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RESEARCH ARTICLE

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Exploring how attorneys address grooming in criminal trials of child sexual abuse

Emily Denne[1] | **Stacia N. Stolzenberg**[2]

[1]Griffith Criminology Institute, Griffith University, Mt Gravatt, Queensland, Australia

[2]Criminology and Criminal Justice, Arizona State University, Phoenix, Arizona, USA

Correspondence
Emily Denne, Griffith Criminology Institute, Griffith University, M11/176 Messines Ridge Rd, Mount Gravatt, QLD 4122, Australia.
Email: edenne@asu.edu

Abstract

Grooming is a common tactic among perpetrators of child sexual abuse (CSA). It is important that grooming is addressed in court to explain the unintuitive ways a child may act when they have been victims of abuse. The present study draws upon 134 transcripts of CSA criminal trials to establish how attorneys talk about grooming in court. Only 1.8% of attorney's questions addressed grooming behaviors. The majority of these focusing on exposure to pornography (27%) or boundary pushing (19%). Invitations elicited the most productive reports of grooming from children. There was a statistically significant difference in the proportion with which defense and prosecuting attorney's raised grooming issues, with prosecutors raising grooming issues more often than defense attorneys. We suggest that attorneys consider devoting proportionally more time to addressing grooming in court, to help jurors demystify common myths surrounding CSA.

KEYWORDS
attorney questioning, child abuse, child sexual abuse, grooming, seduction

1 | CHILDREN'S REPORTS OF GROOMING IN CRIMINAL TRIALS OF CHILD SEXUAL ABUSE

> Q. Except when he used to touch you that you didn't like. But otherwise did you like [defendant]? A. Yes.
> Q. How come? A. Because he sometime used to—sometimes he used to do nice things to us, sometimes.

Underlying a great deal of intrafamilial violence, lies psychological manipulation and abuse. Grooming—the largely nonviolent psychological manipulation acts used to seduce children into move violent and overt forms of abuse is a common tactic used by perpetrators in many child sexual abuse (CSA) cases. In these sensitive cases, a child's parent, caregiver, or close familial adult is often also their perpetrator (Elliot et al., 1995). As intimate offenders, perpetrators may employ different strategies and tactics, distinct from those used by stranger perpetrators, to build a complex relationship with their victim, encourage victim compliance, and prevent victim disclosure. These tactics constitute grooming behaviors and facilitate victim selection, compliance, and secrecy maintenance (Bennett & O'Donohue, 2014). Many grooming behaviors blur the distinction between normal caregiving activities and abuse. As such, understanding how these constellations of behaviors occur collectively, as opposed to in isolation, may lay the foundation for identifying potential abuse victims. Importantly, these tactics can explain the unintuitive ways that children often act when they have been victims of abuse. Specifically, grooming can help to explain delayed disclosure, partial disclosures, and recantation - behaviors and case characteristics which are somewhat counterintuitive to how lay people expect the victimization process to unfold (Denne et al., 2023; St George et al., 2022). That is, while laypeople may expect a child who has been abused to disclose immediately and report a consistent error-free narrative, these intuitive disclosure characteristics are not all that common (London et al., 2005).

Despite evidence which suggests grooming is a common tactic that can be used to explain a victim's behavior and the relationship they have with their perpetrator; it is neither well studied nor well understood. Therefore, work is needed to adequately address both whether and how reports of grooming are elicited from children to aid legal practitioners and jurors alike in understanding a child's report of maltreatment. The goal of the present study was to explore the ways in which grooming issues were being raised and addressed in court. Drawing upon 134 transcripts from criminal investigations of CSA, we have used a combination of qualitative and quantitative data to explore 1) whether and how attorneys were raising grooming in court and 2) the kinds of questions that elicit the most productive reports of grooming from children.

2 | GROOMING AND THE DYNAMICS OF ABUSE

Grooming provides a useful framework for understating unintuitive case characteristics like a close child-perpetrator relationship, delayed disclosure, and recantation in CSA cases. It is not uncommon for jurors to hold both misconceptions and uncertainty about the dynamics and nature of childhood victimization (Cossins et al., 2009). These misconceptions and uncertainty surround perpetrator stereotypes and perpetrator blame (Cromer & Goldsmith, 2010) and patterns of disclosure (Quas et al., 2005), among others. Importantly, questions related to these misconceptions and myths surrounding abuse arise with regularity in court, where children are frequently questioned about delayed disclosures, their relationship with their perpetrator, force and resistance, and other myths surrounding abuse (Denne et al., 2023; St. George et al., 2022). Prosecuting attorneys then, have a motivation to raise these issues in court because otherwise jurors may fail to understand why a child might delay, deny, or recant an allegation, and how grooming may play a role in the process.

Many perpetrators of CSA are a close family member or friend (Finkelhor, 1994). As such, a preexisting relationship often exists between the child and perpetrator prior to a child's abuse. To develop a strong, positive connection with the child, perpetrators may shower the child with gifts or favoritism (Winters & Jeglic, 2017). While these behaviors in isolation may be completely normal, collectively, they may serve to develop cooperation and perceptions of the perpetrator as non-threatening (Mcalinden, 2006; Mooney & Ost, 2013). These tactics allow the abuser to more easily manipulate the child into patterns of abuse and create the impression that the child and the perpetrator have a unique bond (Mooney & Ost, 2013). Children may further feel a sense of loyalty to their perpetrator who has used these pre-abuse tactics to build a relationship with the child—particularly in cases of abuse by a parent where the

child's perpetrator also serves as their caregiver (Winters & Jeglic, 2022). As such, grooming is an important step in the victimization process and can explain why a child may have positive feelings towards their abuser.

In addition to explaining the child-perpetrator relationship, grooming may be useful for understanding why a child would keep the abuse a secret or delay disclosure. Children frequently delay disclosure of abuse or fail to disclose (for a review see McElvaney, 2015). Children who delay disclosure may do so due to threats of secrecy, bribery, and gift giving--all examples of grooming (Winters & Jeglic, 2022). These tactics to maintain privacy may be effective. Researchers have established that children who are groomed by their abusers tend to delay disclosure longer than those who use force (Sas & Cunningham, 1995). Importantly, charges of force are infrequent in these cases (Stolzenberg & Lyon, 2014). Despite this, analyses of the ways in which children disclose abuse often fail to note the importance of grooming in explaining a delayed disclosure instead focusing on maternal support, age, gender, and abuse severity as predictors of a disclosure delay (McElvaney, 2015). Children may be highly motivated through a combination of grooming and post-abuse secrecy tactics, to keep the abuse a secret.

Similarly, grooming may be useful for understanding and explaining a child's recantation. A recantation occurs when a child who has made a claim of abuse retracts their allegation. Recantations are either the result of a true denial or a false denial. Empirical evidence suggests false denials happen with some regularity (Malloy et al., 2007). In such cases, where grooming is a tactic used to maintain secrecy (Craven et al., 2006), it may further be used to explain a child's behavior when they do recant. That is, a child may have been groomed into secrecy, which is then re-established post-disclosure (either by the perpetrator, or even a non-offending caregiver who is fearful of the consequences of the child's disclosure). Subsequent research on adult recantation of domestic violence finds that interpersonal processes, like sympathy, contribute to the recantation process (Bonomi et al., 2011). Such processes may be similar for children who recant, who have developed a close relationship with their abuser. Similarly, student accounts of grooming from professors note the close personal relationships these victims developed with their abuser (Bull & Page, 2021). Adult abuse dynamics are of course different than those of a child and an adult, but the close relationships evident in both may mean the motivational process for recantation, that result from this same power differential, is somewhat similar. As such, grooming is foundational in understanding these dynamics of victimization and are captured in a child's behavior both pre- and post-abuse.

3 | GROOMING IN CSA CASES

While there is a general consensus on the concept of grooming as a tactic used early on pre-abuse, there is disagreement on the various techniques that perpetrators use when employing these tactics on children. For instance, some definitions of grooming focus on stage models (Mcalinden, 2006; Winters & Jeglic, 2017) while others attempt to define concrete behaviors that constitute abuse (Berliner & Conte, 1990; Christiansen & Blake, 1990). In an attempt to resolve these discrepancies in definition and application, Bennett and O'Donohue (2014) have defined grooming as "antecedent inappropriate behavior that functions to increase the likelihood of future sexual abuse" and have further developed a list of behaviors that can be defined as grooming. These behaviors incorporate ideas from numerous previous studies on the grooming process including examples like gift giving (Christiansen & Blake, 1990), isolating the child (Warner, 2000), threats not to tell (Berliner & Conte, 1990), as well as requests for secrecy (Van Dam, 2001). Collectively, these researchers provide a foundation for identifying grooming behaviors, further providing a structure for understanding how grooming may influence child behavior relating to abuse. Some authors have argued against such attempts to explicitly define a narrow list of grooming behaviors (Winters et al., 2021), suggesting that grooming should be identified by underlying motivation instead. Yet, specific behavioral indicator of grooming can still be useful for identifying and understanding grooming behavior from a child's perspective where the motivation behind the behavior is unknown.

Still, Bennett and O-Donohue's definition of grooming neglects to identify the subtle differences in tactics used to seduce a child before an abuse episode and maintain their secrecy post-abuse, providing the umbrella term of grooming for both. While Bennett and O'Donohue (2014) have conceptualized maintaining secrecy post-abuse (i.e.

after the abuse has begun) as an element of grooming, it is conceptually distinct from the overtly positive behaviors that a perpetrator uses to seduce a child into abuse. Prior researchers have defined grooming as including tactics to maintain the child's secrecy post-abuse such as threats and requests for secrecy (Elliott et al., 1995). These definitions are conceptually murky as there are clear substantive differences between grooming to increase compliance before an abuse episode and tactics to facilitate secrecy after the abuse. We have instead differentiated the distinct elements of grooming to increase compliance and grooming to maintain secrecy post-abuse. Our work systematically documents how attorney's talk to children about both distinct forms of grooming and the kinds of questions that elicit the most productive reports of grooming from children.

4 | QUESTION TYPE AND CHILD PRODUCTIVITY

How attorneys pose questions about grooming is likely to influence how youth respond, the accuracy of their responses, the productivity of their responses, and the coherence of their abuse narratives (Stolzenberg & Lyon, 2014b). For instance, open invitation questions (e.g., "Tell me everything that happened") have been shown to elicit broad narrative accounts of adult transgressions, while closed-ended questions (e.g., "Did he do X?") have been linked to more inconsistencies (Lamb & Fauchier, 2001). In addition, amongst academic experts and practitioners, there is widespread preference for the use of cued-invitations (e.g., "You said X. What happened next?"), which are less suggestive methods for eliciting information compared to specific questions (e.g., yes/no questions; Lamb et al., 2007).

While open-ended questioning is preferential for eliciting narratives, more specific questions are often necessary to elicit complete or particular details of abuse. For example, when making allegations of CSA in court, attorneys often ask a combination of general and specific questions related to the body mechanics of abuse. These questions, when either overly broad or overly specific, often result in uninformative answers from children (Sullivan et al., 2021). In these cases, more specific Wh-questions are often necessary to create a complete picture of the abuse, which is necessary for filing or pursuing charges in criminal court. Similarly, attorneys frequently rely on yes/no questions when asking children about recall for prior questions during CSA trials. Yet, these questions tend to lead to unelaborated responses from children, and are more likely to elicit inaccurate, inconsistent, or incomplete details (Stolzenberg & Lyon, 2014b). However, open-invitations for free recall may not always elicit the specific details needed to prosecute a case. When attorneys are looking for an answer to a specific question to which children may not provide a spontaneous report through free recall, Wh-questions may be useful (Lyon et al., 2012). Wh-questions can yield productive responses, particularly from young children, who may need more structure to provide details in their response (Kulkofsky et al., 2008). In connection to grooming, it is likely that children may not recognize specific grooming behaviors (such as gift-giving, isolation, desensitization to touch) as predatory, abusive, or worth reporting. In this way, more specific Wh-questions may be necessary to elicit details related to grooming which children may not spontaneously report. Yet it remains unknown how interviewers talk to youth about the grooming process and the kinds of questions they use to do so (if at all).

5 | THE PROPOSED RESEARCH

Using a combination of qualitive and quantitative data, we have examined the ways in which grooming issues are raised in court. If grooming is not raised at all by attorneys, it is unlikely that jurors will, without direction to do so, connect a child's unintuitive behaviors (i.e. a complex relationship with their perpetrator, delays in disclosure, etc.) to the ways in which that child was groomed into secrecy and compliance. Attorneys may need to establish grooming elements to help make the case make more sense to decision-makers, who may be confused at the unintuitive elements of disclosure and abuse dynamics. As such we expected the following:

H1 We expected that attorneys would rarely raise grooming in court as evidence suggests that attorneys devote a great deal of time to the immediate abuse but tend to neglect precursors to abuse (Stolzenberg & Lyon, 2014).

H2 We expected prosecuting attorneys, who will be more motivated to raise grooming to explain a child's unintuitive behavior, would raise grooming more frequently than defense attorneys. This is because prosecuting and defense attorneys differ in both motivation and tactics when questioning child witnesses (Bruer et al., 2023).

H3 We expected that children would be unlikely to raise grooming issues on their own and would likely require more structured and narrow questioning to provide reports of grooming (Lyon et al., 2012). In the rare cases when attorneys did raise grooming, we expected Wh-questions would yield the most productive reports from children.

H4 We conducted exploratory analysis to examine how prosecutors and defense attorneys address two distinct types of grooming: grooming to increase compliance and grooming to maintain secrecy. We expected prosecutors to reference both grooming to increase compliance and grooming to maintain secrecy more often than defense attorneys due to differences in motivations (i.e. to credit or discredit the child's report) when trying these cases (Bruer et al., 2023).

6 | METHOD

In collaboration with the Maricopa County Attorney's Office (MCAO), we have obtained transcripts of 134 testimonies from CSA cases occurring (i.e. reaching trial) between January 2005 and August 2015 in Maricopa County, Arizona. MCAO provided us with foundational information about the cases, including what charges were filed, what charges were convicted, demographic information about the children and alleged perpetrators, as well as information on which court reported transcribed each case, across which dates, as well as their contact information. Across our sample, there were 84 different prosecutors represented and 77 defense attorneys. Authors contacted and paid court reporters (some of whom charge a per page fee or flat rate, others who did not charge a fee) at MCAO to provide us with transcripts of complete cases (64% response rate across every prosecuted case during that 10-year period). We received 214 complete victim's testimonies across 142 cases (some cases included multiple victims); the remaining court reporters were non-responsive. Of these 214 testimonies, 134 involve minors at the time of testimony (across 101 cases; $M_{\text{victim per case}} = 1.33$, $SD_{\text{victim per case}} = 0.65$), whereas the remaining transcripts involve young adults testifying about alleged victimization during their childhood.

Cases were included if they had complete transcripts, involve a minor at time of testimony, and involve at least a single charge of Child Sexual Conduct with a Minor (A.R.S. 13-1405), Child Molestation (A.R.S. 13-1410), or Sex Abuse (A.R.S. 13-1404). The children included in this sample ranged in age from 5 to 17 ($M = 12.48$, $SD = 3.34$). The majority of defendants were male (99%) and the majority of victims were female (90%). In many of the cases the defendant was the child's parent or caregiver (40%). In the remaining cases the defendant was either another family member (26%), a family friend or familiar adult (29%), or a stranger (5%). Children's allegations in these cases included penetration (34%), oral copulation or genital contact (14%), and less severe abuse such as exposure to pornography (52%). About a third (40%) of the children were White, 26% were Latinx/Hispanic, 15% were Black, Asian, or Native, and 25% were of unknown race or ethnicity. Forty-five percent of the defendants were White, 40% were Latinx/Hispanic, 13% were Black, Asian, or Native, and 2% were of unknown race or ethnicity. Of note, several of these cases involved a full recantation ($N = 8$, 6%) of abuse claims.

7 | MEASURES

Using thematic analysis, two trained independent coders coded all transcripts for grooming issues. That is, *form of grooming was coded for* using a modified version of the 13 grooming behaviors identified by Bennett and O'Donohue (2014) as well as sensitivity to forms of grooming that have not been previously documented. These grooming tactics were further coded as grooming to facilitate compliance and grooming to maintain secrecy. *Attorney question type was coded* as (1) yes-no, (2) forced-choice, (3) tag (4) negative term, (4) Wh- (5) How, (6) statement questions, (7) do you know/remember/can you, (8) tell me more/about, (9) not a question, (10) unclassified. We included and coded questions that both directly addressed grooming (ex: "Did the defendant ever show you pictures of videos with naked people in it?")

and those in which the child spontaneously provided a report of grooming ("What happened next?"). Coders double coded 20% of transcripts, assessed Prevalence Adjusted Bias Adjusted Kappa (PABAK) to ensure they reach >0.80 reliability across all variables. All variables were reliable above 0.80 as measured by PABAK across 20% of the sample (n = 27). We further enter information related to questioner as prosecutor or defense, age of the child, gender of the child, relationship to the perpetrator, severity of abuse, frequency of abuse, race/ethnicity of the child, and verdict as noted in the case file information provided to us by MCAO. *Response-productivity was coded* for the number of words as a proxy for details and informativeness as has been deemed appropriate in prior work (Poole & Dickinson, 2000). Excel automatically calculate a word count for each response as a measure of response productivity.

8 | RESULTS

Across the 134 cases in the sample, there were a total of 61,689 question-answer pairs. The prosecution asked more questions overall (Range = 17–1095, $M_{\text{per case}}$ = 273.25, $SD_{\text{per case}}$ = 199.13) than did the defense (Range = 0–1020, $M_{\text{per case}}$ = 169.37 $SD_{\text{per case}}$ = 152.81), t (266) = 4.79, p < 0.001.

H1 Frequency of grooming issues

We first conducted descriptive analyses to explore the frequency with which attorneys raised grooming issues. Grooming issues were raised in 62.7% of cases (N = 84). That is, 62.7% of cases contained at least one question-answer pair that addressed grooming, across 1083 (1.8%) grooming question-answer pairs total.

H2 Proportion of grooming questions by attorney

Defense attorneys raised grooming in 41 cases (30.6%) while prosecuting attorneys raised grooming in 71 cases (53.0%; see Table 1 and Table 2). Of all defense attorney questions to children, grooming comprised 1.4% (SD = 0.03) of these questions (grooming to facilitate compliance: M = 0.037, SD = 0.042; grooming to prevent disclosure: M = 0.01, SD = 0.008). Of all prosecuting attorney questions to children, grooming comprised 2% (SD = 0.03) of these questions (grooming to facilitate compliance: M = 0.05, SD = 0.058; grooming to prevent disclosure: M = 0.02, SD = 0.023). To explore differences in the proportion with which attorney's raised grooming issues, we conducted a Mann-Whitney U test as the data was not normally distributed and was negatively skewed. Attorney type (defense or prosecution) was entered as our independent variable, with the *proportion* of grooming questions by case as our dependent variable to account for variability in the total number of questions asked. There was a statistically significant difference in the proportion with which defense and prosecuting attorney's raised grooming issues overall, z = −3.02, p = 0.002, SE = 193.15. There was also a significant difference in the proportion with which defense and prosecuting attorney's raised grooming issues to increase compliance specifically, z = −2.13, p = 0.034, SE = 129.16 and grooming issues to maintain secrecy, z = −3.36, p < 0.001, SE = 132.49. Across all analyses, prosecutors consistently raised grooming issues more frequently than did defense attorneys.

H3 Productivity of question type related to grooming

TABLE 1 Descriptive statistics for proportion of grooming questions by prosecuting and defense attorneys.

	Proportion of prosecution questions[a]			Proportion of defense questions		
Form of grooming	**Range**	***M***	***SD***	**Range**	***M***	***SD***
Total grooming questions	0.00–0.28	0.02	0.03	0–0.19	0.014	0.03
Grooming to facilitate compliance	0.00–0.27	0.05	0.058	0.00–0.19	0.037	0.042
Grooming to maintain secrecy	0.00–0.08	0.02	0.023	0.00–0.05	0.0097	0.008

[a]Proportions of total questions asked are presented in the table, see results section for percentage of grooming questions by attorney.

TABLE 2 Descriptive statistics on grooming questions by attorneys.

Grooming tactic	Number of questions total	Proportion of total grooming questions	Range $_{\text{per case}}$	$M_{\text{per case}}$	$SD_{\text{per case}}$
Tactics to facilitate abuse	911	84.0%	0–45	2.81	6.40
Exposure to pornography	297	27.4%	0–18	0.72	2.14
Boundary pushing	209	19.0%	0–13	0.78	2.17
Teaching abnormal sex ideals	113	10.4%	0–10	0.17	0.99
Other forms of grooming	31	2.9%	0–20	0.23	1.76
Giving gifts	134	12.4%	0–14	0.51	1.77
Isolating	22	2.0%	0–5	0.12	0.68
Illicit substances	76	7.0%	0–20	0.22	1.78
Favoritism	27	2.5%	0–3	0.10	0.41
Inducement to secrecy	164	15.1%	0–6	0.83	1.13
Requests	54	5.0%	0–6	0.40	0.71
Other questions about nondisclosure	61	5.6%	0–1	0.023	0.17
Threats	84	7.7%	0–6	0.39	0.87

To explore the relationship between question type and response productivity for question-answer pairs related to grooming, we conducted a generalized linear mixed-effects model (GLMMs; see Table 3). Question-type was included as our independent variable and response productivity was our dependent variable (continuous). Our GLMM model, using a logistic link function, included a by-subject random intercept as each child received multiple lines of questioning. The overall model was significant (F [10, 1072] = 20.07, p < 0.001) with tell me more questions, B = , 11.70, 95% CI (9.63–55.47), p = 0.005, leading to the most productive reports from children.

9 | QUALITATIVE DATA AND EXAMPLES

Of all grooming questions, the majority addressed grooming to facilitate compliance (n = 911, 84.9%) and a minority addressed grooming to maintain secrecy (n = 164, 15.1%). Questions related to exposure to pornography were the most common (27.4% of all grooming questions), followed by boundary pushing (19.0%), %), giving the child gifts (12.4%), teaching abnormal sex ideals (10.4%), providing the child with illicit substances (7.0%), other form of grooming (4.5%), favoritism (2.5%), and isolation (2.0%; see Table 4 for descriptive statistics). Of tactics to maintain the child's secrecy, the majority were related to threats not to tell (7.7% of all grooming questions), followed by requests not to tell (5.0%), and other questions about nondisclosure (3.9%).

9.1 | Exposure to pornography

Questions about exposure to pornography (n = 297, 27.4%) were fairly common occurring in 25 cases (18.7%). For example, the following question was asked by a prosecutor to a 6-year-old girl, "*Q. Have you ever seen pictures in a book or a magazine or maybe a movie of a grown-up without any clothes on? A. I remember, yes, I have seen—I actually have seen them on movie.*" These questions revealed some level of awareness of grooming tactics that may have been used in the case.

9.2 | Boundary pushing

Questions about boundary pushing (n = 209, 19%) occurred in 29 cases (21.6%). These questions generally fell into two distinct categories: abuse-as-a-game boundary violation (n = 64, 30.6%) and overt boundary violations

TABLE 3 Productivity by question type descriptive statistics.

Question type	*N*	%	*M* response productivity	*SD*	Example
Yes/No Question can be answered with a yes or no	**371**	**34.3%**	**4.67**	**8.41**	Q. *Did [defendant] do things for you that you liked?*
Wh- The question asks who, what, where, when, why, or which.	**219**	**20.2%**	**18.52**	**27.29**	Q. *Did—when [defendant] did these things to you, what did he tell you about telling other people about these things?*
Statement The question would be a proper sentence if one dropped the question mark	**199**	**18.4%**	**4.28**	**9.40**	Q. *[defendant] never gave you a bath?*
Do you know/do you remember/can you Interviewer begins/ends questions by asking whether the child remembers/knows/recalls/thinks/or "can you tell us."	**99**	**9.1%**	**8.09**	**18.20**	Q. *Do you remember if he kissed you with an open mouth or a closed mouth or something else?*
Tag The question includes a tag, such as "doesn't/isn't he" or "does he."	**63**	**5.8%**	**2.54**	**4.49**	Q. *Okay. And that he would also buy you clothes, right?*
How The question asks how	**47**	**4.3%**	**14.15**	**12.60**	Q. *How would [defendant] kiss you on the lips?*
Forced choice There are multiple options so that the child chooses among the answers	**30**	**2.8%**	**9.60**	**9.49**	Q. *Would [defendant] be in the bathtub with you, or sometimes was it just you and josh or something else?*
Not a question Ex: Okay, good, etc.	**29**	**2.7%**	**14.66**	**18.73**	Q. *Yeah.*
Tell me more/about Questions will ask the child to elaborate on information already provided in the interview	**21**	**1.9%**	**35.05**	**23.47**	Q. *Tell me more about that? What did you guys do?*
Negative term The question includes a negative term (with a contraction of "not")	**3**	**0.3%**	**1.0**	**1.0**	Q. *Isn't that what you did that night by not telling them about the drugs and alcohol?*
Other/unclassified	**2**	**0.2%**	**2.50**	**0.71**	Q. I'm sorry?

(*n* = 139, 66.5%). Abuse-as-a-game framework questions were common among younger children and generally mentioned desensitization to abuse in connection with tickling or games. For example, the following question depicts an exchange between a prosecuting attorney and a 6-year-old girl who made an allegation of abuse against her father, "*Q. When he was a nice dad, then he would tickle you? A. And then he would always play horsey, and then he played a lots of fun stuff, and then he turned into a bad guy.*" Conversations about overt boundary violations often involved questions about purposeful invasions of privacy. In the following example a prosecuting attorney is asking an 11-year-old girl about an overt boundary violation. The defendant in this case was a family friend who the child had known for several years: "*Q. Did anything ever happen with you and [defendant] in the shower? A. yeah. sometimes we took showers. We didn't do any physical action, I believe. Q. Okay. A. He would help me wash my hair*

TABLE 4 Coding categories, definitions, examples, and percent of cases with at least one grooming question.

Grooming tactic definition	%	Example
Tactics to facilitate abuse	62.7%	
Exposure to pornography Question or answer that addressed exposure to R-rated movies or movies and magazines depicting pornography.	18.7%	Q. What about an adult? Have you ever seen pictures in a book or a magazine or maybe a movie of a grown-up without any clothes on? A. I remember, yes, I have seen—I actually have seen them on movies.
Boundary pushing Question or answer that addressed excessive tickling, hugging, wrestling, sitting on the perpetrators lap, and other boundary violation such as bathing, sleeping in the same bed as the child, and nudity around the child.	21.6%	Q. Did you and [defendant] ever wrestle with each other? A. No.
Teaching abnormal sex ideals Question or answer that referenced conversations about sex outside of good touch bad touch conversations or age-appropriate conversations about sex education.	6.7%	Q. So the defendant would tell you about sexual things that he had done? A. Correct.
Other forms of grooming Question or answer that addresses other forms of grooming that did not fall into a distinct category captured through the coding guide.	4.5%	Q. Did he do nice things for you? A. Yes.
Giving gifts Question or answer addressing the perpetrator giving the child a gift or money.	21.6%	Q. And when you were at [defendant's house]', did he give you gifts as well? A.Yes.
Isolating Question or answer addressing attempts to isolate the child physically or emotionally from others.	3.7%	Q. So you went to—sometimes you went to the cabin with just you and [defendant]? A. Yes.
Illicit substances Question or answer addressing the perpetrator giving the child drugs or alcohol or using drugs or alcohol with the child.	3.7%	Q. Now, something else the defendant did with you, was there drugs involved? A. Yes.
Favoritism Question or answer addressing how the child was treated differently by the perpetrator	7.5%	Q. Okay. Now, as your brothers and sisters got older, did [defendant] treat you any differently than any of his own children? A. Yeah.
Inducement to secrecy	86.6%	
Requests Question or answer related to requests not to tell.	30.6%	Q. And did you not tell because your uncle told you not to tell anyone? A: Yes.
Threats Question or answer related to a direct consequence of disclosure.	23.9%	Q. Okay. Did he say what would happen if you told anybody? A: No.
Other questions about nondisclosure Question or answer related to other conversations about nondisclosure not captured in the coding guide.	3.0%	Q. Did [defendant] ever tell you that—did he ever say anything to you about talking about this or not talking about it? A: I don't know.

because when I wash my hair, I don't scrub it all the way through." Question-answer pairs addressing overt boundary violation generally adopted a different framework (abuse-as-a-game or overt violations) based on the age of the child.

9.3 | Teaching abnormal sex ideals

Nine children (6.7%) received at least one question addressing abnormal sex ideals (*n* = 113, 10.4%). For example, the following question was asked by a prosecutor to a 10-year-old girl who made an allegation of abuse against a family friend, "*Q. And do you know how come he told you that? How to use [a vibrator]? A. No. I don't know why*." These questions were particularly common among older children and generally focused on the defendant teaching a child how to use sex toys or the defendant telling a child about their own sex lives.

9.4 | Other forms of grooming

Six children (4.5%) received at least one question addressing other ways the perpetrator had used grooming to facilitate compliance (*n* = 61, 5.6%). These questions often focused on emotional manipulation (*n* = 11, 18%) through telling the child how they felt about them or complimenting them such as in the following question from a prosecuting attorney: "*Q. And then what happened? A. He kept telling me how much he loved me, but not in the way that I loved him. And then my mom way came up the stairs and saw him in my room, and he quickly wrapped his arms around me so it didn't seem weird or anything. And she said it was time for me to go to bed. So he left and went into his room*." Other forms of grooming also captured general questions about what the defendant did that the child liked. In both cases, questioners highlighted emotional manipulation as another form of grooming as well as highlighting behaviors that contributed to a general positive relationship between the perpetrator and the child.

9.5 | Gift giving

Twenty -nine children (21.6%) received at least one question related to gift giving (*n* = 134, 12.4%). These questions generally emphasized giving a physical gift before the abuse began. In the following example a prosecuting attorney asks a series of questions addressing gifts given to a six-year-old who had made an allegation of attempted intercourse by her father: "*Q. So did he buy some things? A. Yes. Q. What kind of things did he buy you? A. When I was over, I actually listened to him. Q. And then what happened when you listened to him? A. He buyed me a lots of good stuff. Q. What did he buy you? A. Ponies, crayons, coloring books, barbies, mermaid toys*." In this way, attorneys may highlight gift giving as a more obvious and overt form of grooming.

9.6 | Isolation

Five children (3.7%) received at least one question about the defendants attempts to emotionally or physically isolate the child. There was a total of 22 (2.2%) questions addressing isolation. For example, in the following excerpt, a prosecuting attorney asked a child about the perpetrator physically isolating her. The child in the case was 11-years-old and the defendant was her neighbor who frequently took her on vacations alone," *Q. Did you go on any other trips with [defendant]? A. Yeah…This was the trip to Orlando, Florida. And he took me to Disney world and Sea World. And we went—and then we went to Daytona Beach because that's where he actually lived. We just stayed in the hotel for two nights. And he took me to the beach and he took me to the dog races*." In many of these cases the perpetrator, who was usually a close familial adult, physically isolated the child through taking them on trips alone to places they enjoyed (e.g.: theme parks, holidays, etc.).

9.7 | Illicit substances

Five children (3.7%) received one of more questions about the defendant providing them with drugs/alcohol or using drugs/alcohol with them (*n* = 76, 7.0%). For example, an 11-year-old girl was asked by a prosecutor about illicit substance use with her neighbor, the defendant in the case: "*Q. Now, did [defendant] ever make you drink anything that you didn't like? A. Yeah. He made me drink bud light*." These questions covered an overt exchange of illicit substances for abuse as well as substance use with a child to either disorient them or gain their trust.

9.8 | Favoritism

Ten children (7.5%) received at least one question about favoritism (*n* = 27, 2.5%). These questions often addressed ways in which the victim was treated differently than siblings or friends. For example, a prosecuting attorney asked a 10-year-old girl, "*Q. Do you think he treated you like a favorite, like his favorite granddaughter? A. Yeah. Q. In what way? A. Like almost every time we would go to the store he would buy me, like, candy. Q. Anything else that he would do to show you that you were his favorite? A. Usually when he takes other kids to the VFW he usually doesn't buy them soda, but almost every time I go, he is buying me sodas*." Conversations surrounding favoritism often simultaneously mentioned gift giving that signaled to the child that they were a favorite.

9.9 | Requests not to tell

Forty-one children (30.6%) received at least one question addressing a defendant's request not to tell. Across these cases, there were 54 (4.0%) questions related to requests not to tell. For example, a prosecutor asked an 11-year-old girl, "*Q. Okay. Then what happened? A. Then the second time he came in he whispered not to tell anyone*." These conversations often involved discussions about a secret between the defendant and child without a mention of consequences.

9.10 | Other questions about nondisclosure

Across 4 cases (3.0%) there were 61 (5.6%) questions that were described as other questions about nondisclosure. This category captured broad questions that neither directly mentioned a request or consequences such as in the following prosecutor's question, "*Q. Did [defendant] ever tell you that—did he ever say anything to you about talking about this or not talking about it? A. I don't know*." These broad questions were often followed by more specific questions about requests or threats not to tell.

9.11 | Threats not to tell

Attorneys asked children 84 questions (7.4%) about defendant's threats not to tell. Children in 32 cases (23.9%) received a least one question addressing threats not to tell. To illustrate, in the following example a 10-year-old child provides a spontaneous description of the defendant's threats following a prosecutor's question, "*Q. What was the very next thing that happened? A. Well, he put my leg up, and then my mom came. And then he said if I tell my parents, then he is going to take me somewhere*." conversations about threats not to tell involves a combination of both social (e.g. separation from the defendant) and physical threats (e.g. physical harm).

10 | DISCUSSION

The purpose of the current study was to explore how grooming was addressed by prosecuting and defense attorneys, if it was being addressed at all. Without direct references to grooming, jurors may struggle to connect and understand

the child's unintuitive behaviors and disclosure patterns. Through examining the criminal trial testimonies of children who have made an allegation of CSA, we systematically examined what types of questions attorneys ask when talking to children about grooming and the content of these questions. In doing so, we found support for some but not all of our hypotheses. Specifically, we found that grooming was raised in over 60% of cases—more than was predicted. In line with hypotheses, we found that prosecutors raised grooming more often than defense attorneys. Furthermore, when attorneys did raise grooming, invitations (e.g. "Tell me more…") elicited the most detailed reports from children. We complimented these quantitative findings with qualitive data illustrating the content of questions related to grooming. Our work expands upon prior work establishing grooming as an element of the victimization process as well as work examining the content of attorney questioning in court.

10.1 | Frequency of grooming questions

Questions related to grooming comprised 1.8% of all questions asked to children. This suggests that proportionately, grooming is given little attention in court. Still, children received at least one question related to grooming in over 60% of cases. Here, we see that attorneys may have some level of sensitivity to grooming as part of the larger victimization process. Where children were asked only one grooming question in their case, as was true for many of these cases, grooming questions were heavily focused on exposure to pornography.

This could be related to the charges in the case serving as a limitation of our design and an avenue for future investigation. Because exposure to pornography is the only form of grooming that has been criminalized in the U.S. to date (Kaylor et al., 2022) it is again important for attorneys to give this form of grooming attention in court. Still, such a narrow examination of grooming neglects to acknowledge the many other behavioral indicators of grooming. Since grooming is better viewed as a constellation of behaviors instead of single behavior in isolation, attorneys may be missing an important opportunity to address other behavioral indicators of grooming in court when narrowly focusing on exposure to pornography. Establishing if and how a child has been groomed into abuse is an important element of establishing a child's credibility. It can help explain why a child would delay disclosure or recant an allegation of abuse as well as providing a framework for understanding the complex child perpetrator dynamics that often occur in CSA cases (McElvaney, 2019).

Where attorneys are neglecting to address grooming, which they do so in nearly 40% of cases, jurors may struggle to connect a child's unintuitive behaviors to the ways in which the child was groomed into abuse. Addressing grooming and providing a clear and complete picture of the behaviors that constitute grooming, may aid jurors in establishing a complete picture of the abuse. While there is no evidence to date that knowledge of grooming is effective in combatting juror misconceptions, there is evidence that jurors are often unfamiliar with grooming as a modus operandi of offenders (Goodman-Delahunty et al., 2017). As such, it is possible that educating jurors on the nature of grooming through attorney questioning may help link evidence in CSA cases and combat myths and misconceptions about the nature of CSA, though this is yet to be empirically tested. We see here that grooming is being given proportionately little attention and is completely neglected in nearly 40% of all cases. Raising grooming in more cases may be an opportunity for prosecutors to be more persuasive to the jury about the validity of a child's claims, by counteracting myths that may be held, and helping jurors to understand abuse in the context of the larger family dynamics of abuse.

Alternatively, attorneys may be uninterested in grooming and may be more interested in addressing behaviors that meet charging guidelines given their need to be expedient. Furthermore, though unlikely, it is possible that knowledge and understanding of grooming within the larger framework of abuse is not useful to jurors and does not impact their perceptions of the child or defendant. While researchers suggest a need to criminalize many grooming behaviors due to their long-term impact of child wellbeing (Whittle et al., 2013), many of these behaviors are precursors to a criminal offense, but still not considered a form of abuse in many jurisdictions (Kaylor et al., 2022). While attorneys do, and perhaps should, devote most of their time to behaviors that meet charging guidelines, grooming

serves as an important avenue for understanding a child's behavior and the coherence of a child's abuse narrative. Attorneys would benefit from explaining these dynamics in an effort to create a clear picture of the abuse.

Finally, it is possible that grooming was not present or that attorneys did not have evidence of grooming and that is why grooming questions where not raised or raised infrequently. However, the majority of the cases in our sample contained allegations of repeated abuse, suggesting that children delayed disclosure for at least some time, indicating that at least some grooming was likely involved to prevent the child's disclosure. In these cases, would we expect attorneys to be motivated to raise grooming to explain the child's delay in disclosure which may not be intuitive to jurors.

10.2 | Attorney type and grooming

In line with hypotheses, prosecuting attorneys raised grooming issues more frequently than did defense attorneys. Researchers suggests that defense and prosecuting attorneys talk to children differently both in question style (Andrews et al., 2015) and question content (Denne et al., 2020). This is likely due to the different goals that prosecutors and defense attorneys have when questioning child witnesses (Bruer et al., 2022). Prosecutors are likely highly motivated to elucidate the ways in which a child was grooming into abuse and use this as a framework to explain a child's unintuitive behaviors. In contrast, defense attorneys often raise theses unintuitive behaviors in court and capitalize on jurors' misconceptions, uncertainty, and misunderstandings. In a recent analysis of the content of defense attorney questioning, defense attorneys raised both rape myths and CSA myths related to disclosure patterns and the child perpetrator relationship among other myths in over 10% of their questioning to CSA victims in court (Denne et al., 2023; St George et al., 2022). Prosecutors may need to combat these myths through raising grooming to explain a child's unintuitive behaviors. We would expect prosecutors to raise grooming more often than defense attorneys and suggest they continue to do so to combat defense attorney's capitalization on jurors misconceptions.

10.3 | Question type and grooming

Contrary to hypotheses, "Tell me more" questions elicited the most elaborative responses from children related to grooming. This finding is in keeping with prior research which suggests that invitations elicit the most elaborative, narrative responses from children above other question types (Lamb et al., 2011). Still researchers suggest that attorneys rarely use such questions (Andrews et al., 2015), particularly because they are motivated to control witness response in an effort to guide and develop their own case (Saywitz et al., 2002). Despite knowing which types of questions elicit the most detailed reports from children (Bruer et al., 2022), attorneys rarely use these types of questions in court. As our research suggests, children provide the most elaborative responses to these kinds of questions. We would encourage prosecuting attorneys to utilize "Tell me more" questions when talking to children about grooming in court, particularly as follow-up cued-invitations about topics related to grooming (e.g., "You said you liked him when you first met him. Tell me more about that.").

11 | LIMITATIONS AND FUTURE DIRECTIONS

An important limitation of this project is that the data used in this study came from a single large jurisdiction in the US. As such the generalizability of these findings may be limited and questioning practices related to grooming may present differently in different jurisdictions. Still the data used in this research is only the second of its kind in the US. Further, Maricopa County is a large and diverse county in the US, that sees a great deal of sexual abuse cases each year. The uniqueness of this data, though it is limited in generalizability, speaks to its importance and value. Despite

these limitations, this body of work makes important contributions to the conversation surrounding how grooming is addressed during the investigation and prosecution process in CSA cases.

Our research suggests that attorneys raise grooming in many of these cases but give grooming proportionally little attention during the prosecution process for children who have made an allegation of CSA. Prosecuting attorney should be educated about the grooming process and consider the ways in which a child's age and development, coupled with the child-perpetrator dynamic, may influence the way a child has been groomed. They can then alter their questioning practices in response in ways that are sensitive to probable grooming-related trends. Attorney education may be a key avenue to aid attorneys in building a robust case that acknowledges all available evidence, including key evidence on the grooming process. Doing so is likely to matter to jurors, who may struggle to understand less-intuitive elements of CSA cases, such as why children would delay disclosure or recant abuse allegations.

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CONFLICT OF INTEREST STATEMENT

There are no known conflicts of interest.

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