

"Uh Huh", "I Know", and "IDC" - INTERVIEWING KIDS

AGENDA

1. Start w/ Introductions (aiming for 4:15 pm)
 - a. Get to know panelists
 - b. Get to know attendees
 - c. Our topics today

2. Forensic Interviews aka CIC Interviews

3. Kids Testifying in Court

Brief Break (aiming for brief break around 5 pm)

4. Interviewing Kids as an Attorney
 - a. Why is this important!
 - b. The Different Age Groups
 - i. 0 – 5 ish
 - ii. 5ish – 10ish
 - iii. 10ish – 35ish

5. Using an Investigator

6. Wrap Up (aiming for 5:50 pm)
 - a. Brief Conclusion
 - b. Review of Materials
 - c. Final Questions

§ 5.7.1—Narrative Practice And Young Children’s Responses To Open-Ended Questions: The Case Of Four-Year-Old J.

Interviewers who have extensive experience with children, particularly child abuse victims, are often extremely skeptical when advised to move away from closed-ended questions. They are likely to have had experience with children who refused to talk, or appeared incapable of responding to questions, particularly when the children were very young and the allegations extremely serious.

Consider four-year-old J., who was a potential eyewitness in a double homicide case. The victims were J.’s great grandmother (J. knew her as “Gramma Great”) and the grandmother’s caretaker. Gramma Great and her caretaker were found stabbed to death in Gramma Great’s one-bedroom apartment. Gramma Great’s body was found next to an exercise bike in the living room, and the caretaker’s body was found in the bathtub. The chief suspect was K., J.’s mother, who had been staying with Gramma Great, but who had moved out of the apartment at about the time the murder occurred. If questioned, K. was likely to acknowledge that she had an argument with Gramma Great, which led her to leave with J. (and her other children, a 6-year-old, P., and a two-year-old, A.), but that the murders occurred after K. had left. She might have pinned the blame on her mother, Gramma Great’s daughter, who also stayed in the apartment. Hence, J.s’ testimony might prove crucial. J. was questioned by two homicide detectives the day after the bodies were discovered.

Q: Let me ask you something J., you’re a very smart girl and because the other police officers were telling me you’re very smart, we wanted to know what happened yesterday at the house, at the apartment on C. avenue there. Can you tell me in your own words what happened yesterday?

A: Hm?

Q: Can you tell me what happened?

A: [Nods]

Q: What happened?

A: Hm?

Q: What happened yesterday? At the apartment. Did somebody get hurt?

A: Hm?

Q: Did somebody get hurt yesterday?

A: [Nods]

Q: Who got hurt? Who got hurt?

A: K. [J.'s mother].

Q: K. got hurt. How did she get hurt?

A: 'Cause she was fight Gramma Great.

Q: She got in a fight with Gramma Great?

A: [Nods]

Q: What happened?

A: Hm?

Q: What happened?

A: Hm?

Q: What did you see?

A: K.

Q: What did, what, what happened though? What happened between K. and [trails off] How did she get hurt? [3 second pause] Do you remember how she got hurt?

A: [Nods]

Q: Can you tell me?

A: Hm?

Q: Could, could, can you tell me what happened?

A: Yes.

Q: Okay, what happened? [child fiddles with ring in her hand] Can I see that for a sec? [detective takes object from the child] Okay, I'll give you that in just a second. Wondering what happened?

A: Hm?

Q: What happened yesterday?

A: Huh?

Q: [Second detective] Can you, can you show us what happened?

A: Hm?

Q: Well, did you hear what happened?

A: [Nods]

Q: What did you hear?

A: Hm?

Q: Did you hear some noises?

A: [Nods]

Q: Oh, what kind of noises?

One might conclude that J. was obviously traumatized from witnessing the stabbing death of her great grandmother and another adult. She appeared stymied by the general nature of the questions; perhaps “what happened” was too open-ended for a child who is extremely young, frightened, and inarticulate. Many interviewers would conclude that direct (and perhaps some leading) questions are required. However, J. responded to the yes–no questions with nods or non-committal “hm”s. The “hm” is particularly worrisome because J. may have been using the “hm” to reflect acknowledgement, but she may also have been expressing incomprehension. A series of yes–no questions outlining the detectives’ theory of the case would be very hazardous.

The reader should also take note that open-ended questions phrased as yes–no questions also elicit a single word response: for example J. responded “yes” to “can you tell me what happened.” Finally, the reader should consider how many of the detectives’ words may have been incomprehensible to a young four-year-old child. Is it likely that J. understood that she was staying in an “apartment” and that it was on “C. avenue”?

The interview continued for several minutes in the same vein. The detectives were quite conscientious in avoiding any overtly leading questions (e.g., they never asked “did you see K. kill Gramma Great?”), but had little success in eliciting details using open-ended questions (such as “what happened”). Many interviewers would not have been so patient.

The reader should notice that the detectives did little to build rapport with J. or to get J. talking before moving to the interview topic. How would J. have responded to open-ended questions after rapport building and narrative practice? Less than a week later, I questioned J. using the Ten Step interview (which, as noted above, is a modification of the NICHD structured interview protocol). After interview instructions, I asked J. about her last birthday as part of narrative practice:

Q: Tell me everything that happened on your last birthday.

A: I remember I had ice cream and chocolate and cake. 5
Q: You had what?
A: Ice cream and chocolate and cake.
Q: Oh. Ice cream and chocolate and cake. Tell me more about--
A: K. made it for me.
Q: K. made it for you.
A: Yes. K. put chocolate on the cake, 'cause it wasn't sweet when it was no chocolate on it.
Q: Oh, it wasn't sweet when there was no chocolate on it. Tell me what you did before—
A: A.'s two now!
Q: What?
A: A.'s two now.
Q: A.'s two now, Oh who's A.?
A: He's two.
Q: Um hmm. But who is he?
A: He's just A.
Q: Oh he's just A. But you were telling me about your birthday. Tell me what you did before you ate the ice cream. What'd you do before the ice cream?
A: First I just mixed it up and ate it.
Q: First you just mixed it up and ate it.
A: Yes.
Q: Oh okay. Now what else did you do for your birthday?
A: I just. . . I just shared A. and P. some.
Q: You shared?
A: Yes, they had their own bowls, and. . .
Q: They had their own bowls and you. . . Now what did you do after you had ice cream and cake? What'd you do after for your birthday?
A: I did turn into. . . [holds up four fingers].
Q: Oh you turned into four, okay. Okay, alright. Did you get anything for your birthday?
A: I just got cake from the store.
Q: I see. Okay, okay.

After narrative practice was complete, I introduced the interview topic:

Q: Now that I know you a little better, J., tell me why you came to talk to me. Tell me why you came to talk to me.

A: Hm?

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Q: Tell me why you came to talk to me.

[9 second pause]

Q: Tell me why.

[6 second pause]

Q: Well, I heard, I heard something about, I heard something about K. Tell me what happened.

A: Hm?

Q: Tell me what happened.

A: I heard K. fighting Gramma Great.

Q: Oh.

A: Yes. K. was killing her. By the bike, Yes. My grandmother's bike. That's what K. was doing.

Q: Ok. So you said you heard K. was killing her? Tell me everything you heard.

A: K. was killing her by Gramma Great's bike. . .

Q: Mmkay, So you said you heard K. killing her. What was she doing? What was K. doing?

A: She was killing her by the bike.

Q: I see. And how did she kill her?

A: With a sharp knife.

During narrative practice, J. clearly showed that she could comprehend the questions and that she was capable of providing multi-word responses (sometimes even in response to yes-no questions). She was also obviously engaged, and she spontaneously mentioned both her brothers (A. and P.), which facilitated asking about their whereabouts during the murders later in the interview. Knowing that she was comprehending my questions and capable of providing a great deal of information made it easier for me to provide some wait-time at the beginning of the interview topic.

I can be criticized for first mentioning K. because K. was a suspect. A better question might be "I heard something about Gramma Great." Indeed, it is simple to construct topic questions for homicide interviews because merely mentioning the victim is frequently sufficient to elicit a report. On the other hand, I mentioned K. without suggesting that K. had done something wrong. Indeed, J. had told the detectives that it was K. who had been hurt (which probably reflected the cuts on K.'s hands that K. received from the murder weapon).

J. remained difficult to interview, providing relatively cursory responses. She was, after all, a four-year-old child. However, she was clearly responsive to open-ended questioning. Once the child disclosed the murder, it was no longer necessary to introduce outside information. The key was to build the child's own words into the follow-up questions, which were open-ended, preferably "tell me more" questions and open-ended wh- questions (such as "how did she kill her?").

§ 5.7.2—Older Children's Narratives: The Case Of Eleven-Year-Old A.

Whereas younger children are often somewhat reticent even under the best of conditions, older children are impressively productive in response to open-ended questions. Consider 11-year-old A., who watched her father kill her mother while her mother was in the driver's seat and A. was in the passenger seat of their car. I interviewed A. because the D.A. was concerned that A. was too traumatized and would not be able to testify at the father's murder trial. She was also concerned that the father might claim self-defense, claiming that he thought the mother was reaching for a gun in the car when he shot her. She was specifically interested in proving that the mother was in fact reaching for a cell phone and attempting to dial 911.

After interview instructions and rapport building (during which A. described a recent basketball game in which she played), I moved to the interview topic.

Q: Now that I know you a little bit better, I wanna talk to you about why you came to talk to me today. Tell me why you came to talk to me today.

A: 'Cause my dad shot my mom.

Q: Uh-huh. Okay, now I need you to tell me everything that happened, from the beginning to the end.

[16 second pause]

A: Do I have to?

Q: It's really important that we know everything that happened. Okay? So I need you to tell me everything that happened.

[10 second pause]

A: I was coming back from my Uncle Sammy's, 'cause I went to spend the night over there. And then I went with my mom, and when I came back, my mom was there with my brother, and my brother was sick. And then we went to the store to go buy him Gatorade. And then we seen my mom's car up the hill where my dad go'ed. And my mom went to the corner, she stopped, she

went around the block, stopped at the corner, and got the license⁸ plate number, 'cause the police officer said to get it. And when she got the police officer, she called my grandma and told her. And then we went to the store to go buy Gatorade, and then when we parked, we were gonna get out the car, but then we seen him, and he blocked us in, and we couldn't get out. And then he comed and shouted to my mom to get out the car, get out the car. And he told me to get out the car, and I said, "No." And then after, he got a little rock, he threw it at the window and cracked the window. He got the bottom part in the front and hit it. He hit the window and then broke the window. And my mom got out of the car. When she was getting out of the car [trails off] When, no, when. When after he broke the window, he went to the car, to his car to go get bullets for the gun, 'cause it didn't have any. And then, he came back, and my mom was getting out of the car, and he started shooting my mom, and that's when I got out of the car and went into the store and told them to call the police. And then after, I came back outside and started screaming at him, and he told me to shut up and get in the car. And then after, I told him, "Why did you do it?" And he said 'cause my mom was a whore and a slut. And then he took me to my grandma's house. And he told my grandma that he had shot my mom. And then my grandma said, "You freakin' liar, you freakin' son of a [trails off] bitch." And then [trails off] And then he shot her, and my grandma was holding my baby cousin, and then after, he shot her two times, I got out the car, and I hid behind my mom's van. And then after, my grandpa was coming outside with my uncles, and he was shouting at my grandpa, and he hit the door, and it skinned him in the arm, and then that's when he left and I ran up the stairs, and everybody went to go see what happened.

Wait-time appeared effective for A. She seemed to gather her courage during this time. When she asked, "do I have to?" I refrained from a long-winded explanation (for obvious reasons, it was inadvisable to say something like "you can help us keep your dad in jail"), but simply emphasized the importance of knowing everything.

Although I did not ask any questions during A's narrative, I was not silent. In addition to taking careful notes, after every sentence or so I would let her know that I was listening by uttering an "uh-huh" or an "o.k." These

utterances are called facilitators, and they are known to increase g children's productivity.

The reader may have noticed that A. did not mention her mother's cell phone or a 911 call. I recall being tempted to interject this question during A.'s initial narrative, knowing this was a detail the D.A. was particularly interested in, but I refrained from doing so as not to interrupt the narrative. Significantly, A. then provided an unexpected detail that would rebut any self-defense claim; her father's own explanation for the shooting. With respect to the cell phone, it was easy to come back to this point in the follow-up questions, when I asked "I heard something about a phone. Tell me about that," and A. confirmed the fact that her mother was attempting to make a call when the defendant shot her. This detail was also easy to corroborate because the police found the cell phone in the car, and 911 was the last number dialed.

Attorney for Minors

SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA
JUVENILE DIVISION

In re the Matters of:

Case No.

PROTECTIVE ORDER

(Calif. Rules of Court 5.546)

Whereas the minors in the case referenced above has been recorded in an interview in accordance with the Procedures Manual for the Contra Costa County Multi-Disciplinary Children's Interview Center (CIC); and

Whereas the confidentiality of Juvenile Court records, including documents made available to social workers of child welfare service programs, is governed under California Rules of Court 5.552, and Welfare & Institutions Code section 827; and

Whereas prehearing discovery is governed by California Rules of Court 5.546;

GOOD CAUSE APPEARING THEREFORE, IT IS HEREBY ORDERED THAT:

1. The District Attorney's Office in conjunction with CIC shall make available for viewing the CIC recorded interviews of [REDACTED] and [REDACTED] completed on

1 or about August 25, 2020 and November 30, 2020 for the following:

2 a. The social worker from Children and Family Services and any authorized representative
3 from Children and Family Services;

4 b. Carol Nguyen or another deputy county counsel designated;

5 c. The father, [REDACTED], and his attorney, Shari Kumin;

6 d. The mother, [REDACTED] and her attorney, Cheryl Smith; and

7 e. The attorney for the minors, Johanna Kwasniewski.

8 2. Said attorneys and the parents shall not disclose to anyone outside of this Juvenile Court
9 case the contents of the recording.

10 3. Neither the recording nor any information about the contents thereof shall be used in
11 any case other than this juvenile proceeding without express order of the Juvenile Court.

12 4. The recording and any information ascertained therefrom, pursuant to this protective
13 order, shall not be used for any purpose other than to prepare for the representation of the party
14 represented by the counsel viewing pursuant to this protective order.
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17 Dated:

18 _____
19 Honorable Anita Santos
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Ten Step Investigative Interview

Thomas D. Lyon, J.D., Ph.D. tlyon@law.usc.edu © 2005 (version 2)
(Adaptation of the NICHD Investigative Interview Protocol)

1. **DON'T KNOW** instruction

If I ask you a question and you don't know the answer, then just say, "I don't know."

So if I ask you "What is my dog's name?" what do you say?

OK, because you don't know.

But what if I ask you "Do you have a dog?"

OK, because you do know.

2. **DON'T UNDERSTAND** instruction

If I ask you a question and you don't know what I mean or what I'm saying, you can say, "I don't know what you mean." I will ask it a different way.

So if I ask you "What is your gender?" what do you say?

That's because "gender" is a hard word. So I would say, "Are you a boy or a girl?"

3. **YOU'RE WRONG** instruction

Sometimes I make mistakes or say the wrong thing. When I do, you can tell me that I am wrong.

So if I say, "You are thirty years old," what do you say?

OK, so how old are you?

4. **IGNORANT INTERVIEWER** instruction

I don't know what's happened to you.

I won't be able to tell you the answers to my questions.

5. **PROMISE TO TELL THE TRUTH**

It's really important that you tell me the truth.

Do you promise that you will tell me the truth?

Will you tell me any lies?

6. **PRACTICE NARRATIVES**

a. **LIKE TO DO/DON'T LIKE TO DO**

First, I'd like you to tell me about things you LIKE to do.

Follow up with TELL ME MORE questions.

e.g., "You said you like to play soccer. Tell me more about soccer."

Now tell me about the things you DON'T LIKE to do.

Follow up with TELL ME MORE questions.

b. **LAST BIRTHDAY**

Now tell me about your last birthday. Tell me everything that happened.

FOLLOW UP with WHAT HAPPENED NEXT questions.

e.g., "You said you played in the bouncy. What did you do next?"

Ten Step Investigative Interview (con't.)

7. ALLEGATION

(If child discloses abuse, go directly to ALLEGATION FOLLOW UP. Determine IN ADVANCE which allegation questions you will ask.)

a. **Tell me why I came to talk to you.**

Or, Tell me why you came to talk to me.

It's really important for me to know why I came to talk to you/you came to talk to me.

b. **I heard you saw**

e.g., "I heard you saw a policeman last week. Tell me what you talked about."

c. **Someone's worried**

e.g., "Is your mom worried that something may have happened to you? Tell me what she is worried about."

d. **Someone bothered you**

e.g., "I heard that someone might have bothered you. Tell me everything about that."

e. **Something wasn't right**

e.g., "I heard that someone may have done something to you that wasn't right. Tell me everything about that."

8. ALLEGATION FOLLOW UP

You said that (repeat allegation). Tell me everything that happened.

e.g., "You said that Uncle Bill hurt your pee-pee. Tell me everything that happened."

9. Follow up with TELL ME MORE and WHAT HAPPENED NEXT questions

Avoid yes/no and forced-choice questions.

10. MULTIPLE INCIDENTS

Did (repeat allegation) happen one time or more than one time?

Tell me everything that happened the time you remember the most...

Tell me everything that happened the first time...

Tell me everything that happened the last time...

Was there another time...

Attorneys For Children Guide to Interviewing Clients:

Integrating Trauma Informed Care and Solution Focused Strategies

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Karen A. Reitman

*Supervising Editors: Honorable Judith S. Claire, Chautauqua County Family Court Judge
Aimee L. Neri, LMSW New York State Child Welfare Court Improvement Project*

Introduction:

This guide focuses on the importance of taking trauma into account when interviewing children who have been traumatized. Representing and advocating for a child who has been abused or neglected involves communicating with someone already distrustful due to significant trauma. In order to work for child-clients it is critically important that the attorney for the child considers the impact of trauma on the child's mentality and how the resultant shift in functioning affects the child's ability to communicate. In 2001, Harris and Fallot published an innovative guide that examined the necessary elements of integrating trauma informed work into service systems to increase efficacy of the support being provided to persons who are survivors of trauma.¹ Since its publication, the support by systems for integrating trauma informed care has spread widely, including the penetration of its concepts into child welfare cases. The integration of trauma informed care into mental health and service systems sparked a creative design for communicating with clients. Applying the strategies used in Brief Solution-Focused Therapy can provide a language for practitioners to use in partnership with their client to create solutions to a problem and honor the client as being expert to their own story and situation.²

Family court attorneys who represent parties engaged in litigated civil disputes often find themselves at an impasse where the parties (particularly the children) have experienced high rates of exposure to traumatic events ranging from witnessing domestic disputes to being the victim of direct physical harm. The attorneys who represent children, despite their highest level of professionalism and expertise are often challenged with limitations for time and access to develop a working relationship with their client. Further, the ability to effectively engage with their client and wholly interview and counsel their client can be hindered by the impacts that traumatic exposure has had on the child's developmental and emotional communication and thought processes. Integrating the theories of trauma informed care and solution focused strategies into the family court process can provide an opportunity for dialogue and connection within the attorney-client relationship.³ This guide defines a framework from which an attorney for the child can utilize the theories of trauma informed care and solution focused strategies to develop a meaningful and trusting relationship their client. Further, this guide provides a means for attorneys to formulate a comfortable, successful approach to interviewing children. Section I describes the Solution Focused model and its applicability to interviewing child clients. Section II provides the background information and research on the concepts advocated as best practices for interviewing children both independent of and within the context of abuse and/or neglect. Section III includes tools for courts/attorneys and describes their uses. These tools were developed using the research detailed in Section II: concepts from the Solution Focused Thinking methods created by Insoo Kim and Steve de Shazer.

Section I:

The concepts and language put forth by this guide are based on the Solution Focused Thinking model of communication. Brief Solution-Focused Therapy was developed by Insoo Kim as a way to shift the system of therapy from problem-solving to the creation of solutions.⁴ This model can be applied in cases of children affected by trauma. The goal is to transfer the

paradigm of the conversation from a reactive to a proactive methodology. The language presented in this guide is informed by this model. In working with children who have been traumatized, moving away from the problems they are facing towards possible solutions not only creates more opportunity for positive outcomes, it also makes children more open to talking about any issues they are encountering. By using this language, attorneys can more successfully understand their clients' needs and therefore more ably advocate for them. Language that is solution focused in nature is based in the concept that by letting an individual take control of their plan for improving their situation, they will be more open and ultimately more successful.⁵

An aspect of being an effective attorney for the child is having an understanding of the client. Augmenting the difficulty in communication between the attorney and child-client is the change in the thinking patterns of a child who has been traumatized.⁶ Currently, the attorney for the child is responsible for attaining the child's opinion on difficult, often traumatic circumstances and has little to no information on how to attain such information without running the risk of further traumatizing the child. This unfortunate arrangement of distrustful children with incredibly valuable information and interviewers who do not necessarily have guidance on how to deal with such youths leads to less impactful child representation. Whether an attorney is advocating for the child's best interest or representing the child's desires, it is imperative that attorneys have open, fruitful interviews with their clients. The basis of trust and comfort that is needed for a successful attorney-client relationship is attainable only if the attorney has a way to successfully communicate with the child.

Integrating information on child development and the thinking patterns of children affected by trauma will make the interview process less anxiety producing for the child and more effective for the attorney. Introducing techniques for interacting with children in a manner that allows them the most expression despite their underlying trauma will enable more successful legal advocacy for the child.

Section II:

In addition to using the basic skills of interviewing the child while applying the most successful methods, the child's history of abuse and/or neglect must be considered as well. The concepts on interviewing children who have not been abused apply; they are simply tempered with consideration of the impact that trauma has on the child's mindset and functioning. The core concepts of interviewing children – creating a comfortable environment, taking language development into account, and maintaining cultural awareness– remain important when speaking with a child in the family court system. Recognizing a child affected by trauma's vulnerability, increased susceptibility to shame, and specific language needs augment the skills already used when interviewing children. These added concepts facilitate an easier interview process for both the child and the attorney.

The child's comfort is paramount in an interview setting. Not only does the attorney want to avoid creating anxiety in the child, a comfortable environment will help facilitate dialogue between the child and the attorney.⁷ Children do not respond well to direct questioning. Sitting face to face with an adult (inherently an authority in the child's mind) creates unease and will dissuade the child from divulging information.⁸ Using other activities (drawing, eating, playing) to soften the import of the conversation will put less pressure on the child and encourage honesty.⁹ The use of an activity to access a child's thoughts is less intrusive and allows for more freedom of expression on the part of the child. Making a child comfortable and building a relationship between the interviewer and the child facilitates a productive interview that supports

the child. Nonverbal cues from the attorney will, likewise, make the child more comfortable. Sitting next to the child as opposed to across from them, appearing engaged and interested, and matching the child's body language give the message that the attorney is a safe, non-threatening figure.¹⁰

When interviewing children, a basic consideration is their developmental linguistic ability to communicate.¹¹ The child's ability to communicate verbally may not align with the standard for their chronological age, so developmental patterns are especially important. The language uses of different aged children require specific communication methods on the part of the interviewer. The young child's tendency towards concrete thinking juxtaposed with the adolescent's hypersensitivity to perceived condescension illustrates the extent to which communication between an attorney and his child-client must be personalized by linguistic developmental age.¹² Techniques that are ubiquitous for all age groups – using open ended questions, avoiding verbosity, and active listening – are the basis to approach interviewing any child.¹³ Open ended questions provide a platform from which a child can give his thoughts on a subject without being limited by the scope of the question.¹⁴ Children are trained into believing that agreeing with an adult pleases the adult and that disagreeing may have negative consequences.¹⁵ A child will often say “yes” simply to garner approval. Thus, open ended questions prevent the child from agreeing out of habit or fear. For instance, asking “Where did you go?” instead of “Were you at the park?” allows the child to tell his version of events. This method also reduces the possibility of the child agreeing with the interviewer's supposition because he believes it is what the attorney wants to hear. By eliminating the use of direct questions, the interviewer opens the lines of communication. Asking wordy, drawn out questions obstructs the child's ability to respond. Especially with developmentally younger children, the full meaning of a long question is lost as the ability to process the information peters out.¹⁶ By keeping questions simple and concise, the interviewer increases likelihood that the child will be able to understand the question and respond truthfully. Children also often fear being ignored or declared untruthful.¹⁷ Actively listening will increase the attorney's understanding of the child, it will also encourage the child to engage in the conversation. By validating what the child says, confirming that the interviewer understands correctly, and asking for the child to elaborate, the interviewer indicates that he is interested in what the child has to say.

Guarding against unintentional introduction of judgment into an interview requires cultural awareness of both ethnicity and social stigmas. The need to avoid assumptions is especially important in regard to different cultures, as recognized actions and belief sets of one culture may not be the accepted mode of conduct or perception in another culture.¹⁸ Minorities' communities are built around a sense of kinship, so the bonds between children and their family/community is a major deterrent from speaking out about their issues.¹⁹ Emotionally, children are less able to go against social norms in order to advocate for themselves.²⁰ Children who are concerned about being judged will not voice an issue as a method of escaping possible censure. In issues such as sexuality, interpersonal relationships, and wrongdoing children will only offer information if they trust that they will not be criticized for it. The introduction of judgment on cultural or social differences is often unintentional. If the interviewer is working from a societal premise that is different from the child's, the judgment can be inherent in the form of the questions. It is therefore important that the interviewer recognize and remove his own bias from questions in order to prevent seeming culturally inappropriate or critical.

When interviewing a child who has experienced trauma, there are some additional concerns. As previously mentioned, children who have been traumatized think in a different way

from other children.²¹ These children experience an increase in emotion, agitation, and have difficulty trusting others.²² Children who have been the subject of abuse or neglect carry a feeling of hopelessness, have low confidence, and have difficulty imagining a future for themselves.²³ The feelings of helplessness, powerlessness, anxiety, and distress lead to social isolation and difficulty communicating. Specific language and techniques can be used to improve the interview process for a child affected by trauma. Focusing on empowering the child, avoiding judgment, and using language adapted for distressed children is fundamental. Additionally, it is vital that the interviewer address any personal traumas or emotional concerns surrounding the child's circumstances so as to be able to provide a healthy interview setting for himself and for the child.

A child who is involved with the Family Court system is incredibly vulnerable. In a position of powerlessness in almost every aspect of their lives, such children do not get the opportunity to impact their life in a meaningful way. When interviewing a child who has been traumatized, it is therefore important to recognize and build upon the child's strengths. When trying to ascertain what the child's position is on issues, it is important to allow the child to choose the solution he prefers. Furthermore, allowing the child to formulate positive next steps, and work with the attorney to create the child's preferred outcome engages the child in the process.

Avoiding judgment is a way to make the child feel more comfortable disclosing information. For children who have been traumatized, the feeling of embarrassment often immediately translates into a feeling of shame.²⁴ This shame is almost paralyzing for children, preventing them from communicating with the interviewer in any positive manner. In order to avoid passing judgment unwittingly, the interviewer's own biases (outlined above) must be addressed.²⁵ The attorney should enter the interview situation understanding his own biases and regulating his questions in order to minimize his biases' impact on the child. Negatively posed questions about the child or the child's family will often be interpreted as judgment by the child. Another method of avoiding the placement of unnecessary judgment upon a child is through focusing on the positive aspects of the child's circumstances.

The language used in an interview with a child who has not experienced trauma must be modified to consider an abused/neglected child's mental state. Clarity, fact-based questioning, and deference to the child's knowledge of his situation are vital to open communication with a child impacted by trauma. Given the differing thought processing of an abused or neglected child and that of his non-abused counterpart, an abused child needs especially clear, concise questions in order to be able to comprehend what the interviewer is asking. A baseline of easily answered, factual questions allows the child to gain confidence in his answers and willingness to answer future questions.²⁶ Allowing the child's answers to stand as fact is also important when conducting an interview of a child who has experienced trauma. When answers given by a child are conflicting, it is important to ask for clarification not in terms of the child's previous answers being incorrect, but as a wish for a clearer understanding on the part of the interviewer. Confronting a child about conflicting answers creates a feeling of embarrassment and/or shame in the child which both deters the child from answering any further questions and increases the likelihood that the child will respond with what he thinks the attorney wishes to hear.²⁷

Section III:

Three practical materials are included in order to help attorneys conduct a more successful interview with a child-client who has experienced trauma. The attached "Concepts on

Interviewing Child Clients”, “Question Reference Guide”, and “Attorney Guide” address practical ways for attorneys to integrate best practices into their interviews.

The “Concepts on Interviewing Child Clients” document (included on pages 6-10) provides an outline of different phases of an interview and concepts that are important in each. It delineates the concerns present in the rapport building and information gathering phases of an interview, including considerations that can help the attorney avoid common pitfalls. These concepts are a synthesis of the information on interviewing children and abused/neglected children previously discussed. As part of this document there are also age-specific recommendations based on developmental, not chronological age. Some concepts and suggestions are duplicated where they pertain to multiple categories. Attorneys can use this document as an aid in formulating questions or planning an interview.

Additionally, the “Question Reference Guide” (included on page 11-14) gives attorneys suggested phrasing and lines of questioning. This list can serve as a question resource for attorneys to use if the attorney is not comfortable creating questions based on the concepts in the “Concepts on Interviewing Child Clients” document. This guide provides many ways of asking the same questions, allowing the attorney to utilize whichever questions make the client and/or the attorney most comfortable. This guide goes through both the rapport building and information gathering portion of an interview.

The “Attorney Guide” (included on page 15-16) is a short synthesis of the previous two documents intended to be used as a guide during the conduct of an interview. The most vital concepts and sample questions are included. This document includes suggestions for five phases of an interview: introduction, engagement, questioning, response, and closing of an interview.

Concepts on Interviewing Child-Clients

I. Child's Comfort

- a. Create a child-friendly environment (provide snacks, toys, other inviting items)
 - i. Giving the child something to hold onto (a spinning top, squeeze toy, Rubik's cube) while talking will help them decrease their anxiety
 - ii. Talking to a child while driving them somewhere or while eating will often make them much more receptive to a conversation
- b. Use techniques that will make the child feel more powerful and make the attorney more approachable to the child
 - i. Sit on the same level as the child
 - ii. Limit the number of words in your sentence
 - iii. Try to replace "why" with "what", "feel" with "think", and "but" with "and"
 - iv. Use names instead of pronouns (e.g. "Amelia" instead of "she")
 - v. If concerned about the child's understanding, ask further questions to make sure the child is not confused
 1. For example, ask "Can you tell me what you just heard me say?" or "Tell me what that means to you."
- c. Consider that the child is likely nervous about this meeting
 - i. Consider allowing the child to bring their caretaker or other adult into the meeting with them until the child becomes more comfortable
 - ii. Ask the child fact-based questions to which he readily knows the answer
- d. Give the child a way to communicate without speaking
 - i. Use a Time Out or Take a Break Tool – keep a ball or other small object that the child can pick up when they feel overwhelmed
 - ii. Set up a signal with an object so that a child can ask to stop talking about a subject by picking up or holding up the object without having to verbally communicate their discomfort.
 - iii. Children often struggle with disobeying authority. Using this tool gives the child a means of telling the interviewer that they are uncomfortable, scared or overwhelmed without having to actually say it.
 1. E.g. "Bounce the ball to say 'I don't want to talk about it.'"
 - iv. Using methods of non-verbal, non-confrontational communication will assist in preventing meltdowns, silence, or acting out.
- e. Avoid subjecting the child to a barrage of questions.
 - i. A child will be more receptive to answering questions and more open with their answers if the questioning is done through an activity or with frequent breaks for a low-pressure activity/subject matter.
- f. Focus on Listening
 - i. Children can sense whether the person they are speaking with is engaged or not.
 - ii. Nonverbal cues can provide insight into what the child is thinking/feeling.
 1. Reflect to the child what emotion they seem to be exhibiting. "You seem [excited, frustrated, concerned, etc.] about that."

- iii. Validating what the child says by being attentive and/or repeating back what he says to ensure that the attorney fully understands what the child means helps encourage the child to share
- g. Establish what the child already knows/ is misinformed about
 - i. Consider asking the child why they think they are here/ why they think they are talking with an attorney
- h. Explain role of attorney for the child
 - i. Inform the child of the power they have through their attorney
 - ii. Explain the concept of attorney-client privilege and confidentiality
 - iii. Ask the child what he hopes to gain from the interview
 - iv. Tell the child what the attorney hopes the child will gain from the interview

II. Child's Involvement in the Court Process

- a. Inform the child of what will happen
- b. Inform the child of their rights and responsibilities
- c. Consider that most children think attorneys' role is to get people "out of trouble" and will therefore assume that talking with an attorney means they are in trouble
- d. Define the roles of all involved persons (judge, attorneys, DSS caseworker, CASA, foster parent/caregiver, therapist, etc.)
- e. Give older children a written list of legal terms that they are likely to come across.
 - i. This list should include the term, a simple definition, and room for the youth to take notes
- f. Explain the purpose of the proceedings
- g. Review the concepts of truth and falsity
 - i. Explain to the child the importance of being truthful in this circumstance
- h. Ask if the child would like the attorney to say anything to the judge or if the child themselves would like to say something to the judge (as appropriate)
 - i. For older children: offer the child the opportunity to write down anything they would like mentioned to the judge
 - ii. Invite younger children to draw a picture of what they would like the Judge to know. Then ask the child "Tell me about your drawing" to gain insight into the child's wishes to be represented.

III. Addressing Past Events

- a. Explain to the child what has already happened
- b. Ensure that the child understands that he/she is not to blame
- c. If the child has been separated from their parent(s) make sure the child knows where their parent is and what is happening to them

IV. Discussing Abuse/Neglect

- a. Avoid direct questions unless absolutely necessary
- b. Encourage the child to give descriptions of both neutral and relevant subjects
- c. Use neutral subjects (child's favorite hobbies, friends, school, etc.) to provide a basis from which to move towards more relevant subjects
- d. Ensure that the child understands that what they say will not be discussed with anyone (including parents, caseworkers, etc.) without their consent
- e. Avoid leading questions – allow the child to furnish details through broad spectrum questioning

- i. Do not discuss details of alleged abuse/neglect established by a third party until the child has already disclosed such details themselves
- f. Avoid yes/no questions
- g. Help the child find small steps that can be taken to improve their situation
 - i. Children will rarely believe an adult who offers a “solution”, it builds more trust to consistently follow through on small steps that slowly move towards a better circumstance
- h. Frame things in terms of what works well and what can be improved

V. For Foster Children

- a. Discuss what the situation at the foster home is like
- b. Address changes to school, doctor, child’s support system (grandparents, past teachers, family friends)
- c. Ascertain what aspects of the transition are still problematic (important belongings left behind, issues with new foster siblings, inadequate transfer of services)
- d. Children need to maintain connections to friends, siblings, family activities, former neighborhoods, and former foster parents. Be sure to specifically explore each of these necessary connections.
- e. Ensure that the child is getting the desired visitation with his parent(s)

VI. For Developmentally Disabled Children

- a. Meet multiple times to gauge their understanding of your conversations
- b. Gain as much knowledge from the child himself as possible
- c. Treat any assistive device as part of the personal space of the child
- d. Speak with parents, foster parents, teachers, etc. to increase understanding of child

VII. Cultural Awareness and Social Norms

- a. Avoid assumptions
 - i. Children may have issues that have not yet been identified because the child is embarrassed. If the child believes the attorney will judge them for an aspect of their life/personality, he will be reluctant to share information.
 - ii. Lesbian, Gay, Bisexual, Transgender, or Questioning (LGBTQ) youth are especially sensitive to being judged. Commonplace terminology (boyfriend/girlfriend vs. partner, asking gender-specific questions) can deter them from disclosing information for fear of being “outed”.
- b. Consider the child’s ethnic background
 - i. In many cultures, child-rearing is a communal responsibility so extend the scope of inquiries to contemplate more than the nuclear family
 - ii. Kinship bonds in immigrant families are especially strong, making it more difficult for a child to speak against a member of his family or community
 - iii. Historic oppression and lack of economic opportunity often fosters resentment towards the government and people of different races or socio-economic backgrounds

VIII. Addressing Comprehension and Effectiveness Based on Age/Development

- a. Consider the modality of the child’s thinking
 - i. Until late adolescence, children are often limited to dichotomies (good/bad, wrong/right) and cannot understand middle ground

- b. Meet multiple times with children to gauge how much they comprehend
- c. Explain concepts to an age appropriate level, keeping in consideration that older children have a much greater understanding of their situation
- d. Consider and address accordingly which portion of communication (input, processing, or output) is hindered for the child

IX. For Children Who Are Experiencing Challenges

- a. For these children, embarrassment often transfers immediately into shame
 - i. An adult expressing disappointment or frustration will tend to make the child feel shameful and the child will often become less able to meet the expectations
- b. Frame any present challenges in terms of what was positive in the past
 - i. Try to elicit what helped the child succeed in the past rather than what is contributing to his struggle in the present
- c. Avoid telling the child what he *needs* to do
 - i. Giving the child options and letting him choose will increase his engagement
 - ii. Telling the child what jobs need to be done for the court to move forward is less confrontational
 - 1. Consider the phrasing: “We all have jobs. The court’s job is to..., Mom/Dad’s job is to..., your job is to...” outlining necessary tasks.

X. For Babies (0-3yrs)/Non-verbal Children

- a. Look for signs of wellness through observation
- b. Unusual fussiness; a lack of receptiveness to being held; avoidance of eye contact; excessive sleeping; holding his own hands together and focusing on them; other signs of discontentment.
- c. Ensure, through speaking with parents/foster parents/CASA/etc., that the child has all important belongings (security blanket/toy; medications)
- d. Check medical records for any currently untreated conditions
- e. Interview should provide a sense of how secure the child feels

XI. For Toddlers (3-6yrs)

- a. Keep in consideration toddlers’ tendency towards concrete thinking
- b. Toddlers assert their will power to try and be autonomous, so it is difficult to have structured conversations/activities
- c. Gain as much knowledge from the child as his ability to communicate allows
- d. These children are likely to give inaccurate information when they do not know what they are being asked, feel confused, or want to avoid telling what they know
- e. Consider that these children often have no concept of what has happened to their parents or where their parents are
 - i. These children have little concept of time, so understanding when they will be reunited with their parents may take additional explanation
 - ii. These children are often worried that their parent is sick, hurt, or has died/disappeared
 - iii. Telling a child that you do not know something is alright. Tell them what is known. Consider focusing on small time frames (no more than a month in advance).

XII. For Young Children (6-9yrs)

- a. Children of these ages are especially likely to take blame upon themselves
- b. These children are more comfortable with people of the same gender
- c. These children need to feel a sense of control over what they will be doing in the interview
- d. These children have some concept of what has happened to their parents, but they are still scared that their parent is sick, hurt, or has died/disappeared

XIII. For Prepubescent Children (9-12yrs)

- a. These children enjoy being challenged through more complex activities
- b. These children are especially likely to take blame upon themselves
- c. Consider that these children are able to understand more of their situation and therefore can benefit from a more thorough explanation of the court process
- d. These children are more comfortable with people of the same gender
- e. Offer these children the opportunity of going to court hearings and being part of the process (as appropriate) as a way to engage them in their case

XIV. For Adolescents (12-17 yrs)

- a. Consider that these children are very resentful of condescension
- b. These children have the cognitive abilities to understand the realities of their life situation
 - i. However, these children are often very reluctant to ask for clarification or acknowledge that they don't understand
- c. Offer these children the opportunity of going to court hearings and being part of the process (as appropriate) as a way to engage them in their case

XV. Finishing the Interview

- a. Thank the child for his/her cooperation
- b. Reserve time for the child to return to a state of equilibrium if the child has been stressed by the interview
 - i. Allow for a few minutes of silence, shift to neutral topics or end with a game.
- c. Make sure the child does not leave the meeting confused
- d. Make sure the child (and their caretaker) know how to contact the attorney

Question Reference Guide

Breaking the Ice:

- Possible games/activities:
 - Providing juice, a small piece of candy, or a snack will often make a child feel more comfortable and start a conversation.
 - Squiggle Game/Doodle: the child and the interviewer each take a turn making a “squiggle” on a blank sheet of paper. The child creates a drawing from the squiggle and describes what they’ve drawn.
 - Draw Yourself: Ask the child to draw a picture of himself. After the child creates this drawing, ask the child to tell you some words that describe what this child is like, thinking, or feeling.
 - Build a Man (approx. 8yrs+): As the child to draw a platform and pick a word for you to guess. Consider asking the child to pick a word that will tell you how the child feels about being in this interview. The child then draws blank lines to represent each letter of the word below the platform. Begin guessing letters; if they are not part of the word, the child writes the letter on the paper and begins to “build you” by putting a part of the body on the platform for each letter guessed incorrectly. Establish in advance which body parts will be drawn. If you guess the correct letter, it is written on the appropriate blank line.
 - Having toys available such as bubbles, blocks, Legos, or dolls/action figures gives children a way to participate in activities that are normal for them, decreasing their anxiety.

Introduction:

- What do you know about coming to meet with me?
- What do you know about me?
- What do you think I'm here to do for you?
- Is there anything that would make you more comfortable having this meeting?
- Is there anyone (CASA volunteer, caseworker, caregiver etc.) who you would like here for support?
- Do you understand what has happened so far?
- What do you think about it?
- What are you wondering about?
- What are your biggest concerns about the case?
- Do you have any questions about the case/court process?
- What do you hope to have happen?
- Don't tell me what you think I want to hear - this is your chance to let the court know what you want.
- For older children:
 - What do you want to come out of this meeting?
 - What can I do that would be helpful to you?

Court Proceedings:

- Can you tell me what you know about what is happening in court?
- How did you know?
- Is there anything you want the judge to know?
- Do you understand what your mom/dad's job is?
- Explain what the parent is doing.
- Explain what the child's “job” is.
- Explain that the parent is trying to be reunited with the child.
- What questions do you have about what your mom/dad is doing? About what you are doing?

Child:

- Tell me about yourself.
- How old are you?
- Where do you live?
- Who lives with you?
- Who is important to you?
- Tell me about them.

Fun Activities:

- What is your favorite color?
- What are your favorite hobbies?
- Do you have pets? Describe.
- What is your favorite game/toy? Tell me what you like.
- What is your favorite food/drink?
- What are your favorite things to do?
- When you go out, where do you like to go best? Tell me about it.
- Tell me about your friends.
- What do you like to do with your friends?

School/Schoolwork:

- On a scale of 1-10, 1 being that you never want to go to school and 10 being that you would go to school all the time if you could, where would you rate going to school?
- What makes it a [#]?
- What could make it a [+1]?
- On a scale of 1-10, 1 being that you never go to school and 10 being that you have never missed a day of school, where would you rate yourself?
- What makes it a [#]?
- What could make it a [+1]?
- What would your mom/dad rate you?
- What makes them say it is a [#]?
- On a scale of 1-10, 1 being that you never can even try your homework because it's too hard and you don't want to do it and 10 being that homework is no problem at all, where would you rate your homework?
- What makes it a [#]?
- What could make it a [+1]?
- How do you manage to go on the days you are at school?
- How do you manage to get your homework done on the days you complete it?

Brothers/Sisters:

- Do you have any brothers/sisters?
- What are their names? Ages?
- Tell me about them.
- What do you do with your brother(s) and/or sister(s)?
- On a scale of 1-10, 1 being that you don't ever want to play with your siblings and 10 being that you always want to play with them, where are you?
- What makes it a [#]?
- What could make it a [+1]?

Health:

- Tell me about how you think your body is doing.
- On a scale of 1-10, 1 being that every part of your body doesn't work/hurts and 10 being that everything is working perfectly, how would you rate yourself?
- What makes it a [#]?
- What would make it a [+1]?
- Follow up questions:
 - How often does that happen?
 - Can you tell me about a time when everything in your body worked?
- If you went to the doctor, what would he say?

Home Life:

- If your life were a movie that I was watching, what would I see when:
 - You wake up?
 - You go to school?
 - You are at school?
 - You are at home?
 - You are happy?
 - It is the weekend?
 - You are with mom/dad?
 - You have dinner?
 - You go to bed?
- Do you ever babysit yourself?
- For how long?
- On a scale of 1-10, how safe do you think you are at home?
- What makes it a [#]?
- How could it become a [+1]?
- If your friends came over, where would they rate how safe your house is?
- How do you rate how safe your friend's house is?
- Tell me about your mom/dad.
- Compared to your friends' houses, how safe do you think your house is?
- On a scale of 1-10, how would you say things are at home? What makes it a [#]?
- When you are a [+1], what will be different at home?
- What are the rules at mom/dad's house?
- What do you think about them?
- What does mom/dad do if you do something wrong?
- If you woke up without [problem], how would you know? What would be different?
- Tell me about the times when everyone is getting along? What is different about those times?
- How do you let mom/dad know when you are:
 - happy?
 - scared?
 - hungry?
 - not feeling well?
- Do you ever get scared? When?
- What do you do when you get scared?
- What does mom/dad do when you get scared?
- When everything is better, what will be different?
- What do you hope for the future?
- If you had a magic wand and could change anything you want, what would you change?
- Are there any issues that you think are especially important?

For Children in Foster / a Relative's Care:

- How did you end up living where you live now?
 - How did you get there?
 - When did you get there?
- On a scale of 1-10, where 1 is completely different in every way and 10 is entirely the same, how would you rate the difference between your old house and your new house?
- What makes it a [#]?
- What would make it a [+1]?
- Do you feel settled where you live now?
- Do you feel safe where you live now?
- Are you going to a different school?
 - If yes:
 - On a scale of 1-10, where 1 is completely different in every way and 10 is entirely the same, how would you rate the difference between your old house and your new house?
 - What makes it a [#]?
 - What would make it a [+1]?
 - Tell me about your friends.
 - If you have a problem at school, what do you do?
- If you made a movie about your new home, what would I see when:
 - you are with your foster parents?
 - you are in your room?
 - you are playing?
 - you are happy?
 - You eat dinner?
 - You are with your foster siblings?

Visitation:

- Your caseworker tells me you get [X] visitation with your mom/dad? Is that what is happening?
- Are you seeing your parent(s) enough?
- On a scale of 1-10, 1 being it's the worst and 10 being it's the best, how would you rate the visitation?
- What makes it a [#]?
- What would make it a [+1]?
- What would your mom/dad rate the visitation as?
- How do you know?
- If I was watching the visitation with your mom/dad, what would I see?
- Is there anyone who you want to be seeing (grandparents, siblings, etc.) who you are not seeing? Who?

Questions for Toddlers (3-6 yrs):

- What did you do today?
- What did you have for breakfast?
- Are you going to do anything after you leave?
- What is the silliest thing you've ever done?
- What is your favorite color? What makes it your favorite?

Questions for Adolescents (12-17yrs):

- What would you want to say if you were in court?
- What do you think I can do for you?
- Explain that this is the teenager's opportunity to address his concerns or questions and share his views.
- Explain that the attorney is the teenager's voice in the courtroom.

Conclusion:

- What questions do you have? (give examples of possible questions)

Attorney Guide

Action	Description	Suggested Phrasing
Introduce	<ul style="list-style-type: none"> -Explain your role and the role of others the child will meet with (judge, DSS, CASA) -Make the child comfortable with a child-friendly environment -Invite the child to have a caregiver or other adult present until the child feels more comfortable 	<ul style="list-style-type: none"> -What do you know about coming to meet with me? -What do you think I'm here to do for you? -Is there anyone (CASA volunteer, caseworker, etc.) who you would like here for support? -Do you understand what has happened so far? -What do you think about it? -What are you wondering about it? -What are your biggest concerns about the case? -Do you have any questions about the case/court process? -What do you hope to have happen? -Don't tell me what you think I want to hear - this is your chance to let the court know what you want. -What do you know about what is happening in court? -How did you know? -Is there anything you want the judge to know?
Engage	<ul style="list-style-type: none"> -Make general conversation to ascertain the developmental age of the child and build rapport. -Avoid jargon or acronyms -Engage the child in a discussion of their care -Actively listen to the child 	<ul style="list-style-type: none"> -Tell me about yourself. -How old are you? -Where do you live? -Who lives with you? -Are you close to any family members who are not your parent(s)? -Tell me about them. -Are there other adults in your life (other than your family) that you are close to? -Tell me about them. -What is your favorite: <ul style="list-style-type: none"> -[color? Hobbies? TV show? Game? Toy? Food? Drink? Thing to do?] -Do you have pets? Describe. -When you go out, where do you like to go best? -Tell me about your friends. -What do you like to do with your friends?
Ask	<ul style="list-style-type: none"> -Question the child with the goal being to get a narrative, not specific answers -Ask non-judgmental, solution focused questions -Try to get a holistic view of the child's life 	<ul style="list-style-type: none"> -On a scale of 1-10, 1 being that [X] and 10 being that [Y], where would you rate [issue]? <ul style="list-style-type: none"> -Going to school; health; safety of the home; how things are at home; differences between home and foster home; difference between schools; visitation; et cetera -What makes it a [#]? -What could make it a [+1]? -When you are at a [+1] what will be different? -What would your mom/dad/doctor/friend rate you? -What makes them say it is a [#]? -If your life were a movie, and I were watching it, what would I see when X <ul style="list-style-type: none"> -[you wake up? you go to school? you are at home? you are happy? you are with mom/dad?

Integrating Trauma Informed Care and Solution Focused Strategies

		<p>you go to bed? et cetera]</p> <p>-If you woke up without [problem], how would you know?</p> <p>-What would be different?</p> <p>-Tell me about the times when everyone is getting along?</p> <p>What is different about those times?</p> <p>-How do you let mom/dad know when you are [happy? scared? hungry? not feeling well? et cetera]</p> <p>-If you had a magic wand and could change anything you want, what would you change?</p> <p>-Tell me about your mom/dad.</p> <p>-How did you end up living where you live now?</p> <p>-How did you get there?</p> <p>-When did you get there?</p> <p>-Your caseworker tell me you get [X] visitation with your mom/dad? Is that what is happening?</p>
Respond	<ul style="list-style-type: none"> -Validate the child's input -Recite back your understanding of the child's words -Encourage the child to elaborate 	<ul style="list-style-type: none"> - So, you are saying that X? Is that right? -Tell me about it. -Tell me more. -Then what happens? -What do you think about that?
Closing	<ul style="list-style-type: none"> -Allow a few minutes of silence to let the child think and to give control back to the child -Move to a neutral topic -Discuss something good that has happened or play a game -Give the child contact information -Make sure the child does not leave the meeting confused -Answer the child's questions -Thank the child for his cooperation 	<ul style="list-style-type: none"> -The next time we see each other will be when... -This is what is going to happen next... -What questions do you have? -Thank you for meeting with me today.

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OJJDP

Working for Youth Justice and Safety

JUVENILE JUSTICE BULLETIN

September 2015

Robert L. Listenbee, Administrator

From the Administrator

The Office of Juvenile Justice and Delinquency Prevention is committed to preventing the victimization of children and ensuring the well-being of all youth. In suspected abuse or maltreatment cases, law enforcement, medical, court, and other child protection professionals must respond swiftly and effectively and in a manner that avoids retraumatizing the affected youth.

To assist those who work in this field, the National Children's Advocacy Center convened experts from the major national forensic interview training programs to identify best practices in child forensic interviewing in cases of alleged abuse or exposure to violence.

The resulting discussions led to this publication, which provides guidance on topics, such as interview timing and setting, question type, rapport-building between the interviewer and the victim, interview aids as well as vicarious trauma and self-care.

This bulletin represents commendable collaboration across multiple entities and is an effort to build consensus within the field. We hope that the information contained within it will aid practitioners' efforts to protect children from abuse and bring those who prey upon them to justice.

Robert L. Listenbee
Administrator

Child Forensic Interviewing: Best Practices

Chris Newlin, Linda Cordisco Steele, Andra Chamberlin, Jennifer Anderson, Julie Kenniston, Amy Russell, Heather Stewart, and Viola Vaughan-Eden

Highlights

This bulletin consolidates the current knowledge of professionals from several major forensic interview training programs on best practices for interviewing children in cases of alleged abuse. The authors discuss the purpose of the child forensic interview, provide historical context, review overall considerations, and outline each stage of the interview in more detail.

Among the topics that the authors discuss are the following:

- No two children will relate their experiences in the same way or with the same level of detail and clarity. Individual characteristics, interviewer behavior, family relationships, community influences, and cultural and societal attitudes determine whether, when, and how they disclose abuse.
- The literature clearly explains the dangers of repeated questioning and duplicative interviews; however, some children require more time to become comfortable with the process and the interviewer.
- Encouraging children to give detailed responses early in the interview enhances their responses later on.
- Forensic interviewers should use open-ended questions and should allow for silence or hesitation without moving to more focused prompts too quickly. Although such questions may encourage greater detail, they may also elicit potentially erroneous responses if the child feels compelled to reach beyond his or her stored memory.

OJJDP



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Child Forensic Interviewing: Best Practices

Chris Newlin, Linda Cordisco Steele, Andra Chamberlin, Jennifer Anderson, Julie Kenniston, Amy Russell, Heather Stewart, and Viola Vaughan-Eden

During the last quarter of the 20th century, the United States began to fully recognize the incidence of child abuse and neglect affecting our country. Increased public awareness and empirical literature have improved efforts to intervene effectively on behalf of children. One of the most significant interventions has centered on how to elicit accurate information from children regarding abuse and neglect—a process commonly referred to as “forensic interviewing” (Saywitz, Lyon, and Goodman, 2011). Following two decades of research and practice, professionals have gained significant insight into how to maximize children’s potential to accurately convey information about their past experiences. Yet, as this effort continues and practice evolves, professionals face new challenges in standardizing forensic interviewing practice throughout the country.

A relative lack of both research and practice experience challenged pioneers in the field. As such, protocols and training efforts underwent significant revisions as more research was conducted and people began gaining practice-based experience, which informed further training. Additionally, given the dearth of resources at the time, geographically diverse training programs began to develop naturally throughout the United States, emanating from frontline service providers who struggled to provide quality services themselves and who also wanted to help fellow professionals. Different case experiences, contextual perspectives, and community standards influenced these training efforts. In addition, these service providers were not directly communicating with one another about the content of their training or their theoretical approaches. This further supported the existence of various approaches and the lack of standardized training language regarding forensic interviewing.

It is now widely accepted that professionals should have formal initial and ongoing forensic interview training (National Children’s Alliance [NCA], 2011). However, the field has yet to determine one standardized practice to follow throughout the country. Although national training programs are generally based on the same body of research, some differences exist. Focusing on the variations among them often obscures consistencies within the various forensic interview models. In some cases, the veracity of the child’s statement or the performance of the forensic interviewer has been questioned solely on the basis of the model being used. However, forensic interviewers often receive training in multiple models and use a blended approach to best meet the needs of the child they are interviewing (Midwest Regional Children’s Advocacy Center [MRCAC], 2014). Furthermore, the model being used and any subsequent adaptations to it are often rooted in jurisdictional expectations. State statutes and case law dictate aspects of interview practice, further demonstrating that no one method can always be the best choice for every forensic interview.

In 2010, representatives of several major forensic interview training programs—the American Professional Society on the Abuse of Children, the CornerHouse Interagency Child Abuse Evaluation and Training Center, the Gundersen National Child Protection Training Center, the National Children’s Advocacy Center, and the National Institute of Child Health and Human Development—gathered to review their programs’ differences and similarities. The resulting discussions led to this bulletin, which consolidates current knowledge on the generally accepted best practices of those conducting forensic interviews of children in cases of alleged abuse or exposure to violence.

This nation must remain committed to consistently putting the needs of children first. It is the authors' hope that this document will become an essential part of every forensic interview training program and will be widely used as an authoritative treatise on the implementation of best practices in forensic interviewing.

Purpose of the Child Forensic Interview

The forensic interview is one component of a comprehensive child abuse investigation, which includes, but is not limited to, the following disciplines: law enforcement and child protection investigators, prosecutors, child protection attorneys, victim advocates, and medical and mental health practitioners. Although not all of the concerned disciplines may directly participate in or observe the forensic interview, each party may benefit from the information obtained during the interview (Jones et al., 2005).

Most child abuse investigations begin with a forensic interview of the child, which then provides direction for other aspects of the investigation. Although forensic interviewers are trained to conduct quality interviews, it is important to note there is no “perfect” interview.

For the purposes of this bulletin, and in an effort to build consensus within the field, the authors offer the following definition of a child forensic interview:

A forensic interview of a child is a developmentally sensitive and legally sound method of gathering factual information regarding allegations of abuse or exposure to violence. This interview is conducted by a competently trained, neutral professional utilizing research and practice-informed techniques as part of a larger investigative process.

Historical Context

In the 1980s, several high-profile cases involving allegations that daycare providers had sexually abused multiple children in their care became the subject of considerable analysis because of the interview techniques that were used (Ceci and Bruck, 1995). Law enforcement depended on mental health practitioners because of their ability to establish rapport with children. However, mental health practitioners often used therapeutic techniques that were later deemed inappropriate for forensic purposes, primarily because of concerns regarding suggestibility. The courts scrutinized the interview procedures used in these early cases and found that techniques that invited

make-believe or pretending were inappropriate for criminal investigations.

As awareness of child abuse grew, professionals realized that it might take special skills to interview children. Sgroi (1978) was the first medical/mental health professional to address the issue of investigative interviewing in the literature. The American Professional Society on the Abuse of Children (APSAC) wrote the first practice guidelines—*Psychosocial Evaluation of Suspected Sexual Abuse in Young Children* (APSAC, 1990)—the title of which reflects the initial focus of these interviews: mental health. Today, the focus has shifted from the mental health or clinical perspective to a forensic perspective. Even the nomenclature changed to include terms such as “forensic interview” and “child forensic interview training.”

In the late 1980s and early 1990s, substantial empirical literature discussed children’s developmental capabilities and appropriate ways of engaging them in the interview process. The Cognitive Interview (Fisher and Geiselman, 1992) and Narrative Elaboration (Saywitz, Geiselman, and Bornstein, 1992) models included specific strategies that applied memory-based techniques to elicit detailed information from witnesses. Traces of both models remain in current approaches to evidence-based forensic interviewing (Saywitz and Camparo, 2009; Saywitz, Lyon, and Goodman, 2011).

Considerations Regarding the Child

Many influences have an impact on a child’s experience of abuse and on his or her ability to encode and communicate information. These influences interact in a uniquely individual manner, such that no two children will ever engage or relate their experiences in the same way or with the same level of detail and clarity. This section describes the major influences on children’s memory, language abilities, and motivation to converse.

Development

All of the forensic interviewing models agree that considering the age and development of the child is essential. Lamb and colleagues (2015) state that “age is the most important determinant of children’s memory capacity.” A child’s age and developmental abilities influence his or her perception of an experience and the amount of information that they can store in long-term memory (Pipe and Salmon, 2002). Infants and toddlers can recall experiences, as demonstrated through behavioral reactions to people, objects, and environments; however, these early memories are not associated with verbal descriptions. Even as they begin to develop their language



capabilities, young children are less able to make sense of unfamiliar experiences, have a more limited vocabulary, and are less accustomed to engaging in conversations about past experiences than older children. As children age, their attention span improves and they are better prepared to comprehend, notice unique elements, and describe their experiences verbally. This, in turn, allows them to store more information and also allows them to discuss remembered events with others, which further serves to consolidate and strengthen memories. Children of all ages are more likely to recall salient and personally experienced details rather than peripheral details (Perona, Bottoms, and Sorenson, 2006).

Metacognition—the ability to recognize whether one understands a question and has stored and can retrieve relevant information—also improves as children mature. Very young children find it difficult to focus their attention and to search their memory effectively when interviewed. They may simply respond to recognized words or simple phrases without considering the entire question, and they are unable to monitor their comprehension or answers to questions (Lamb et al., 2015). As children grow older, both natural development and knowledge gained from school improve their skills.

Remembering an experience does not ensure that a child will be able to describe it for others. Forensic interviews are challenging for children, as they involve very different conversational patterns and an unfamiliar demand for detail (Lamb and Brown, 2006). Young children may use words before they completely understand their meaning and may continue to confuse even simple concepts and terms such as “tomorrow,” “a lot,” or “a long time.” As children mature, they acquire the ability to use words in a more culturally normative way, although terminology for sexual encounters, internal thoughts and feelings, and particularly forensic and legal matters may be beyond their grasp (Walker, 2013). Forensic interviewers and

those who evaluate the statements that children make in a legal context would do well to appreciate the many extraordinary demands made on child witnesses.

Although concerns about younger children’s verbal and cognitive abilities are well recognized, the challenges of effectively interviewing adolescents are often overlooked. Because adolescents look much like adults, forensic interviewers and multidisciplinary team members may fail to appreciate that adolescents vary greatly in their verbal and cognitive abilities and thus fail to build rapport, provide interview instructions, or ensure the comprehension of questions (Walker, 2013). Ever conscious of wanting to appear competent, adolescents may be reluctant to ask for assistance.

Forensic interviewers and investigators must guard against unreasonably high expectations for teenage witnesses and should not adopt a less supportive approach or use convoluted language, which will complicate matters.

Culture and Development

A child’s family, social network, socioeconomic environment, and culture influence his or her development, linguistic style, perception of experiences, and ability to focus attention (Alaggia, 2010). Cultural differences may present communication challenges and can lead to misunderstandings within the forensic interview. Fontes (2008) highlights the importance of having clear-cut guidelines and strategies for taking culture into account when assessing whether child abuse or neglect has occurred. Forensic interviewers and investigators must consider the influence of culture on perception of experiences, memory formation, language, linguistic style, comfort with talking to strangers in a formal setting, and values about family loyalty and privacy when questioning children and evaluating their statements (Fontes, 2005, 2008; Perona, Bottoms, and Sorenson, 2006).

Disabilities

Children with disabilities are potentially at greater risk for abuse and neglect than children without disabilities (Hershkowitz, Lamb, and Horowitz, 2007; Kendall-Tackett et al., 2005). Forensic interviewers are unlikely

“Cultural differences may present communication challenges and can lead to misunderstandings within the forensic interview.”

to have specialized training or experience in the broad field of disabilities or regarding developmental or medical concerns; thus, collaboration is often necessary to successfully interview these children. Interviewers should use local resources—including disability specialists or other professionals who work with children and their primary caregivers—to gain insight into the functioning of specific children and any needs they may have for special accommodations (Davies and Faller, 2007). The interviewer may have to adapt each stage of the interview, balancing these adaptations with the demand for forensic integrity (Baladerian, 1997; Hershkowitz, Lamb, and Horowitz, 2007). More than one interview session may be necessary to gain the child’s trust, adapt to the child’s communication style and limitations, and allow adequate time to gather information (Faller, Cordisco Steele, and Nelson-Gardell, 2010).

Trauma

Children who have been victims of maltreatment or were witnesses to violent crime often react uniquely to their experiences. Forensic interviewers must be cognizant of factors that mitigate or enhance the impact, as trauma symptoms may interfere with a child’s ability or willingness to report information about violent incidents (Ziegler, 2002). The memories of children who have suffered extreme forms of trauma may be impaired or distorted (Feiring and Tasca, 2005); these children may not recall their experiences in a linear fashion but, instead, as “flashbulb memories” or snapshots of their victimization (Berliner et al., 2003). In addition, their memories of traumatic experiences may be limited, with a particular emphasis on central rather than peripheral details (Fivush, Peterson, and Schwarzmüller, 2002). Interviewers and those involved in investigating child abuse may need to modify their expectations of what a traumatized child is able to report. They should not attempt to force a disclosure or continue an interview when a child becomes overly distressed, which may revictimize the child. Children who are severely traumatized may benefit from additional support and multiple, nonduplicative interview sessions (Faller, Cordisco Steele, and Nelson-Gardell, 2010; La Rooy et al., 2010).

Disclosure

Understanding the disclosure process is critical for both the investigative process and child protection outcomes. Research to date on children’s disclosure of sexual abuse—based mainly on retrospective surveys of adults and reviews of past child abuse investigations—indicates that no single pattern of disclosure is predominant (Lyon and Ahern, 2010). Disclosure happens along a continuum ranging from denial to nondisclosure to reluctant disclosure to incomplete disclosure to a full accounting of an abusive incident (Olafson and Lederman, 2006). Some children also disclose less directly, over a period of time, through a variety of behaviors and actions, including discussions and indirect nonverbal cues (Alaggia, 2004).

The interaction of individual characteristics, interviewer behavior, family relationships, community influences, and cultural and societal attitudes determines whether, when, and how children disclose abuse (Alaggia, 2010; Bottoms, Quas, and Davis, 2007; Hershkowitz et al., 2006; Lyon and Ahern, 2010). Factors that help to explain a child’s reluctance are age, relationship with the alleged offender, lack of parental support, gender, fear of consequences for disclosing, and fear of not being believed (Malloy, Brubacher, and Lamb, 2011; McElvaney, 2013). A review of contemporary literature reveals that when disclosure does occur, significant delays are common. In a recent analysis of child sexual abuse disclosure patterns, Alaggia (2010) found that as many as 60 to 80 percent of children and adolescents do not disclose until adulthood. If outside corroborative evidence exists (e.g., physical evidence, offender confessions, recordings, witness statements), there is still a high rate of nondisclosure (Lyon, 2007; Sjöberg and Lindblad, 2002). Furthermore, children who disclose often do not recount their experiences fully and may, over time, provide additional information (McElvaney, 2013).

Current literature on children’s disclosure of sexual abuse has implications for practice. According to Malloy, Brubacher, and Lamb (2013), precipitating events or people frequently motivate children to disclose abuse. Some children require a triggering event, such as a school

safety presentation, to allow them to discuss abuse without being the one to broach the subject (McElvaney, 2013). Other children may need to be questioned specifically about the possibility of abuse. Child abuse professionals should understand the many intersecting dynamics that help a child disclose maltreatment and should be open to the possibility that disclosure is not an all-or-nothing event.

Considerations Regarding the Interview

Almost universal agreement exists regarding the need to interview children about allegations of abuse. Once this is accepted, there are a number of important considerations, such as timing, documentation, setting, interviewer, questions to be asked, and whether to use interview aids/media.

Timing

Conduct the forensic interview as soon after the initial disclosure of abuse, or after witnessing violence, as the child's mental status will permit and as soon as a multidisciplinary team response can be coordinated (APSAC, 2012; Saywitz and Camparo, 2009). As time passes, the opportunity to collect potential corroborative evidence may diminish, children's fortitude to disclose may wane, and opportunities for contamination, whether intentional or accidental, increase (Johnson, 2009). However, children who are overly fatigued, hungry, frightened, suffering from shock, or still processing their traumatic experiences may not be effective reporters in a forensic interview (APSAC, 2012; Home Office, 2007; Myers, 2005).

Documentation

Electronic recordings are the most complete and accurate way to document forensic interviews (Cauci and Powell, 2009; Lamb et al., 2000), capturing the exchange between the child and the interviewer and the exact wording of questions (Faller, 2007; Warren and Woodall, 1999). Video recordings, used in 90 percent of Children's Advocacy Centers (CACs) nationally (MRCAC, 2014), allow the trier of fact in legal proceedings to witness all forms of the child's communication. Recordings make the interview process transparent, documenting that the interviewer and the multidisciplinary team avoided inappropriate interactions with the child (Faller, 2007). Recorded forensic interviews also allow interviewers and others to review their work and facilitate skill development and integrity of practice (Lamb, Sternberg, Orbach, Esplin, and Mitchell, 2002; Price and Roberts, 2011; Stewart, Katz, and La Rooy, 2011).

Neutral and Objective Setting

The National Children's Alliance (NCA), as a part of its accreditation process, requires CACs to provide child-focused settings that are "comfortable, private, and both physically and psychologically safe for diverse populations of children and their non-offending family members" (NCA, 2011:36). However, there is a dearth of literature on what constitutes a child-friendly environment (NCA, 2013).

Interview rooms come in all shapes and sizes, are often painted in warm colors, may incorporate child-sized furniture, and should only use artwork of a non-fantasy nature. The room should be equipped for audio- and video-recording, and case investigators and other CAC staff should be able to observe the forensic interview (Myers, 2005; NCA, 2013; Pence and Wilson, 1994). Although it is generally recommended that there be minimal distractions in the interview room (APSAC, 2012; Saywitz, Camparo, and Romanoff, 2010), opinions differ about the allowance of simple media, such as paper and markers. More recently published literature suggests that younger children may benefit from having access to paper and markers during the forensic interview (Poole and Dickinson, 2014). Materials that encourage play or fantasy are uniformly discouraged, as is any interpretation by the interviewer of the child's use of media or other products.

Role of the Interviewer

Forensic interviewers should encourage the most accurate, complete, and candid information from a child and, to this end, the child should be the most communicative during the forensic interview (Teoh and Lamb, 2013). Interviewers must balance forensic concerns with decisions about how much information to introduce (APSAC, 2012; Orbach and Pipe, 2011). In addition, they should be attentive to the possibility that their preconceived ideas may bias the information gathered—particularly if the interview is conducted in an unduly leading or suggestive manner—and should avoid such practices (Ceci and Bruck, 1995; Faller, 2007).

Question Type

Maximizing the amount of information obtained through children's free recall memory is universally accepted among forensic interview models as a best practice. Forensic interviewers should use open-ended and cued questions skillfully and appropriately to support children's ability and willingness to describe remembered experiences in their own words (Lamb, Orbach, Hershkowitz, Esplin, and Horowitz, 2007; Myers, 2005; Saywitz and Camparo, 2009; Saywitz, Lyon, and Goodman, 2011). Ask more focused questions later in the interview, depending on the developmental abilities of the child, the child's degree of

candor or reluctance, the immediacy of child protection issues, and the existence of reliable information previously gathered (e.g., suspect confession, photographs) (Imhoff and Baker-Ward, 1999; Lamb et al., 2003; Perona, Bottoms, and Sorenson, 2006). This approach reduces the risk of the interviewer contaminating the child's account.

A common language for labeling the format of questions does not exist; however, similarities in currently used labels do exist (Anderson, 2013; APSAC, 2012; Lyon, 2010). Agreement also exists that questions should not be judged in isolation. The labels for memory prompts may be classified into two main categories—recall and recognition—and are based on the type of memory accessed.

Recall prompts are open-ended, inviting the child to tell everything he or she remembers in his or her own words; such prompts have been shown to increase accuracy (Lamb, Orbach, Hershkowitz, Horowitz, and Abbott, 2007; Lamb et al., 2008). Open-ended questions encourage children to elaborate and to include salient details without significant input from the interviewer, who should use them throughout the interview. Recall prompts may include directives or questions, such as “Tell me everything that happened,” “And then what happened?” and “Tell me more about (specific person/action/place that the child previously mentioned).” Although the accounts retrieved through the use of recall prompts can be quite detailed and accurate, they may not be complete. Interviewers may ask specific, focused questions to obtain additional details about topics the child has already mentioned, using a “who, what, where, when, and how” format. Although these detailed questions focus the child on certain aspects of his or her report that are missing, the child may or may not recall such information. These questions may promote a narrative response or may elicit brief answers (Saywitz and Camparo, 2009; Hershkowitz et al., 2012). They do not introduce information or pose options to the child: “You said you were in the house. What room were you in?” followed by “Tell me about that.”

Once open-ended questions are exhausted, it may be necessary to progressively focus the query. Children may omit details because they do not know the significance of the information sought or because they are reluctant to divulge certain information. In contrast to recall prompts, recognition prompts provide the child with context or offer interviewer-created options. Recognition prompts may elicit greater detail once the child has exhausted his or her capability for narrative or when a child cannot comprehend a more open-ended question. The risk of using recognition prompts is that they may elicit responses that are less accurate or potentially erroneous if the child

feels compelled to reach beyond his or her stored memory. It is essential to use these questions judiciously, as over-use can significantly affect the integrity and fact-finding function of the interview (Faller, 2007; Lamb, Orbach, Hershkowitz, Horowitz, and Abbott, 2007; Myers, 2005; Perona, Bottoms, and Sorenson, 2006). Suggestive questions are those that “to one degree or another, [suggest] that the questioner is looking for a particular answer” (Myers, Saywitz, and Goodman, 1996) and should be avoided.

Interview Aids/Media

The goal of a forensic interview is to have the child verbally describe his or her experience. A question remains, however, as to whether limiting children to verbal responses allows all children to fully recount their experiences, or whether media (e.g., paper, markers, anatomically detailed drawings or dolls) may be used during the interview to aid in descriptions (Brown et al., 2007; Katz and Hamama, 2013; Macleod, Gross, and Hayne, 2013; Patterson and Hayne, 2011; Poole and Dickinson, 2011; Russell, 2008). The use of media varies greatly by model and professional training. Decisions are most often made at the local level, and interviewer comfort and multidisciplinary team preferences may influence them. Ongoing research is necessary to shed further light on the influence of various types of media on children's verbal descriptions of remembered events.

The Forensic Interview

Forensic interview models guide the interviewer through the various stages of a legally sound interview; they vary from highly structured/scripted to semi-structured (interviewers cover predetermined topics) to flexible (interviewers have greater latitude). All models include the following phases:

- The initial **rapport-building phase** typically comprises introductions with an age- and context-appropriate explanation of documentation methods, a review of interview instructions, a discussion of the importance of telling the truth, and practice providing narratives and episodic memory training.
- The **substantive phase** most often includes a narrative description of events, detail-seeking strategies, clarification, and testing of alternative hypotheses, when appropriate.
- The **closure phase** gives more attention to the socioemotional needs of a child, transitioning to nonsubstantive topics, allowing for questions, and discussing safety or educational messages.



Divergent research, state statutes, community standards, and identified child/case populations contribute to the variations among models. Lack of adherence to a particular model does not, in and of itself, deem an interview forensically unsound. Increasingly, forensic interviewers receive training in multiple models and use a blend of models individualized to the needs of the child and the case (MRCAC, 2014).

Rapport-Building Phase

All interview models acknowledge that building rapport is important for both the child and the interviewer. During this phase, the child can begin to trust the interviewer and become oriented to the interview process. The interviewer can begin to understand the child's linguistic patterns, gauge the child's willingness to participate, and start to respond appropriately to the child's developmental, emotional, and cultural needs. A narrative approach to building rapport sets a pattern of interaction that should be maintained throughout the interview (Hershkowitz et al., 2015; Collins, Lincoln, and Frank, 2002; Hershkowitz, 2011).

Interview Instructions

Giving interview instructions during the rapport-building phase sets expectations that the child should provide accurate and complete information and also mitigates suggestibility. The child's age may influence the number of instructions and, perhaps, the type of instructions that may be most helpful. Interviewers may want to include some of the following instructions:

- "I was not there and don't know what happened. When I ask you questions, I don't know the answer to those questions."
- "It's okay to say 'I don't know' or 'I don't understand that question.'"

- "Only talk about things that really happened." (This emphasizes the importance of the conversation.)

For younger children, interviewers may want to have them "practice" following each guideline to demonstrate their understanding (APSAC, 2012; Saywitz and Camparo, 2009; Saywitz, Lyon, and Goodman, 2011). When children demonstrate these skills spontaneously, interviewers should reinforce them.

"Truth Versus Lies" Discussion

Recent research indicates that children may be less likely to make false statements if they have promised to tell the truth before the substantive phase of the interview (Lyon and Evans, 2014; Lyon and Dorado, 2008; Talwar et al., 2002). State statutes and community practices may vary about whether to include a "truth versus lies" discussion in forensic interviews. Some states require such a discussion or mandate that children take a developmentally appropriate oath before the substantive phase of the interview. In other states, interviewers have more autonomy regarding the techniques they use to encourage truth telling—to assess whether the child will be a competent witness in court and to increase the likelihood that the recorded interview will be admitted into evidence (Russell, 2006).

Narrative Practice/Episodic Memory Training

A substantial body of research indicates that encouraging children to give detailed responses early in the interview (i.e., during the rapport-building phase) enhances their informative responses to open-ended prompts in the substantive portion of the interview. When interviewers encourage these narrative descriptions early on, children typically will begin to provide more details without interviewers having to resort to more direct or leading prompts (Brubacher, Roberts, and Powell, 2011; Lamb et al., 2008; Poole and Lamb, 1998).

To help a child practice providing narratives, the interviewer may select a topic that was raised during a response to an earlier question, such as "Tell me some things about yourself," "What do you like to do for fun?" or "What did you do this morning?"; ask a question about a favorite activity; or ask for a description of the child's morning. The interviewer should then instruct the child to describe that topic from "beginning to end and not to leave anything out." The interviewer should continue to use cued, open-ended questions that incorporate the child's own words or phrases to prompt the child to greater elaboration. The interviewer may cue the child to tell more about an object, person, location, details of the activity, or a particular segment of time. This allows the child to provide a forensically detailed description of a nonabuse event and enables the interviewer to begin to

understand the child's linguistic ability and style (APSAC, 2012; Saywitz and Camparo 2009; Saywitz, Lyon, and Goodman, 2011; Walker, 2013).

Substantive Phase

The interviewer should be as open-ended and nonsuggestive as possible when introducing the topic of suspected abuse, using a prompt such as "What are you here to talk to me about today?" If the child acknowledges the target topic, the interviewer should follow up with another open invitation, such as "Tell me everything and don't leave anything out" (APSAC, 2012; Lamb et al., 2008; Orbach and Pipe, 2011; Saywitz and Camparo, 2009; Saywitz, Lyon, and Goodman, 2011) and proceed to the narrative and detail-gathering phase of the interview.

However, if a child is anxious or embarrassed, has been threatened or cautioned not to talk, or has not made a prior outcry of abuse, the interviewer may need a more focused approach (Pipe et al., 2007). There is a distinction between real and apparent reluctance. Real reluctance refers to children who are cautious and significantly unwilling to respond to questions, whereas apparent reluctance refers to children who are introspective before responding to questions. Interviewers should therefore allow for silence or hesitation without moving to more focused prompts too quickly. In many cases, gently reassuring the child that it is important for the interviewer to understand everything that happened can effectively combat a child's reluctance.

Interviewers should plan for this transitional period deliberately, taking into account the child's characteristics, information included in the initial report, and any case concerns (Smith and Milne, 2011). Variations exist among interviewing models as to the most effective and defensible way to help a reluctant child transition to the substantive portion of the interview. Broadly speaking, options range from (1) the use of escalating and focused prompts gleaned from information in the allegation report (APSAC, 2012; Lamb et al., 2008; Saywitz, Lyon, and Goodman, 2011) to (2) the use of an incremental approach exploring various topics, such as family members, caregiving routines, body safety, and so forth (APSAC, 2012; Faller, 2007) to (3) the use of human figure drawings along with a discussion of body safety and appropriate and inappropriate contact (Anderson et al., 2010).

Forensic interviewers who have been trained in multiple models may use a variety of options, depending on child and case characteristics. Use focused or direct prompts only if good reason exists to believe the child has been abused and the risk of continued abuse is greater than the risk of proceeding with an interview if no abuse has occurred (Lamb et al., 2008; Orbach and Pipe, 2011).

Narrative and Detail Gathering

All forensic interview models direct the interviewer to ask the child to provide a narrative account of his or her experience to gain a clear and accurate description of alleged events in the child's own words. Do not interrupt this narrative, as it is the primary purpose of the forensic interview. Open-ended invitations ("Tell me more" or "What happened next?") and cued narrative requests ("Tell me more about [fill in with child's word]") elicit longer, more detailed, and less self-contradictory information from children and adolescents (Lamb et al., 2008; Orbach and Pipe, 2011; Perona, Bottoms, and Sorenson, 2006). Because of their relatively underdeveloped memory retrieval processes, very young or less cognitively and linguistically skilled children may require greater scaffolding and more narrowly focused open-ended questions to elicit information regarding remembered events (Faller, 2007; Hershkowitz et al., 2012; Lamb et al., 2003; Orbach and Pipe, 2011). Cued and open-ended prompts, attentive listening, silence, and facilitators, such as reflection and paraphrasing, may help (Evans and Roberts, 2009). Additionally, "wh" questions are the least leading way to ask about important but missing details and can either be open-ended ("What happened?") or more direct ("What was the man's name?") (Hershkowitz et al., 2006; Orbach and Pipe, 2011). Interviewers should delay the use of recognition prompts and questions that pose options for as long as possible (APSAC, 2012; Lamb et al., 2008; Saywitz and Camparo, 2009; Saywitz, Lyon, and Goodman, 2011).

Because many children experience multiple incidents of abuse, interviewers should ask them whether an event happened "one time or more than one time." If a child has been abused more than once, the interviewer should explore details regarding specific occurrences in a developmentally appropriate way (Walker, 2013), using the child's own wording to best cue the child to each incident (Brubacher, Roberts, and Powell, 2011; Brubacher et al., 2013; Brubacher and La Rooy, 2014; Schneider et al., 2011). Using prompts such as "first time," "last time," and other appropriate labels may lead to additional locations, acts, witnesses, or potential evidence.

No one recalls every detail about even well-remembered experiences. Questions related to core elements of the abuse can maximize the quantity and quality of information a child provides. Research suggests that children and adults may recall personally experienced events better than they recall peripheral details or events they witnessed (Perona, Bottoms, and Sorenson, 2006; Peterson, 2012).

Once the child's narrative account of an alleged incident(s) has been fully explored, the interviewer can then follow with focused questions, asking for sensory details, clarification, and other missing elements. If a child provides only brief responses, the interviewer should follow up by asking for additional information or explanation using focused questions that incorporate terms the child previously provided. Although particular elements may have forensic significance (e.g., temporal dating, number of events, sexual intent, penetration), the child may not have accurately perceived or stored the information in long-term memory (Friedman and Lyon, 2005; Hershkowitz et al., 2012; Orbach and Lamb, 2007; Lamb et al., 2015). Forensic interviewers should proceed with caution when encouraging children through the use of recognition prompts to provide such information.

Introducing externally derived information (e.g., information gathered outside the interview or that the child has not divulged) may be appropriate in some interviews. There is broad consensus, however, that interviewers should use such information with caution and only after attempting other questioning methods. It is important to understand the suggestibility of such information within the context of the overall interview, the other questions asked, the child's presentation and development, and the strength of any external evidence obtained. Before or during the interview, multidisciplinary teams should discuss how, if, and when to introduce externally derived information or evidence. The manner and extent to which this information is presented varies across jurisdictions and models.

Alternative Hypotheses

Contextually appropriate questions that explore other viable hypotheses for a child's behaviors or statements are essential to the overall integrity of the interview. Allow the child to explain apparently contradictory information, particularly as it concerns forensically relevant details (e.g., the suspect's identity or specific acts committed). Additionally, the interviewer may need to explore the circumstances surrounding the targeted event to distinguish abuse from caregiving activities, particularly with a young child or one with limited abilities.

Questions about the child's source of information or prior conversations or instructions may be helpful if there are concerns about possible coaching or contamination. There is no one set of questions used routinely in every interview, as child characteristics, contextual settings, allegations, and case specifics vary greatly.

Consultation With the Multidisciplinary Team

Forensic interviews are best conducted within a multidisciplinary team context, as coordinating an investigation has been shown to increase the efficiency of the investigation while minimizing system-induced trauma in the child (Cronch, Viljoen, and Hansen, 2006; Jones et al., 2005). Before the interview, multidisciplinary team members should discuss possible barriers, case-specific concerns, and interviewing strategies, such as how best to introduce externally derived information, should that be necessary. Regardless of whether the forensic interview is conducted at a CAC or other child-friendly facility, the interviewer should communicate with the team members observing the interview to determine whether to raise additional questions or whether there are any ambiguities or apparent contradictions to resolve (Home Office, 2007; Jones et al., 2005). The interviewer often has to balance the team's request for further questions with the need to maintain legal defensibility and with the child's ability to provide the information requested.

Closure Phase

The closure phase helps provide a respectful end to a conversation that may have been emotionally challenging for the child. The interviewer may use various strategies during this phase (Anderson et al., 2010; APSAC, 2012; Home Office, 2007; Poole and Lamb, 1998):

- Ask the child if there is something else the interviewer needs to know.
- Ask the child if there is something he or she wants to tell or ask the interviewer.
- Thank the child for his or her effort rather than for specific content.

"Because many children experience multiple incidents of abuse, interviewers should ask them whether an event happened 'one time or more than one time.'"

- Address the topic of safety plans and educational materials and provide a contact number for additional help.

Other Considerations

Multiple evidence-supported forensic interview models are used throughout the United States, and all of these require the interviewer to adapt the model to the needs of each child based on unique situational variables. Some of the more commonly faced situational variables are highlighted below.

Multiple, Nonduplicative Interviews

One comprehensive forensic interview is sufficient for many children, particularly if the child made a previous disclosure, possesses adequate language skills, and has the support of a family member or other close adult (APSAC, 2002; Faller, 2007; London et al., 2007; NCA, 2011; Olafson and Lederman, 2006). The literature clearly demonstrates the dangers of multiple interviewers repeatedly questioning a child or conducting duplicative interviews (Ceci and Bruck, 1995; Fivush, Peterson, and Schwarzmüller, 2002; Malloy and Quas, 2009; Poole and Lamb, 1998; Poole and Lindsay, 2002). However, some children require more time and familiarity to become comfortable and to develop trust in both the process and the interviewer. Recent research indicates that multiple interview sessions may allow reluctant, young, or traumatized children the opportunity to more clearly and completely share information (Leander, 2010; Pipe et al., 2007). Multiple, nonduplicative interviews are most effective when the interviewer uses best practices in forensic interviewing; adapts the interview structure to the developmental, cultural, and emotional needs of the child; and avoids suggestive and coercive approaches (Faller, Cordisco Steele, and Nelson-Gardell, 2010; La Rooy et al., 2010; La Rooy, Lamb, and Pipe, 2009).

Supervision and Peer Review

Although agreement exists that knowledge of forensic interviewing significantly increases through training,

this newly acquired knowledge does not always translate into significant changes in interviewer practices (Lamb, Sternberg, Orbach, Hershkowitz, Horowitz, and Esplin, 2002; Lamb et al., 2008; Price and Roberts, 2011; Stewart, Katz, and La Rooy, 2011). Supervision, peer reviews, and other forms of feedback should help forensic interviewers integrate the skills they learned during initial training and also improve their practice over time.

Supervision facilitates one-on-one interaction between a more experienced forensic interviewer and a professional new to the job and may or may not include assessment of the interviewer's performance (Price and Roberts, 2011; Stewart, Katz, and La Rooy, 2011). Larger CACs may employ multiple forensic interviewers who can provide individual support to newly trained interviewers. Often, CACs operating within a regional service area undertake similar efforts.

Peer review is a facilitated discussion with other interviewers or team members and is intended to both maintain and increase desirable practices in forensic interviewing (Stewart, Katz, and La Rooy, 2011). It is an opportunity for forensic interviewers to receive emotional and professional support and for other professionals to critique their work. The peer review should be a formalized process in a neutral environment with established group norms and a shared understanding of goals, processes, and purpose. Power dynamics, a lack of cohesion, and differing expectations can easily derail peer review efforts, leading to a failure to achieve real improvements in practice. Training in the use of tools for providing more effective feedback (e.g., guidelines for giving and receiving feedback), checklists to assist peer reviewers in defining practice aspects for review, and strong leadership can assist practitioners in establishing a meaningful and productive process.



Vicarious Trauma and Self-Care

Professionals exposed to the reports of abuse and victimization of children often suffer from vicarious traumatization, an affliction commonly called “the cost of caring” that has symptoms similar to those of posttraumatic stress disorder (Figley, 1995; Perron and Hiltz, 2006; Lipsky and Burk, 2009). Studies suggest that forensic interviewers, law enforcement officers, child protection workers, victim advocates, therapists, medical personnel, attorneys, and judges can all suffer from repeatedly hearing reports of child victimization (Conrad and Kellar-Guenther, 2006; Perron and Hiltz, 2006; Russell, 2010).

Vicarious trauma can be mitigated at multiple levels. Supervisors and organizations should be particularly attentive to the mental health of their staff and should be aware of factors that can exacerbate the development of vicarious trauma, including gender, past personal trauma, work dissatisfaction, large caseloads, long hours, and a lack of personal and professional support systems (Meyers and Cornille, 2002). Individuals should recognize the benefits of the work they undertake in their professional lives and celebrate their successes, knowing they have made a difference in a child’s life.

Summary

The CAC movement was born out of the concept that the traditional fragmented and duplicative child abuse investigative process was not in the best interests of children. The multidisciplinary team approach has proven to be more child-friendly and better able to meet the needs of children and their families (Bonarch, Mabry, and Potts-Henry, 2010; Miller and Rubin, 2009). This revolutionary approach should continue to guide the nation’s response to child abuse investigations. To increase the likelihood of successful outcomes for all children, it is imperative to continue ongoing discussions among professionals in both direct service delivery and program planning.

Although there have been significant efforts over the past several decades to improve the nation’s response to child maltreatment, these efforts have often emanated from a single program or region without leading to a national debate on a particular topic, such as the development of forensic interviewing with children. This bulletin serves as the first collaborative effort, by professionals from many nationally recognized forensic interview training programs, to summarize the current knowledge and application of best practices in the field.

INTERVIEWER TIPS

Overall Considerations

- Conduct the interview as soon as possible after initial disclosure.
- Record the interview electronically.
- Hold the interview in a safe, child-friendly environment.
- Use open-ended questions throughout the interview, delaying the use of more focused questions for as long as possible.
- Consider the child’s age, developmental ability, and culture.

Building Rapport With the Child

- Engage the child in brief conversation about his or her interests or activities.
- Provide an opportunity for the child to describe a recent nonabuse-related experience in detail.
- Describe the interview ground rules.
- Discuss the importance of telling the truth.

Conducting the Interview

- Transition to the topic of the suspected abuse carefully, taking into account the characteristics of the child and the case.
- Ask the child to describe his or her experience in detail, and do not interrupt the child during this initial narrative account.
- Once the initial account is fully explored, begin to ask more focused questions if needed to gather additional details, get clarification, or fill in missing information.
- Mirror the child’s wording when asking followup questions.
- Exercise caution at this stage. Use focused queries judiciously and avoid suggestive questions that could compel the child to respond inaccurately.
- Explore other viable hypotheses for the child’s behaviors or statements.
- Consult with those observing the interview to determine whether to raise additional questions or whether to resolve any ambiguities or contradictions.

Ending the Interview

- Ask the child if there is anything else he or she would like to share or to ask.
- Discuss safety plans and provide educational materials.
- Thank the child for participating.

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