

Editors' Note

We are pleased to present the first issue of the twenty-second volume of the UC Davis Journal of Juvenile Law & Policy. Juvenile law and policy is perhaps a more delicate and emotionally charged discipline as it concerns one of the most vulnerable segments of the population. This issue explores the effectiveness of parental representation in custody determinations and problems of testimony in child sexual abuse cases. We hope that you find these articles as stimulating and relevant as we did.

The first article is “Lawyering Up: The Effects of Legal Counsel on Outcomes of Custody Determinations” by Ryan Fortson, Ph.D., J.D. and Troy C. Payne, Ph.D., of the Justice Center at University of Alaska Anchorage. While many previous studies evaluating the effectiveness of representation in custody determinations focused solely on the final outcome, Dr. Fortson and Dr. Payne go beyond this and consider the case as a whole, from the initial custody requests of the parents to the custody outcome ordered by the judge. Their study considers not just the final custody outcome, but also the initial custody request of each party and the legal representation status of both parents. They ultimately find that representation increases the chance of a parent achieving their desired custody outcome only when the other parent is unrepresented, a finding which could impact the availability of free or low-cost legal services in the area of child custody.

Next, we present “From on the Stand to on Tape: Why Recorded Child Victim Testimony is Safer, More Effective, & Fairer” by Madeline Porter, which argues that recorded forensic interviews should be admitted into court in lieu of live, in-court testimony by child victims of sexual assault. First the author

explores the psychological trauma faced by child victims of sexual assault who testify in court. She then delves into evidentiary issues, concerns with respect to defendants' 6th amendment rights, and how live, in-court child testimony can affect defendants' perceived guilt or innocence. The discussion culminates in a case study which considers the effects of the Texas Court of Appeals striking down a statute that had allowed for recorded interviews instead of relying solely on live testimony. Ultimately, she concludes that substituting recorded forensic interviews for live, in-court testimony by child victims protects the children and the defendants in sexual assault cases, and that the Texas cases which banned forensic interviews in lieu of live child testimony should be overturned.

We hope these articles inspire child advocates and facilitate productive discourse. As always, we are grateful to our entire 2017-2018 editorial staff for their hard work in making this issue a success. We would especially like to thank our faculty advisor, Professor Courtney Joslin, for tirelessly and effortlessly assisting and counseling us through it all.

Sincerely,

Kritika Thukral and Elissa Niccum

Editors in Chief