SALE

30%-70% OFF

FLOOR SAMPLES and ONE-OF-A-KIND

Sofa Beds - Boudoir Chairs
All Discontinued Bedroom Groups
Lamps - Pictures - Accessories
Wall Units - Curio Cabinets - Recliners
All at 30%-70% Off!

Sale Ends Wednesday, March 13th

Telegraph at 12 Mile 356-2222 Mon./Thurs./Fri. 'Til 8:30
Tues./Wed./Sat. 'Til 6:30

bedland

DOLL REPAIR

FREE ESTIMATES ON DOLL RESTORATION

Limited Supply of
MADAME ALEXANDER
8", 12" and Baby Dolls in Stock

- WIGS - ANTIQUES PARTS - RESTORING
- EYE WORK - REPAINTING
- CHINA HEADS & ANTIQUE DOLLS RESTORED

The Doll Hospital & Toy Soldier Shop
3947 W. 12 Mile Rd., Berkleys (3 Bks. E. of Greenfield)
Tues-Sat. 10-5/5:30-10/10:00-12:00/SUN. 12-5

tadross & zahoute
Purveyors of Oriental Rugs Since 1907

February Clearance
Up To 50% Off!

330 E. Maple • Birmingham • 644-8200

ROSEWOOD • TEAK • LEATHER • HOME • OFFICE

FURNITURE WAREHOUSE OUTLET

SCANDINAVIAN/U.S. TRADING COMPANY

NOW OPEN TO PUBLIC
Interior Design Services

543-5410

For Appointment Call Pam Branch
(Formerly Branch Import)
720 W. EIGHT MILE • FERNDALE
OPEN 10-5 • SUN. 12-5

NO SALES • NO GIMMICKS • NO PROMOTIONS
Just Everyday, Year Round Low
Warehouse Prices, At Least
Discount On All Items. **33%**

Birdfeeders, Bird Seed, Binoculars, Field Guides and Other Gifts

A Bird's Eye View

Specialists in Backyard Bird Feeding

MID-SEASON SEED SALE

All Bird Seed at Substantial Savings

Now thru Saturday, March 2nd

Regular Mix \$7.25/50# Bag (Reg. \$9.00)
Deluxe Mix \$9.75/50# Bag (Reg. \$11.00)
Oiled Sunflower \$12.75/50# Bag (Reg. \$15.00)
Thistle Seed 90¢/lb. (Reg. \$1.20/lb.)

PLUS Savings on All Other Bird Seed.

Owned & Operated by Pam Sigley

431 Pine Street
Rochester
656-0079

HOURS: Mon-Sat. 10-6

GNC General Nutrition Centers

IN STORE Warehouse Sale!

ONE WEEK ONLY!

SUPER LOW PRICE #1	SUPER LOW PRICE #2	SUPER LOW PRICE #3
NO SALT WATERPACK TUNA REG. \$1.19 79¢	THOMPSON SEEDLESS RAISINS REG. \$1.29 79¢	FRESH GROUND PEANUT BUTTER REG. \$1.49 99¢

PRICE WAR CHALLENGE CONTINUES

IF YOU CAN FIND A LOWER LOCAL RETAIL PRICE, WE'LL MATCH IT!

COUPON SAVINGS YOUR FAVORITE VITAMINS	COUPON SAVINGS ON HEALTHY FOODS & COSMETICS
EVEREST LOW PRICE IRON 99¢ GARLIC 99¢ HERBAL DIURETIC \$1.49 CALCIUM SUPPLEMENT \$2.99 DOLOMITES \$1.19 HERB GUARANA \$5.99 KELP 99¢	500 MG. VITAMIN C 99¢ 400 I.U. VITAMIN E \$1.79 50 MG. ZINC 99¢ 19 GRAIN (1200 MG.) LECITHIN 99¢ LEDERLE CENTRUM \$6.99 GRAPEFRUIT DIET \$9.99 SHAMPOO SPECTACULAR \$9.99

COUPON SAVINGS	COUPON SAVINGS
EVEREST LOW PRICE BREAD 69¢ HONEY GRAHAMS 89¢ PUFFED CEREAL \$1.49 COUPON SARDINES 99¢ MEATLESS SPAGHETTI SAUCE 79¢ FRUIT JUICE 39¢ MEDIUM PRUNES 79¢ BAHATI FRUIT ROLLS 4/\$1.00	COUPON SAVINGS INSTANT DRINK MIXES 50¢ RICE CAKES 69¢ CRACKERS 69¢ WHOLE WHEAT SPAGHETTI 79¢ WHOLE WHEAT STICKS 69¢ WHOLE WHEAT SPAGHETTI 79¢ FLAVORITE SESAME STICKS 19¢ SNAP COOKIES 79¢

GNC General Nutrition Centers

DEARBORN	SOUTHFIELD	STERLING HEIGHTS	TAYLOR
Farlane Town Ctr.	Tot-12/Northland Ctr.	Lafayette	Southland
ROCHESTER	WARREN	LIVONIA	TROY
Macomber Ctr.	Universal Mall	Livonia Mall/Wonderland Ctr.	Outland Mall
ROSEVILLE	DETROIT	NOVI	WESTLAND
Macomb Mall	Ren Cen New Center One	Twelve Oaks	Westland Ctr.