



# Abusive Head Trauma

## Considerations to Strengthen Case Outcomes

Abusive Head Trauma (AHT) cases are being heavily litigated in courtrooms across the country with headlines calling into question the legitimacy of the AHT diagnosis. A clear understanding of the science and the law is necessary to create a record that will withstand appellate scrutiny and ensure that AHT court presentations and case law accurately reflect the widely accepted mainstream medicine and scientific research.

The diagnosis of AHT is generally accepted among the medical community in the United States and around the world. The American Academy of Pediatrics (AAP), the largest and most well-recognized pediatric medical association in the world, has consistently and publicly validated AHT as a medical diagnosis and a leading cause of fatal child abuse.<sup>1</sup> Most recently, the AAP released a scientific report that reaffirmed the diagnosis of AHT and was authored by experts from the AAP Council on Child Abuse and Neglect, Section on Ophthalmology, Section on Radiology, Section on Neurological Surgery, Society for Pediatric Radiology; American Association of Certified Orthoptists; American Association for Pediatric Ophthalmology and Strabismus; and American Academy of Ophthalmology. [“Abusive Head Trauma in Infants and Children: Technical Report”](#)<sup>2</sup> reflects the latest medical literature and research across a variety of pediatric specialties.

The new AAP technical report can help to educate and counter misinformation about AHT. It is more important than ever that prosecutors understand how to prepare and present AHT cases. Effective investigations, multidisciplinary collaboration, and case preparation are the building blocks of successful AHT prosecution and will help to strengthen AHT case outcomes and prevent unfavorable court rulings.

### Investigation

The investigation of AHT cases requires a deliberate and skilled approach. It is critical that prosecutors and investigators are properly trained and that they work collaboratively. Given that an investigation may result in an arrest or exoneration, prosecutors should approach the need for a thorough investigation as an ethical duty. AHT investigations should include:

- **Establishing a Timeline.** Establishing a timeline is crucial to the integration of medical and legal investigations in AHT. A thorough, detailed timeline can help establish when the injury occurred and who the perpetrator may be. In AHT, the victim commonly presents with neurological symptoms (i.e.: vomiting, lethargy, decreased appetite, seizure-like activity, altered mental status, unresponsiveness). It is important to establish the child’s routine, medical history, event history, recent health, and behavior (including appetite) in the days leading up to and after the onset of neurological

<sup>1</sup> Choudhary, A.K., Servaes, S., Slovis, T.L. et al. Consensus statement on abusive head trauma in infants and young children. *Pediatr Radiol* 48, 1048–1065 (2018). <https://doi.org/10.1007/s00247-018-4149-1>

<sup>2</sup> Narang SK, Haney S, Duhaime A-C, et al; American Academy of Pediatrics, Council on Child Abuse and Neglect; Section on Ophthalmology, Section on Radiology, and Section on Neurological Surgery; Society for Pediatric Radiology; American Association of Certified Orthoptists; American Association for Pediatric Ophthalmology and Strabismus; and American Academy of Ophthalmology. Abusive Head Trauma in Infants and Children: Technical Report. *Pediatrics*. 2025; 155(3): e2024070457. <https://doi.org/10.1542/peds.2024-070457>



symptoms. Oftentimes, the diagnosis of AHT involves significant intracranial injury. A medical and event history from caretakers can help determine if there was a medical or accidental explanation that could account for the injury observed. Medical professionals will also elicit a history from caretakers, and so the full set of medical records should always be obtained and reviewed.

- **Conducting Interviews.** All caretakers should be interviewed separately and immediately by the police, without exception. As stated above, information gathered from caretakers is crucial to determining the child's routine, behavior, medical and event history, and to the ultimate diagnosis of AHT. The initial interviews conducted with caretakers should focus on objective fact-gathering with the goal of obtaining as much information about routine, medical history, and event history as possible. Once a complete medical workup is conducted, police can reinterview caretakers using more traditional interrogation techniques. It is important that prosecutors and law enforcement work together to identify and establish effective investigative strategies for AHT cases in their jurisdiction.
- **Gathering Evidence.** It is also important to identify and gather relevant evidence in AHT cases. While each case is different, there are several items of evidence that should be evaluated for relevance and collection. Working with law enforcement officers to develop an evidence checklist may be helpful. Evidence to consider in AHT cases include:
  - Photos of home (or location where child was at the time of the onset of symptoms)
  - Police Body Worn Camera footage for any information caretakers may have provided to first responders
  - Video camera footage that may show the condition of the child before and after injury, or help to identify who was with the child at the time of injury
  - Cell phone records or other communications between caretakers
  - Complete set of victim's medical records including birth and pediatric records
  - Interviews with caretakers (as discussed above) and interviews with any other children in the home (forensic interviews when appropriate)
  - Child protection services or law enforcement history

### Multidisciplinary Teams: The Foundation of Successful AHT Cases

- Provide multidisciplinary training and share knowledge and experience
- Establish clear MOUs or protocols outlining roles and responsibilities
- Ensure timely coordination between agencies
- Eliminate duplicative interviews and prioritize evidence preservation and collection

Warrants should be obtained when necessary and to comply with the law.

## Collaboration—Multidisciplinary Teams

The successful prosecution of child abuse cases is rooted in strong multidisciplinary teams, and this is especially true in AHT cases. It is important that prosecutors foster good working relationships with all members of the multidisciplinary team. Establishing effective collaboration will help coordinate response, communication, process, and will ensure the best interests of the child are being met.

MOUs and protocols may be helpful to establish priorities and processes for each team member and will help to educate other team members on roles and responsibilities. For example, identifying procedures to ensure timely and coordinated response by law enforcement and child protection services in AHT cases will help to preserve the integrity of the investigation, eliminate duplicative caretaker interviews, ensure that all agencies have relevant medical records and findings, and address the safety interests of the child victim and any other children in the home.

The importance of communication and collaboration with all members of the multidisciplinary team cannot be overstated. In AHT this is especially true with child abuse pediatricians and nurses. Medical professionals are in the best position to help prosecutors understand the complexity of AHT and the medical evidence, which in turn will help prosecutors educate the judge and jury.

It is necessary to work with medical professionals to understand the AHT diagnosis and the details and limits of medical testimony in any given case. Medical professionals can also help prosecutors anticipate and rebut defense arguments, ensure that all appropriate medical testing has been performed (including hematology and genetics testing), and that relevant medical professionals have access to historical and current medical reports. Consulting with medical professionals can also be a useful tool for prosecutors in deciding which medical subspecialists will need to be called at trial.

## Preparing for Trial

Like in any case, successful AHT prosecution requires prosecutors to evaluate their case, anticipate defenses, and prepare. There are several defense arguments that are commonly made in AHT cases, and the players are well known. Prosecutors must anticipate the defense arguments, understand them, know their limitations, and be proactive in addressing them in court. Working with your medical professionals will be helpful in this process. AAP's Technical Report and NDAA's expert witness database are resources to consider as you evaluate your case. NDAA also offers a wide range of training on a variety of topics including child abuse and trial advocacy at the [NDAA Learning Center](#).

AHT cases are being heavily litigated in courtrooms and pre-trial litigation is prevalent. Motions to preclude or limit testimony of defense experts should be considered along with comprehensive responses to defense motions for Frye/Daubert hearings on the admissibility of AHT testimony.

Of course, all witnesses should be thoroughly prepared for court. Defense arguments can be circumvented at trial by addressing them during the direct examination of your expert witnesses. Proper witness preparation will aid in developing strategies around which witnesses to call and the most effective way to elicit testimony.

AHT cases can be daunting due to the complexity of medical evidence. Presenting the information in a way that is digestible to jurors and the court can feel overwhelming. It is important to remember the basics—AHT cases commonly involve non-mobile children who present with significant intracranial injury and neurological decline with no history provided to explain the traumatic injury observed. Chasing the defense and cross-examining defense experts about medical studies and articles is typically not effective and runs the risk of further confusing the jury and diminishing the strength of your own case.

Preparation and communication with multidisciplinary team members and your experts will best position you to educate the court and juries and help to keep your presentation as simple as possible.

## Conclusion

AHT cases can feel complex and overwhelming, but there are medical experts, law enforcement officers, and prosecutors around the country who have dedicated significant time and effort in facilitating information and knowledge sharing. NDAA is actively tracking AHT case trends nationally. We have a network of cross disciplinary child abuse experts, and we are here to help. You can learn more about AHT resources at [National District Attorneys Association: The Voice of America's Prosecutors](#) and request technical assistance at [TA Request | National District Attorneys Association](#).

### **Trial-Ready Tip: Be Prepared and Keep it Simple**

- Start early and prepare
- Work with your medical professionals to keep medical evidence digestible
- Anticipate and prepare for defense arguments
- Be proactive in motions to limit or exclude irrelevant or unqualified evidence and opinions
- Avoid chasing fringe studies on cross-examination