



Out of the Shadows

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THE VOICE by: Laura Edwards

Facilitating Child Testimony

Testifying in court can be a traumatic and difficult experience for adults, who generally have some knowledge and expectations of the criminal justice system. For a child, the experience can easily result in new victimization if they are not adequately prepared for the stresses they will face when coming to court.

Forensic interviewing of children is a process that has long been used to obtain a statement from a child in a developmentally-sensitive, unbiased and truth-seeking manner.

Although specific aspects of forensic interviewing practice may differ based upon jurisdictional protocols, there are generally accepted guidelines that I would like to highlight here as useful techniques for prosecutors to use when preparing child victims for the courtroom experience.

1. Use Developmentally Appropriate Language

Although it may seem quite obvious, language comprehension in children is significantly different than adults. As attorneys, prosecutors are accustomed to using legalese and complex questioning that can be confusing to children. Research has established that simply-phrased, straightforward questions are more appropriate and productive when interviewing and speaking to children. Specifically, use active voice when speaking to children, avoid negatives and double negatives, include only one query per question, use the child's own terminology, and pay attention to any signals that the child is having difficulty following the questions asked.

2. Establish Rapport

A child who is as relaxed and comfortable as possible will be more forthcoming with details. In addition, establishing rapport with a child will allow the prosecutor to gain preliminary information about the child's verbal skills, as well as convey to the child that the purpose of the interview is for the child to talk. Assess the child's ability to provide a narrative description of the event by asking them to tell a narrative about a neutral topic, such as a birthday party or school-related event.

3. Orientation

When meeting with a child to prepare them for the courtroom, it is essential to explain in language that the child understands the purpose of their meeting with you. Explain that your job as the prosecutor is to help them tell what happened and describe the events that took place. Explain to the child in developmentally appropriate language what will take place during a trial, the roles and responsibilities of all of the people involved in the court process. Be sure to take the child to the courtroom and show them where all the parties will be stationed. Allow them to sit in all the different chairs in the courtroom, especially the witness stand. Do a role play with the child while they are on the witness stand and allow them to practice answering neutral questions.

4. Discuss Ground Rules of Testifying

Children should be instructed as to the behaviors that are permissible and expected of them when testifying. Specifically, emphasize the importance of telling the truth. Explain to the child that they will be expected to give detailed information about the events that took place; that because you were not there when it happened, you need the child to provide the correct details. Make sure the child understands that it is okay to not know the answer to a question and to respond with "I don't know" or "I don't

understand" when appropriate. Encourage the child to correct any mistakes that are made when a question is asked and to understand that if the same question is asked more than once, it doesn't mean the child answered the question incorrectly.

5. Introducing the Topic

Invite the child to initiate discussion about a concerning event by using transitional questions. These questions provide the child an opportunity to recall information in response to more open-ended prompts. Questions such as "Do you know why you are here talking to me today?" or "What are you here to talk to me about?" may help facilitate moving the child to a narrative description of the events that occurred.

6. Use Appropriate, Non-suggestive Questioning Techniques

When interviewing a child in anticipation of trial or during direct examination, use the questioning techniques of forensic interviewers to ensure the most complete and detailed response from the child without outside interference. Use open-ended questions. Although children are often reluctant to provide free-narrative accounts, by establishing rapport, explaining the ground rules, and exhibiting patience, the child will feel more comfortable to share with less prompting. Use phrases like "Then what happened?" and "Tell me more about that" to elicit narrative responses. Clarify details only after the child has finished a complete narrative of the event.

7. Closure

Be sure to close the interview with the child in a manner that they feel comfortable meeting with you again. Be sure to allow the child to ask you any questions that they may have. Chat with the child about neutral topics to end the interview on a relaxed note. Thank the child for meeting with you. Do not make any promises to the child that you cannot keep. If the interview is during regular school hours, do whatever you can to keep the child from having to go back to school and face peers who might have questions about where they have been all day.

If you have any suggestions or recommendations for other prosecutors on working with child victims, please join the NC Child Abuse Prosecutors Alliance, a Yahoo! group designed to be a forum for prosecutors, legal assistants and victim/witness assistants dedicated to child abuse and neglect in North Carolina. Contact me at Laura.K.Edwards@nccourts.org to receive information about how to join, or to simply share your ideas or questions with me personally.

Sources Consulted:

The National Children's Advocacy Center Forensic Interview Model

The State of Michigan Governor's Task Force on Children's Justice and Family Independence Agency Forensic Interviewing Protocol (2004)

Nancy E. Walker, *Forensic Interviews of Children: The Components of Scientific Validity and Legal Admissibility*, 65 *Law & Contemp. Probs.* 149 (Winter 2002)

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CHILD FORENSIC INTERVIEWING

By: Dr. Mark Everson

Child forensic interviewing is a commonly used, yet somewhat ambiguous term in the field of child abuse. This article briefly defines child forensic interviewing (CFI) and compares CFI with investigative interviewing and clinical interviewing. As used in the child abuse field, child forensic interviewing refers to interviews of children and adolescents conducted as a part of an investigation or assessment of alleged child abuse (typically sexual abuse and/or physical abuse). The interviews are conducted by trained professionals to determine whether the child is a likely victim of abuse and, if so, to obtain a detailed description of what occurred, ideally in the child's own words. Obtaining such a description from the child often requires more than one interview. Evidence from the CFI is combined with other evidence in the case to make a determination of whether the allegation or suspicion of abuse is likely valid.

Child forensic interviewing requires skills not only in rapport building with children of different ages and developmental levels, but also skills in posing questioning in a way that will enhance the child's complete and accurate reporting. Ideally, the interviewer relies on open-ended questions (e.g., tell me about . . . ; who; what; where) rather than closed-ended questions (e.g., yes/no; multiple choice) in order to reduce the possibility of interviewer suggestion.

CFI vs. Investigative Interviews

An investigative interview is a CFI conducted by a law enforcement officer or a child protective services investigator. Investigative interviews typically differ in minor ways from the forensic interviews conducted by professionals in other settings, like child advocacy centers and medical-based child abuse clinics. For example, child protective service interviews often include more emphasis on the child's immediate safety and the possible need for an immediate out-of-home placement. Investigative interviews conducted by law enforcement personnel often include more emphasis on details related to the location and timing of events than do CFIs conducted by other professionals.

CFI vs. Clinical Interviews

CFI and clinical interviews are substantially different. In contrast to the CFI's relatively narrow focus on abuse-related issues, the clinical interview has a broader focus on the child's psychological state and possible need for treatment. The clinical interviewer also need not adhere to the stricter standards of questioning that govern the forensic interviewer. While the forensic interviewer must be an objective, fact-finder who is concerned about the interests of the various individuals impacted by the allegation, the child clinician can be unabashedly pro-child and advocate primarily for the child's best interest. Despite these differences, CFI and clinical interviewing are similar in requiring specialized trainings to ensure best practice.

About the Author

Mark D. Everson, PhD is Professor in the Department of Psychiatry at the University of North Carolina at Chapel Hill where he is the Director of the Program on Childhood Trauma and Maltreatment. Dr. Everson has served on both the National Board of Directors and the National Advisory Board of the American Professional Society on the Abuse of Children (APSAC). In this capacity, he served as co-director of two APSAC taskforces that developed best practice guidelines on child forensic interviewing, and on the use of anatomical dolls, in cases of alleged sexual abuse. During the last twenty years, Dr. Everson's professional career has had a primary focus on research and training in the area of child forensic interviewing in cases of alleged abuse.

Forensic Interview Training Opportunities

Forensic Interviewing of Children Training

National Children's Advocacy Center

www.nationalcac.org

Dates: June 12-16, 2006

August 21-25, 2006

October 16-20, 2006

Location: Huntsville, AL

Beyond Finding Words & Emerging Issues in Forensic Interviewing

National Center for Prosecution of Child Abuse

NDAA/APRI

www.ndaa-

apri.org/apri/programs/ncpca/ncpca_home

Dates: August 28-31, 2006

Location: Indianapolis, IN

Forensic Interviewing of a Child/Witness

North Carolina Criminal Justice Academy

www.jus.state.nc.us/NCJA

Dates: July 11-12, 2006

Location: Edneyville Training Academy

North Carolina Conference of District Attorneys

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