

**CHILD SEXUAL ABUSE ACCOMMODATION SYNDROME<sup>1</sup>**  
**(WHERE STATE PRESENTS EVIDENCE THEREOF)**

The law recognizes that stereotypes about sexual assault complaints may lead some of you to question [complainant's] credibility based solely on the fact that [he/she] did not complain about the alleged abuse earlier. You may or may not conclude that his/her testimony is untruthful based only on his/her [silence/delayed disclosure] [CHOOSE APPLICABLE TERM]. You may consider the [silence/delayed disclosure] along with all other evidence including [complainant's] explanation for his/her silence/delayed disclosure in deciding how much weight, if any, to afford to complainant's testimony. You may also consider the expert testimony that explained that silence/delay is one of the many ways in which a child may respond to sexual abuse. Accordingly, your deliberations in this regard should be informed by the testimony presented concerning the child sexual abuse accommodation syndrome.<sup>2</sup>

You may recall evidence that **(NAME)** [failed to disclose, or recanted, or acted or failed to act in a way addressed by the Child Sexual Abuse Accommodation Syndrome]. In this respect, Dr. **[A]**, Ph.D., testified on behalf of the State [and Dr. **[B]**, Ph.D., testified on behalf of the defendant].<sup>3</sup> Both witnesses were qualified as experts as to the Child Sexual Abuse Accommodation Syndrome.<sup>4</sup> You may only consider the testimony of these experts for a limited purpose, as I will explain.

You may not consider Dr. **[A]**'s testimony as offering proof that child sexual abuse occurred in this case. [Likewise, you may not consider Dr. **[B]**'s testimony as proof that child sexual abuse did not occur]. The Child Sexual Abuse Accommodation Syndrome is not a diagnostic device and cannot determine whether or not abuse occurred. It relates only to a

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<sup>1</sup> This charge should be given, where applicable, as part of the Expert Witness charge.

<sup>2</sup> This language is derived from that approved by the Supreme Court in State v. P.H., 178 N.J. 378, 399-400 (2004), and State v. W.B., 205 N.J. 588 (2011).

<sup>3</sup> This Model Charge should be modified where an expert on the Accommodation Syndrome is called by only one party.

<sup>4</sup> See State v. J.Q., 252 N.J. Super. 11 (App. Div. 1991), aff'd 130 N.J. 554 (1993).

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pattern of behavior of the victim which may be present in some child sexual abuse cases. You may not consider expert testimony about the Accommodation Syndrome as proving whether abuse occurred or did not occur. Similarly, you may not consider that testimony as proving, in and of itself, that \_\_\_\_\_, the alleged victim here, was or was not truthful.

Dr. [A]'s testimony may be considered as explaining certain behavior of the alleged victim of child sexual abuse. As I just stated, that testimony may not be considered as proof that abuse did, or did not, occur. The Accommodation Syndrome, if proven, may help explain why a sexually abused child may [delay reporting and/or recant allegations of abuse and/or deny that any sexual abuse occurred].

To illustrate, in a burglary or theft case involving an adult property owner, if the owner did not report the crime for several years, your common sense might tell you that the delay reflected a lack of truthfulness on the part of the owner. In that case, no expert would be offered to explain the conduct of the victim, because that conduct is within the common experience and knowledge of most jurors.

Here, Dr. [A] testified that, in child sexual abuse matters, [SUMMARIZE TESTIMONY]. This testimony was admitted only to explain that the behavior of the alleged victim was not necessarily inconsistent with sexual abuse. [CHARGE, IF APPLICABLE: here, Dr. [B] testified that, in child sexual abuse matters, [SUMMARIZE TESTIMONY]. This testimony was admitted only to explain that the behavior of the victim was not necessarily consistent with sexual abuse].

The weight to be given to Dr. [A]'s [or Dr. [B]'s] testimony is entirely up to you. You may give it great weight, or slight weight, or any weight in between, or you may in your discretion reject it entirely.

You may not consider the expert testimony as in any way proving that [defendant] committed, or did not commit, any particular act of abuse. Testimony as to the Accommodation Syndrome is offered only to explain certain behavior of an alleged victim of child sexual abuse.