

STATE OF MICHIGAN
GOVERNOR'S TASK FORCE ON CHILD ABUSE AND NEGLECT
AND
DEPARTMENT OF HEALTH AND HUMAN SERVICES

FORENSIC INTERVIEWING PROTOCOL

Fourth Edition



This publication is also available on the Department of Health and Human Services website at www.michigan.gov/MDHHS:

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PREFACE

In 1991, the Governor's Task Force on Children's Justice (Task Force) was created pursuant to federal legislation to respond to the tremendous challenges involved in the handling of cases of child abuse and neglect—particularly child sexual abuse—in Michigan. In August 1993, the Task Force published Department of Human Services Publication 794, *A Model Child Abuse Protocol—Coordinated Investigative Team Approach*.

In 1996, DHS initiated the development of a forensic interviewing protocol by establishing a steering committee within DHS and enlisting nine county DHS offices to participate as pilot counties in testing the protocol. Debra Poole, Ph.D., of Central Michigan University was contracted by DHS to develop a forensic interviewing protocol. Independent of the DHS project, the Task Force also identified the objective of developing and implementing a forensic interviewing protocol. From 1996 to 1998, DHS and the Task Force worked together with Debra Poole in developing and implementing a protocol that would improve the interviewing techniques of all professionals involved in the investigation of child abuse, especially the sexual abuse of children, in Michigan. The first edition of the Forensic Interviewing Protocol was published in 1998.

In 1998, the Child Protection Law was amended to require each county to implement a standard child abuse and neglect investigation and interview protocol using as a model the protocols developed by the Task Force as published in DHS Publication 794, *A Model Child Abuse Protocol—Coordinated Investigative Team Approach* and DHS Publication 779, *Forensic Interviewing Protocol*, or an updated version of those publications.

In September of 2003, the Task Force convened a Forensic Interviewing Protocol Revision Committee to review the original Protocol. In April 2005, the second edition of the Protocol was published. The Committee was reconvened in late 2008. The review of the second edition of the Protocol was completed in 2011 and published in 2012. The Committee was reestablished in 2016 to produce the fourth edition. After a careful and complete examination during all revisions, the Committee edited sections for clarity, improved the examples, added Quick Guides, and provided some additional reference materials, including relevant statutes. Recent research continues to support the methodology used in Michigan's Protocol.

On April 10, 2015, under executive order of Governor Snyder, the Michigan Department of Community Health and the DHS merged to form the Michigan Department of Health and Human Services (MDHHS).

This Protocol should be used in conjunction with the Task Force MDHHS Publication 794, *A Model Child Abuse Protocol—Coordinated Investigative Team Approach*. Proper implementation of MDHHS Publication 779, *Forensic Interviewing Protocol* requires professional training. Training is to be provided only by the current holder of the MDHHS service contract that provides forensic interviewing training. Professionals who have received appropriate training in the application of the Protocol should conduct the interviews of children. The Task Force was renamed the Governor's Task Force on Child Abuse and Neglect in 2010 to better reflect its mission.

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Forensic Interviewing Protocol

Introduction

The goal of a forensic interview is to obtain a statement from a child—in a developmentally—sensitive, unbiased, and truth-seeking manner—that will support accurate and fair decision-making in the criminal justice and child welfare systems. Forensic interviews are part of investigations that sometimes involve retrieval of physical evidence, conversations with collateral contacts, and other fact-finding efforts. Therefore, interviewers should explore topics that might lead to other evidence keeping in mind that a forensic interview is only part of an investigation.

Although information obtained from an investigative interview might be useful for making treatment decisions, the interview is not part of a treatment process. Forensic interviews should not be conducted by professionals who have an on-going or a planned therapeutic relationship with the child.

forensic interviews are hypothesis-testing rather than hypothesis-confirming (see Quick Guide #1: Alternative Hypotheses Questions and Planning Form)

There are two overriding features of a forensic interview:

- Hypothesis testing.
- A child-centered approach.

First, forensic interviews are hypothesis-testing rather than hypothesis-confirming (Ceci & Bruck, 1995). Interviewers prepare by generating a set of alternative hypotheses about the source and meaning of the allegations. During an interview, interviewers attempt to rule out alternative explanations for the allegations. For example, when children use terms that suggest sexual touching, interviewers assess the children's understanding of those terms and explore whether touching might have occurred in the context of routine caregiving or medical treatment. When children report details that seem inconsistent, interviewers try to clarify whether the events could have occurred as described, perhaps by exploring whether the children are describing more than one event or are using words in nonstandard ways. Before closing an interview, interviewers should be reasonably confident that the

alleged actions are not subject to multiple interpretations and that any alleged perpetrators are clearly identified.

forensic interviews should be child-centered (see Quick Guide #2: Guidelines for Questioning Children)

Second, forensic interviews are child-centered. Although interviewers direct the flow of conversation through a series of phases, children should determine the vocabulary and specific content of conversations as much as possible. Forensic interviewers should avoid suggesting events that have not been mentioned by children or projecting adult interpretations onto situations (e.g., with comments such as “That must have been frightening”).

Number of Interviewers

Local customs and requirements often dictate how many professionals will be involved in conducting an interview. There are advantages and disadvantages of both single-interviewer and team (e.g., child protection and law enforcement) approaches. On the one hand, children may find it easier to build rapport and talk about sensitive issues with a single interviewer; on the other hand, team interviewing may ensure that a broader range of topics are covered and reduce the need for multiple interviews.

one professional should be the primary interviewer, with the other taking a supportive role

When two professionals will be present, it is best to appoint one as the primary interviewer, with the second professional taking notes or suggesting additional questions when the interview is drawing to a close. Before conducting the interview, interviewers should have sufficient preparation time to discuss the goals for the interview and the topics that need to be covered; interviewers should not discuss the case in front of the child. At the start of the interview, both interviewers should be clearly introduced to the child by name and job title. Seating the second interviewer out of the line of sight of the child may make the interview seem less confrontational.

Support Persons

The presence of social support persons during forensic interviews is discouraged. Although it makes intuitive sense that children might be more relaxed with social support, studies have failed to find consistent benefits from allowing support persons to be present during interviews (Davis & Bottoms, 2002). Support persons might be helpful during early portions of interviews, but they might also inhibit children from talking about details with a sexual content. Individuals who might be accused of influencing children to discuss abuse, such as parents

involved in custody disputes or therapists, should not be allowed to sit with children during interviews.

If the interviewer deems a support person necessary (for example a social worker or teacher), this individual should be seated out of the child's line of sight to avoid criticism that the child was reacting to nonverbal signals from a trusted adult. In addition, the interviewer should instruct the support person that only the child is allowed to talk unless a question is directed to the support person.

Video or Audio Recording and Documentation

The Governor's Task Force on Child Abuse and Neglect supports as best practice the video recording of investigative forensic interviews of children at child advocacy centers or in similar settings. If your county video or audio records, follow the procedures suggested below.

A designated person should write on the recording label the interviewer's name, the child's name, the names of any observers, and the location, date, and time of the interview. Michigan law states, in part, that the video recorded statement shall state the date and time that the statement was taken; shall identify the persons present in the room and state whether they were present for the entire video recording or only a portion of the video recording; and shall show a time clock that is running during the taking of the statement (see Appendix, Video Recording Laws). All persons present in the interview room should be clearly visible to the camera and positioned so as to be heard. Rooms should be large enough to place video recording equipment at an acceptable distance from the child, but not so large that a single camera (or a two-camera setup) cannot monitor the entire room. Recording reduces the need to take notes during the interview. However, the interviewer may bring a list of topics to be discussed during the interview and may jot down notes during the interview to help remember which points need to be clarified.

If the interview is not being video or audio recorded, it is paramount that the interviewer or a designated person accurately document what the child says. Beginning with introducing the topic, the interviewer should try to write down the exact wording of each question as well as the child's exact words. It is efficient to use abbreviations for common open-ended prompts (e.g., "TWH" for "then what happened" or "TMM" for "tell me more").

The Physical Setting

the interview room should be friendly but uncluttered and free from distracting noises and supplies

The best environment for conducting forensic interviews is a center specifically equipped for this purpose. Centers often have comfortable waiting rooms with neutral toys and games, as well as interviewing rooms with video and audio links to observation rooms. The interview room should provide a relaxing environment that is not unnecessarily distracting to young children.

Interviewers who do not have access to an interviewing facility should try to arrange a physical setting that recreates some of the important features of specialized centers. First, select the most neutral location possible. For example, if the interview must be conducted in the home (in an emergency or if the child is preschool age or on school break), select a private location away from parents or siblings that appears to be the most neutral spot. Similarly, a speech-and-language room in a school might be a better choice than the principal's office because children often believe they are in trouble when they are called to the main office. Also, children may worry about being interviewed in a police station, and thus they might benefit from an explanation about why they are being interviewed there (e.g., "We like to talk to children over here because the rooms are nice and bright, and we won't be disturbed").

Second, select locations that are away from traffic, noise, or other disruptions. Items such as telephones, cell phones, televisions, and other potential distractions should be temporarily turned off.

Third, the interview room should be as simple and uncluttered as possible. Avoid playrooms or other locations with visible toys and books that will distract children. Young children are usually more cooperative in a smaller space that does not contain extra furniture. Moreover, children pay more attention when attractive items such as computers are temporarily removed from the interview space.

Interviewer Guidelines

Several guidelines about interviewer behavior, demeanor, and communication should be followed throughout the interview (adapted with permission from Poole & Lamb, 1998):

- Avoid wearing uniforms or having guns visible during the interview.

be relaxed and avoid emotional reactions to a child's description of abuse

- Convey and maintain a relaxed, friendly atmosphere. Do not express surprise, disgust, disbelief, or other emotional reactions to descriptions of the abuse.
- Avoid touching the child.
- Do not use bathroom breaks or drinks as reinforcements for cooperating during the interview. Never make comments like "Let's finish up these questions and then I'll get you a drink."
- Respect the child's personal space.
- Do not stare at the child or sit uncomfortably close.
- Do not suggest feelings or responses to the child. For example, do not say, "I know how *hard* this must be for you."
- Do not make promises. For example, do not say, "Everything will be okay" or "You will never have to talk about this again."
- Acknowledge and address the child's feelings if the child becomes upset, embarrassed, or scared, but avoid extensive comments about feelings. Comments such as "I talk with children about these sorts of things all the time; it's okay to talk with me about this" can be helpful.
- Do not make comments such as "good girl" or "we're buddies, aren't we?" that might be interpreted as reinforcing the child for talking about abuse issues. Supportive comments should be clearly non-contingent; in other words, encouragements should not be based on the child talking about specific types of issues. The best time to encourage children is during initial rapport building and at the close of the interview, after the conversation has shifted to neutral topics.
- Do not use the words "pretend" or "imagine" or other words that suggest fantasy or play.
- Avoid asking questions about why the child behaved in a particular way (e.g., "Why didn't you tell your mother that night?"). Young children have difficulty answering such questions and may believe that you are blaming them for the situation.
- Avoid correcting the child's behavior unnecessarily during the interview. It can be helpful to direct the child's attention with meaningful explanations (e.g., "I have a little trouble hearing, so it helps me a lot if you look at me when you are talking so that I can hear you"), but avoid correcting nervous or avoidant behavior that is not preventing the interview from proceeding.

- Ask the child to repeat the comment if you have difficulty understanding what the child said. Use phrases such as “What did you say?” or “I couldn’t hear that, can you say that again?” instead of guessing. (That is, do not say “Did you say [word or phrase you thought you heard]?”). Young children will often go along with an adult’s interpretation of their words.
- Be tolerant of pauses in the conversation. It is appropriate to look away and give the child time to continue talking. Similarly, it is often helpful to take a few moments to formulate your next question.
- Avoid giving gifts to the child.

The Phased Interview

Most current protocols advise interviewers to proceed through a series of distinct interviewing stages/phases with each phase accomplishing a specific purpose.¹ The goals of empowering children to be informative and minimizing suggestive influences are accomplished by three major guidelines:

- Interviewers clearly explain their jobs and the ground rules for the interview.
- Interviewers build rapport in a way that invites children to talk.
- Interviewers encourage children to describe information using the children's own words.

Some investigations require more than one interview with a child. Interviewers should introduce themselves, spend time establishing rapport, and address interview ground rules even when children have participated in a previous forensic interview.

This Protocol describes the general structure of a phased interview but does not dictate which specific questions interviewers will ask. Although the series of phases is specified, the structure gives the interviewer flexibility to cover any topics the investigative team determines are relevant, in any order that seems appropriate.

Phases

- Prepare for the Interview.
- Introduce Yourself and Start Building Rapport.
- Establish the Ground Rules.
- Conduct a Practice Narrative.
- Introduce the Topic.
- Elicit a Free Narrative.
- Question, Clarify, and Test Hypotheses.
- Close the Interview.

When necessary, these phases can be varied to accommodate children's initial comments, their ages, and their levels of cognitive development. For example, some children begin to discuss allegations without prompting. In

a summary of the interview (see Quick Guide #3: Overview of a Phased Interview)

¹ See End Notes

such cases, the interviewer should not interrupt until it is clear that the child has finished giving a free narrative. Moreover, placement of the ground rules is flexible, and interviewers can remind children about the ground rules at any point during the interview. Some interviewers prefer to establish the ground rules before building rapport. This gives them a chance to review the rules during informal conversation. However, small children may not keep ground rules in mind throughout the interview, so some interviewers introduce the ground rules after initial rapport building conversation.

Prepare for the Interview

(see Quick Guide #6: Guidelines for Use of Physical Evidence)

There are several things an interviewer should do when preparing for an interview:

- Gather background information.
- Generate alternative hypotheses and hypothesis-testing questions.
- Set up the interview environment.

Pre-interview preparation will vary depending on the nature of the allegations, the available resources, and the amount of time before an interview is conducted. If physical evidence is available, the interviewer should consult with the investigative team to consider several issues before deciding whether or not to use the physical evidence during the forensic interview.

Gather Background Information

It is more important to collect background material when the child is preschool age, when the allegations are based on ambiguous information (such as sexual acting out), or when factors such as medical treatment or family hostilities might complicate the investigation. Relevant information can be obtained from a variety of sources, including children's protective services files, police reports, and collateral interviews with the reporting person and/or family members.²

interviewers tailor their interview preparations to the needs of each case, collecting information that will help build rapport with the child and help test alternative hypotheses about the meaning of the child's comments

The following list illustrates the types of information that might be useful for interviews about child sexual abuse allegations (adapted with permission from Poole & Lamb, 1998):

- The child's name, age, sex, and relevant developmental or cultural considerations (e.g., developmental delay, hearing or speech impairment, bilingualism).

² See End Notes

- The child's interests or hobbies that could be used to develop rapport.
- Family composition/custody arrangements.
- Family members' and relevant friends' or caregivers' names (especially how the child refers to significant others, with special attention to nicknames and duplicate names).
- Caregiving environments and schedules, with the child's names for these environments.
- Relevant medical treatment or conditions (e.g., genital rashes, assistance with toileting, suppositories, or recent experiences with rectal thermometers).
- Family habits or events related to allegation issues (e.g., showering or bathing with the child, a mother who allows children in the bathroom while she changes tampons, physical play, or tickling).
- The content of recent sex education or abuse prevention programs.
- The family's names for body parts.
- The nature of the allegation and circumstances surrounding the allegation.
- Possible misunderstanding of the event.
- Possible motivations for false allegations (e.g., family or neighborhood hostilities that predate suspicions of inappropriate behavior).

Generate Alternative Hypotheses and Hypothesis-Testing Questions

interviewers consider alternative hypotheses and plan questions to test these hypotheses (see Quick Guide #1: Alternative Hypotheses Questions and Planning Form)

Forensic interviews are hypothesis-testing rather than hypothesis-confirming. Interviewers prepare by generating a set of alternative hypotheses about the source and meaning of the allegations. Interviewers should plan the following (Poole, 2016):

- Questions to test alternative hypotheses about how the allegations arose (primary-issues hypothesis testing).
- Questions to test alternative interpretations of words the child uses to describe important event details (disambiguation).

For example, if there is an allegation that a babysitter touched a child in a sexual way, an alternative hypothesis is that the touching occurred during routine caregiving (such as wiping after a bowel movement). In this case, after the child states that he or she was touched on the butt by the babysitter, the question "What were you doing when the babysitter touched you on the butt?" could be the first of a series of questions to

determine if the babysitter was cleaning the child. Similarly, if the child allegedly told her mother about a “butt licking game,” the question “Who plays the butt licking game?” could test the hypothesis that the game is a joke about the family’s new puppy.

Set Up the Interview Environment

The interviewer should remove distracting material from the room and position the chairs and recording equipment before introducing the child to the interview room. It is a good idea to be sure that the child has had a recent bathroom break and is not hungry before beginning the interview. Avoid scheduling an interview at the child’s nap time. (See: The Physical Setting on page 4.)

Introduce Yourself and Start Building Rapport

The purpose of the introduction is to acclimate the child to the interview, modeling a relaxed and patient tone that will be carried throughout the interview. Sometimes a child was not informed or was misinformed by a parent or caregiver about the circumstances of the interview. When this happens, the child is often confused about the purpose of the interview or worried that they are in trouble. Moreover, children take time to adjust to new environments and may be temporarily distracted by the sights and sounds of the interviewing room.

children pay more attention when they are familiar with the environment and have some understanding about what will happen

After the child and the interviewer are seated, the interviewer begins by giving a brief explanation of the interviewer’s job. Introductions can be brief or long, depending on the child’s age and how relaxed the child appears. Here is a simple example:

“Hello, my name is [interviewer’s name]. My job is to listen to kids. Today is my day to listen to you.”

Children might be confused about being questioned by a police officer or other professional, so interviewers are free to explain more about their job (e.g., “Do you know what a social worker/police officer does? Well, part of my job is to talk with children and to help them. I talk with a lot of children in [name of town]”). If children seem apprehensive, it is appropriate to provide some orienting information about the interview (e.g., “I talk with a lot of children about things that have happened. We are going to talk for a while and then I’ll take you back to the other room where your mom [dad, etc.] is waiting for you”). The interviewer may want to talk informally to get to know the child.

If the interview is being recorded, the interviewer tells the child about the equipment and the purpose of the recording. The child should be given an opportunity to glance around the room, and school-age children could be allowed to inspect the recording equipment if they choose. The following is an example:

“As you can see, I have a video camera/recorder here. It will record what we say. Sometimes I forget things and the recording helps me remember what you said.”

There are varying views about whether or not to introduce the child to observers or let the child view the observation room before the interview. Generally, children have no concerns or objections with being recorded or observed.

building rapport begins with the initial introduction and continues throughout the interview

Building rapport begins with the initial introduction and continues throughout the interview. Appearing relaxed, friendly, and interested allows the interviewer to engage with the child. In daily conversations, adults tend to dominate conversations with children by asking numerous specific questions. Many children therefore expect that interviewers will ask a lot of questions and that their job is to respond to each one with a short answer. The purposes of rapport building are to:

- Make the child comfortable with the interview setting.
- Gather preliminary information about the child’s verbal skills and cognitive maturity.
- Convey that the goal of the interview is for the *child* to talk.

use open-ended prompts that invite the child to talk

Transcripts of investigative interviews show that many interviewers build rapport by asking questions about the child’s teacher, family, and likes or dislikes. Although such questions can be useful for starting the interview, questions that can be answered in one or two words may lead the child to expect that the interviewer will control the conversation. During early conversations, questions that invite the child to talk (e.g., “Tell me about your family”) are better than more focused questions (e.g., “How many brothers and sisters do you have?”).

During early rapport building, the interviewer can encourage a reluctant child with comments such as “It is okay to start talking now” or “This is your special time to talk. I want you to be the talker today and I’ll listen.” Smiling, leaning toward the child, using the child’s name, expressing interest and

encouraging effort during early conversation (“I really want to know you better,” “Thank you for letting me listen,” Ahern et al., 2014, p. 776) create a supportive atmosphere that can help children be more forthcoming (Hershkowitz et al., 2014).

Establish the Ground Rules

There are four main ground rules to establish:

- **Don’t guess at answers.**
- **Tell me if you don’t understand something I say.**
- **Correct me if I make a mistake.**
- **Tell the truth.**

Studies have shown that children sometimes try to answer questions even when they have no basis for answering or the questions do not make sense. Also, children often fail to correct interviewers who misunderstand what they say. During the Establish the Ground Rules Phase, the interviewer motivates the child to answer accurately with a series of simple instructions as in the following examples:

allow the child to demonstrate understanding of the rules with simple practice questions

Don’t guess. “Now that I know you better, I want to talk about some rules we have in this room. One rule is that we don’t guess. If I ask a question and you don’t know the answer, just say, ‘I don’t know.’ For example, what is my dog’s name?” [Wait for answer.] “That’s right, you don’t know my dog’s name, so ‘I don’t know’ is the right thing to say. Will you promise not to guess at answers?” (See Brubacher et al., 2015, for a review of ground rules instructions.)

the word gridelin means a color containing white and red, or a gray-violet color

Tell me if you don’t understand. “Another rule is that if I say something you don’t understand, you should tell me you don’t understand. For example, is my shirt gridline? [Wait for child to say, “I don’t know what that means.”] “Thank you for telling me you didn’t understand. I’ll ask you a different way. What color is my shirt? Will you tell me when you don’t understand something?”

Correct me if I make a mistake. “Sometimes people say something wrong by mistake. If I say something wrong, I want you to tell me. For example, how do you like being 10 years old (to a 6-year-old)?” [Wait for answer.] “That’s right; you’re not 10 years old, so I’m glad you told me. Will you correct me if I say something wrong?”

As part of the Establish the Ground Rules Phase, interviewers should discuss truth/lies and obtain verbal agreement from children that they intend to tell the truth. The purpose of discussing truth/lies is to motivate children to provide accurate

descriptions and report only events that really happened (Lyon et al., 2008). A discussion of truth/lies can be delayed until the interviewer has built rapport with the child, or omitted if a supervisor advises against these questions.

use concrete statements, such as, “I am sitting. Is that true or not true (a lie)?”, rather than abstract questions, such as “What does it mean to tell the truth?”

The interviewer starts the discussion of truth/lies by demonstrating that the child understands the difference between the truth and a lie, and the importance of telling the truth. This is accomplished by asking the child to label statements as “true” (“right”) or “not true” (“a lie” or “wrong”), after which the interviewer asks for verbal acknowledgement that the child will tell the truth. The interviewer should avoid asking the child to define these concepts with questions such as “What does it mean to tell a lie?” or “Can you tell me what the truth is?” These questions are difficult for children to answer and often lead to confusion. Questions like the ones that follow complete the Establish the Ground Rules Phase:

Truth/lies. “I need to make sure you know what the truth is. I’m sitting down right now. Is that true or not true (a lie)?” [Wait for answer.] “That’s right; I *am* sitting down, so sitting down is the truth. You are running right now. Is that true or not true (a lie)? That’s right, you are sitting, so saying you are running is not true (a lie). I see you understand what the truth is. This room is a place where you should always tell the truth. While we are talking today, it is important to tell me the truth—what really happened. Will you tell me the truth today?”

Conduct a Practice Narrative

ask the child to describe a recent event from beginning to end

There are four general principles for an interviewer conducting a practice narrative:

- Elicit information using only open-ended prompts that invite the child to provide multiple-word responses, such as, “Tell me everything about [child’s neutral event]” and “What happened next?”
- Use “still your turn” feedback (also called facilitators) to encourage the child to talk during this phase of the interview. These behaviors include head nods, exclamations (e.g., “Ohhhh”), and partial repetitions of the child’s last comment (e.g., Child: “And then he opened my present by mistake.” Interviewer: “He opened your present”). During this phase, the interviewer can also provide more direct encouragement (e.g., “You told me a lot about your birthday; I know a lot more about you now”).
- Reinforce the ground rules.

use open-ended prompts, such as “and then what happened?”

A practice narrative helps children understand and respond to the expectation that *they* are the information providers. Also, asking children to describe a neutral event gives the interviewer opportunities to revisit important ground rules. One way to conduct a practice narrative is to identify (during interview preparation) a specific event that the child recently experienced (or experienced around the time of the alleged abuse). Events used to train the child to talk could be a birthday party, a recent holiday celebration, an event at school, or a significant family event (e.g., getting a new puppy). The interviewer asks the child to describe this event in detail, using open-ended prompts, and conveys interest with everything the child has to say, as in the following example (Orbach et al., 2000):

encourage the child to talk by showing interest and by not interrupting

- “A few days ago (or a few weeks ago) was your birthday (Thanksgiving, Christmas, etc.). Tell me about your birthday (Thanksgiving, Christmas, etc.).”
- “I want you to tell me all about your birthday (Thanksgiving, Christmas, etc.). Think again about your birthday and tell me what happened from the time you got up that morning until the time you went to bed that night (or some incident or event the child mentioned).”
- “Then what happened?”
- “Tell me everything that happened after [incident mentioned by the child].”
- “Tell me more about [something the child just mentioned].”

children who have little to say about specific events may be able to describe a repeated, scripted event

Young children often have little to say about one-time events. If this is the case, it can be helpful to ask the child to describe a recurring, scripted event. A script is a general description of repeated events, such as what the child does to get ready for school each morning, what happens during a trip to the child’s favorite fast-food restaurant, or how the child plays a favorite game. The following are examples designed to elicit scripted events:

- “I’d like to get to know more about you and your family. Tell me what you do every morning when you wake up.” If further prompts are necessary, a child may be asked “Tell me what you do to get ready to go to school. Then what do you do? What do you do next?”
- “I talk with a lot of children, and most of them really like to get hamburgers or pizza at their favorite restaurant. Do you have a favorite place to eat?”

Good. Tell me everything that happens when you take a trip to [restaurant] to eat [food]. How do you get there? Then what happens?”

To engage a reluctant child, it may be helpful to express interest in a topic the child is an “expert” on and ask them to tell you about the topic:

“I talked with your mom yesterday and she said you really like to play [soccer, baseball, video games]. I don’t know much about playing [game child likes], but I’ve heard a lot about it. Tell me all about [game child likes].”

Before ending the Practice Narrative Phase, the interviewer can collect useful background information, such as the child’s names for caregivers or friends (National Child’s Advocacy Center, 2014). By placing these questions after a practice narrative, conversation will transition seamlessly into the case issues phases should the child spontaneously begin talking about the matter under investigation. This inquiry is also a simple way to prolong rapport-building with an usually quiet child (Hershkowitz et al., 2006; Orbach et al., 2007).

Interviewers who collect background information select questions that meet case needs as in the following examples:

- “I’d like to know more about where you live and who lives with you. [Child’s name], do you live in an apartment, a house, or something else?”
- “Tell me all of the people who live there with you.”
- “Does someone else live with you?” [Repeat until the child says “no”].
- “Is there another place where you stay when you are not [at home with your mom, in school, etc., and repeat until the child says “no”]?”
- “Tell me about the people at [child’s name for caregiving environment].”
- “Does someone else ever take care of you when [your mom, your dad, etc.] is gone?”
- “Is there someone else who also takes care of you?” [Repeat until the child says “no.”] (Poole, 2016, p. 104).

Here the interviewer can address topics that might prevent misunderstandings later in the interview or topics that might require exploration later in the interview. For example, questions about peers are useful when there is concern that an allegation might have been influenced by peers or if peers might also be victims.

Introduce the Topic

The alleged abuse portion of the interview begins when the interviewer prompts a transition to the target topic. Here are some transition examples:

- “Now that I know you a little better, it’s time to talk about something else.”
- “Now that we know each other a little better, I want to talk about the reason that you are here today.”
- “Now it’s time to talk about something else.”

The interviewer should start with the least suggestive prompt that might raise the topic, avoiding mention of particular individuals or abuse:

start with the least suggestive prompts that might raise the topic of abuse (see Quick Guide #7: Introducing The Topic)

- “Tell me the reason you are here today.”
- “Do you know the reason I came to talk with you?”

If the child does not respond to these neutral prompts, the interviewer progresses to more specific opening remarks, still avoiding mention of a particular behavior. Also, it is best to avoid words such as *hurt*, *bad*, *abuse*, or other terms that project adult interpretations of the allegation. For example, an interviewer should not introduce the topic of sexual abuse using the terms “good touch or bad touch.” Examples include the following:

- “I understand something has been bothering you.”
- “Does your mom think that something has been bothering you?”
- “I understand there are some problems in your family [at camp, etc.]. Tell me about them.”
- “I know that you had to move recently, and Mr./Mrs. [name of caregiver] is taking care of you now. Tell me how that happened.”
- “I heard you visited the doctor yesterday. Tell me about visiting the doctor.”
- “I see you have a cast on your arm. What happened?”
- “I understand that the police came to your house last night. Tell me what happened.”
- “I understand you were playing with someone yesterday and your teacher wanted you to stop playing. Tell me about that.”

Some interviewers use the techniques listed below when children fail to respond to the above invitations:

- Ask what the child's favorite thing and least favorite thing is about various people in the child's life (Morgan, 1995).
- Ask "Who are the people you like to be with?" and "Who are the people you don't like to be with?" (Yuille, et al., 1993).
- Explore the topic indirectly by asking "Is there something you are worried about if you talk with me today?"
- Give the child more control over the interview by changing the seating, removing a second interviewer, or letting the child write an initial answer on paper.
- Ask "Is there something that would make it easier for you to talk with me today?"

(see Quick Guide #4: Hierarchy of Interview Questions)

The goal of these techniques is to avoid asking the child a direct question, such as "Did somebody touch your privates last week?" Research shows some children (particularly preschoolers and children who have heard events discussed by adults) will say "yes" to these direct questions even when the events have not occurred (Myers et al., 2003; Poole & Lindsay, 2001). Consequently, answers to direct questions are less informative than answers to open-ended questions. Furthermore, direct questions about touching may elicit responses about routine caregiving (e.g., bathing, temperature-taking) or other sources of knowledge (e.g., information from a recent sexual abuse prevention program) that could escalate into false allegations, especially when these questions are followed by numerous specific questions. If the interviewer asks a direct question, it is important to shift to open-ended questions that encourage the child to describe events in his or her own words.

closing the interview without a report of abuse is an acceptable outcome

Closing the interview without a report of abuse is an acceptable outcome. There are many reasons why a child may not disclose: because the abuse didn't occur, because the child is frightened or does not want to get a loved one in trouble, or because the event was not especially memorable and the child is not recalling the target event at this particular moment.

Elicit a Free Narrative

After the topic is raised, the interviewer asks the child to provide a narrative description of the event. Research shows that children's responses to open-ended prompts are longer and more detailed than responses to focused questions (e.g., Lamb et al., 2008; Orbach & Lamb, 2000). Also, responses to open-ended prompts are typically more accurate because children sometimes answer questions requesting specific details even when they do not remember relevant information. **The most**

common interviewer errors are omitting the Elicit a Free Narrative Phase or shifting prematurely to specific questions. Instead of asking the child to talk about the event and then shifting to the Question, Clarify, and Test Hypotheses Phase, the interviewer should prolong the Elicit a Free Narrative Phase with numerous open-ended prompts, such as “And then what happened?” and “Tell me more about [child’s words for an event].”

To elicit a free narrative, the interviewer simply tacks on an open-ended broad prompt (also called an invitation) after the topic is raised:

- “What happened?”
- “Tell me everything you can about [refer back to child’s statement].”
- “Tell me all about [refer back to child’s statement], from the very beginning to the very end.”

encourage the child to describe the event in the child’s own words by using open-ended invitations such as, “tell me everything about [refer back to child’s statement]”

After the child begins talking, the interviewer should be patient about pauses in the conversation and not feel pressured to jump to the next prompt right away. Because continued silence can exert a subtle but gentle pressure on the child to respond, the interviewer should deliver the next prompt only when it is clear that the child is done responding.

The interviewer encourages the child to expand on the initial free narrative response with two types of open-ended prompts (Powell & Snow, 2007):

- Open-ended breadth prompts ask the child to tell more about an event.
 - Then what happened?
 - What happened next?
 - What else happened?
- Open-ended depth prompts (also called cued invitations) ask the child to discuss something the child already mentioned.
 - Tell me more about [child’s words].
 - Tell me more about the part where [child’s words].
 - What happened when [child’s words]?
 - You said [child’s words]. Tell me everything about that.

The interviewer can also motivate the child with neutral acknowledgments (such as “Uh huh”), by repeating the child’s comments (e.g., “He turned on the TV. Then what

happened?”), by giving permission to talk about target issues (e.g., “It’s okay to say it”), and by reminding the child that the interviewer is used to talking about such things (e.g., “I talk with a lot of children about these sorts of things. It’s okay to tell me all about it.”).

Be tolerant of pauses in the conversation

If a child becomes non-responsive or upset, acknowledge the child’s behavior and address it but avoid extensive comments. Give the child time to respond or to regain composure. If a child remains non-responsive, it may help to gently tell the child “You’ve stopped talking” or “I’m still listening.” If a child remains upset, it may help to restate the child’s last statement or say, for example, “I see you are crying. Tell me what’s going on.”

Children often make comments that adults do not understand or refer to people who have not yet been identified. Interrupting the child to request an immediate clarification may inhibit the child from talking. It is better to encourage the child by using general prompts such as “Then what happened?” before entering the Question, Clarify, and Test Hypotheses Phase. Interviewers can jot down short notes while the child is talking to remind themselves to revisit specific information later in the interview.

Question, Clarify, and Test Hypotheses

(see Quick Guide #2: Guidelines for Questioning Children; Quick Guide #4: Hierarchy of Interview Questions; and Quick Guide #5: Exploring Issues with Open-Ended Prompts and Question Frames)

The Question, Clarify, and Test Hypotheses Phase begins after it is clear that the child has finished providing a free narrative. This phase is the time to clarify the child’s comments and seek legally relevant information. The interviewer should consider how directly a child should be prompted by taking into consideration the amount of corroborating evidence and risks to the child’s safety. The interviewer may want to consult with their investigative team.

The interviewer should avoid jumping from topic to topic. In general, it is best to build the questions around the child’s free narrative. For example, if the child reported a single event, the interviewer would clarify information about that event before asking whether there have been other similar events.

During the Question, Clarify, and Test Hypotheses Phase, the interviewer should clarify:

- Descriptions of events.
- The identity of the perpetrator(s).
- Whether allegations involved a single event or multiple events.
- The presence and identities of other witnesses.

(see Quick Guides #8: Physical Abuse and Neglect Questions, Quick Guide #9: Sexual Abuse Questions, and Quick Guide #10: Interviewing About Repeated Similar Events)

- Whether similar events have happened to other children.
- Whether the child told anyone about the event(s).
- The time frame and location/venue.
- Alternative explanations for the allegations.

Other topics may be important, depending upon the specific case, such as descriptions of physical evidence retrieved from the crime scene (e.g., a description of cameras if pictures were taken). However, the interviewer should avoid probing for unnecessary details. For example, it may not be essential to get a detailed description of an alleged perpetrator if the accused is someone familiar to the child (e.g., a relative or teacher). Although it is useful if the child can recall when and where each event occurred, children may have difficulty specifying this information if they are young, if the event happened a long time ago, or if there has been ongoing abuse over a period of time. (See Special Topics on page 25 for a discussion of general guidelines for investigating the time element in child criminal sexual conduct cases.)

Because children usually volunteer only a portion of what they remember in response to each question or prompt, it may take a series of prompts to elicit complete descriptions of individual events and details. For example, if a child mentions that a man showed her “a bad cartoon,” the interviewer should begin with an open-ended question such as “You said something about a bad cartoon. Tell me about the cartoon.” In order to gain further details, the interviewer may have to ask questions such as “What did the cartoon look like?”, “Did he show you one cartoon or more than one cartoon?”, “Tell me what the second cartoon looked like”, and “Was the cartoon on paper, on a computer, or something else?”

use the least suggestive question possible, attempting to obtain a complete description of one event before shifting to a different topic (see Quick Guide #4: Hierarchy of Interview Questions)

The interviewer should always use the most open-ended questions possible while questioning and clarifying. If a specific question is necessary to raise an issue, the interviewer should follow it up with an open-ended prompt. For example, if objects were retrieved from the scene of the alleged event, the question “Did he bring anything with him when he came to see you?” could elicit a response like “He brought some clothes for me to wear.” In this case, “Tell me about the clothes” is more open than “What color were the clothes?” This practice of asking focused questions paired with open-ended follow-up prompts is sometimes called the questioning cycle (Poole, 2016) or pairing (Lamb, La Rooy, Malloy, & Katz, 2011).

Following the terminology used in the *Memorandum of Good Practice* (Home Office, 1992), questions can be ordered along a continuum from least suggestive (open-ended questions) to most suggestive (leading questions). The following hierarchy describes this progression of question types. Interviewers should try to use questions at the top of the hierarchy and avoid leading questions altogether (See Quick Guide #4: Hierarchy of Interview Questions).

when prompting the child to tell you “everything,” be aware that delayed disclosure and disclosure in stages can occur

Open-ended prompts (also called invitations and free-narrative prompts) allow children to select which details they will report and generally require multiple- word responses. Open-ended prompts ask children to expand, (e.g., “You said dad hit you with a belt. Tell me everything about dad hitting you with a belt”), provide physical descriptions (e.g., “Tell me about the belt”), and clarify apparent contradictions (e.g., “You said you were alone, but then you said your mom heard you talking. I’m confused about that. Help me understand”).

obtaining complete information in one interview may not always be possible

Open-ended prompts can also elicit information about physical surroundings and conversation. For example, even preschoolers can respond accurately to the following prompts (Poole & Lindsay, 2001, 2002):

- “Sometimes we remember a lot about how things looked. Think about all the things that were in the room where [child report of event]. Tell me how everything looked.”
- “Sometimes we remember a lot about sounds and things that people said. Tell me all the things you heard when [child report of event].”

Specific but non-leading questions (also called directives and recall-detail questions) ask the child to recall a detail about something that was already mentioned, and these questions can be answered with a word or brief comment. Specific but non-leading questions might ask about the context of an event (e.g., “Tell me what you were doing when [event child described]”), request clarification (e.g., “You said ‘Bob.’ Who is Bob?”), or ask about a specific detail (e.g., “What color was the towel?”).

Closed questions (also called option-posing questions) provide only a limited number of response options. Multiple-choice questions and yes-no questions are closed questions. These questions are more risky than open-ended or specific but non-leading questions because children sometimes feel they should choose one of the options. Therefore, responses

to these questions are generally less accurate than responses to more open-ended questions. If the interviewer wants to confirm a specific detail of an allegation and the child seems confused by open-ended or specific questions, it is best to delete the correct answer from a multiple-choice question. If an event allegedly happened in the bathroom, for example, the interviewer might ask, "Did that happen, in the bedroom, the kitchen, or in another place?" Closed questions should be followed by open-ended questions to show that the child can provide information spontaneously. Because yes-no questions are considered inherently leading by some experts, such questions should be used with caution, particularly with preschoolers. When yes-no questions are deemed necessary, it is useful to remind children that they should not guess. Interviewers should follow up with an open-ended question or prompt.

Leading questions imply an answer or assume facts that might be in dispute. Determination of whether a question is leading depends upon a host of variables, including the child's age, the child's maturity, and the tone of voice of the interviewer (Fallon & Pucci, 1994). Tag questions, such as "And then he touched you, didn't he?", are explicitly leading, as is any question that includes information the child has not yet volunteered.

During this phase, the interviewer should continually monitor that the child's statements are unambiguous. If the child talks about "grandpa," for example, the interviewer should determine which individual is being discussed (e.g., "Which grandpa?", "Does grandpa have another name?", "Do you have one grandpa or more than one grandpa?"). Similarly, if the child uses an unusual word (e.g., "my hot dog," "my tushee"), the interviewer should attempt to clearly identify what that word means to the child (e.g., "Tell me what your hot dog is").

young children may stray off topic and begin to discuss other events during this phase of the interview

If young children stray off topic and begin to discuss other events during this phase of the interview, it is important that the interviewer reiterate the topic under discussion. For example, it is very helpful to begin questions with identifying comments such as "About this time in the kitchen with Uncle Bill, [referring back to child's statement]." If the child reports new or unusual information, it is best to ask something like "Are you talking about that time Uncle Bill grabbed your privates, or is this another time?" It is easier for children to stay on topic if the interviewer warns the child when the topic is shifting (e.g., "I'm confused about that time in the park. Let

me ask you something about that”). Another strategy to avoid confusion is to verbally label events that the interviewer might want to return to later in the interview (e.g., “Okay, let’s call that the kitchen time”) (Brubacher et al., 2013; Yuille et al., 1993).

ask questions in an order corresponding to the sequence of the child’s free narrative

The interviewer should avoid covering topics in a predetermined order. Instead, it is better to follow the child’s train of thought and ask questions related to the child’s narrative. In sexual abuse cases, the interviewer may need to ask whether the alleged event happened one time or more than one time, whether the child has knowledge that other children had a similar experience, and whether other individuals were present. Before ending this phase, the interviewer can check that the child has nothing else to say. For example, if a child made a disclosure, asking “Is there something else you’d like to tell me about [event the child described]?” or “Did I forget to ask you anything?” can be helpful. Lastly, all references to people and events should be clarified to ensure there is only one interpretation of the child’s statements.

During the Question, Clarify, and Test Hypotheses Phase, the interviewer listens to the child, mentally reviews the information already provided, makes decisions about further questioning, explores alternative hypotheses, and decides when to close the interview. Interviewers should maintain a relaxed manner and feel free to take a few minutes to collect their thoughts before deciding how to proceed. If there is a second interviewer or team members in an adjoining observation room, the interviewer can ask these individuals whether or not they have any additional questions before closing the interview. Consultations with team members (a short interview break) can occur at the end of the Question, Clarify, and Test Hypotheses Phase or any time a child’s behavior or responses pose challenges for the interviewer.

Close the Interview

There are two major objectives for the closing phase of the interview:

- Answer questions from the child.
- Revert to a neutral topic to wind down the interview.

Regardless of the outcome of the interview, interviewers should ask children if they have any questions. It is important to answer questions truthfully and to avoid making promises (for example, saying that the child will not have to talk about the abuse again). When children ask about the interviewer’s life

(e.g., “Did this happen to you too?”), the interviewer can address the concern without disclosing personal information (e.g., “Everyone, including me, has had things happen that they did not like or things that were upsetting” (Saywitz & Comparo, 2014, p. 151).

It is appropriate to chat about neutral topics for a few minutes in order to end the interview on a relaxed note. The interviewer can return to topics discussed while building rapport and in the practice narrative. The interviewer can thank the child for coming but should be careful not to specifically thank the child for disclosing abuse.

Special Topics

Questions about Time

There are several reasons why it can be very difficult for children to describe *when* an event happened. In their language development, children learn words that mark temporal relationships only gradually. Three-year-olds, for example, often use “yesterday” to mean “not today,” and the words “before” and “after” are poorly understood before 7 years of age or even older (Walker, 2013). Regarding temporal concepts, children’s understanding of dates and clock time is limited before 8-10 years of age. Often, children simply fail to remember exactly when target events occurred. Memory failure is common when events occurred a long time ago and when there were many similar events.

Interviewers should try to identify when events occurred, but young children sometimes answer inaccurately when questions demand details they cannot provide. For example, children sometimes try to answer questions about the day of the week or the time of day even when they are uncertain. Therefore, interviewers should try to determine when events occurred by asking about the context of the events. General questions about what grade the child was in, how old the child was, or whether it was summer vacation can narrow down the time. Similarly, knowing that the child was playing with a toy received for Christmas will date the event after Christmas, and questions about what TV show the child was watching will identify a time of day. Some interviewers ask children to point to a “time line” that contains pictures of holidays and other events, but there is no evidence that preschool children report the timing of past events more accurately with this aid than with developmentally-appropriate verbal questions (Malloy & Poole, 2002).

Interviewers should be aware that time is not an element in child criminal sexual conduct cases in Michigan. The Michigan Court of Appeals set forth 4 factors to consider when determining how specific the time of assault must be: the nature of the crime charged, the victim’s ability to specify a date, the prosecutor’s efforts to pinpoint a date, and the prejudice to the defendant in preparing a

defense (*People v. Naugle*, 152 Mich. App 227, 233; 393 NW2d 592 1986).

Interviewing Aids

Interviewers should not use anatomical dolls or body diagrams to elicit disclosures. Most interviews can be successfully conducted without these interviewing aids. Guidelines on anatomical dolls state that children's behavior with dolls is not diagnostic of abuse. Consequently, interviewers can be accused of suggesting sexual themes if they introduce aids before children have mentioned abuse (Dickinson, et al., 2005). Asking children to label body parts and then asking if they have been touched in any of the mentioned places is suggestive, and research has not shown that children's testimonial accuracy is improved when interviewers use body diagrams to elicit disclosures (Poole et al., 2011, Poole & Bruck, 2012, Bruck et al., 2016).

It is less controversial to introduce interviewing aids during the Question, Clarify, and Test Hypotheses Phase of the interview, when aids help to clear up ambiguities in children's reports (Everson & Boat, 2002). If the interviewer deems their use necessary, interviewing aids can be used during the Question, Clarify, and Test Hypotheses Phase.

Communication Issues

Interviewers should identify, during their interview preparation, whether children have special communication issues that require accommodation. Separate developmental assessments are not routinely required or useful, but they may be helpful for children who suffer from a developmental disability or have language limitations that raise questions about their ability to respond accurately to questions.

Preschoolers

Whenever possible, interviews with preschool children should be scheduled for a time of the day when the children are usually alert and have recently had a snack. No special adjustments to the Protocol are required for preschool children, but interviewers should be aware that young children are more likely than older children to answer closed questions when they do not really know the answer. When interviewers use closed questions with young children, it is helpful to demonstrate that they are not simply guessing. For example, omitting the

correct answer from multiple choice questions will reduce concerns about acquiescence.

Bilingual Children

During pre-interview preparation, interviewers should make their best determination of the child's primary language based on information from available sources, such as official records, consultations with parents or school officials, and the child's self-report.

Arrangements should be made for an interpreter of the child's primary mode of communication whenever there is concern that a child faces limitations in understanding or speaking English. An interpreter, if needed, should not be an individual who might have an interest in the outcome of the case. An interpreter should translate exactly (or as closely as possible) what the interviewer and child say during the interview.

Augmentative and Alternative Communication (AAC)

facilitated communication is not a scientifically supported alternative to speaking or augmentative and alternative communication

Augmentative and Alternative Communication (AAC) refers to communication systems that help children express themselves when they cannot communicate by producing typical speech or writing. AAC allows children to communicate *independently* through the use of eye gaze, picture boards, computer-based technologies, or other systems. The professional who has had the most contact with the child (and/or the development of the child's communication system) and an independent specialist should be involved in evaluating the needs of a child who communicates via AAC.

Unlike AAC, facilitated communication involves techniques in which adults touch or support children's arms or hands while the children interact with a keyboard or other device. Research clearly demonstrates that information obtained through facilitated communication often reflects the adults' knowledge. Thus, facilitated communication is not a scientifically supported alternative to speaking or AAC (American Academy of Child and Adolescent Psychiatry, 1994; American Psychological Association, 1994).

Developmental Disabilities

Chronic health problems and perceptual, movement, language, cognitive, and emotional disorders can influence a child's ability to participate in a forensic interview. The simplest approach for most children is the developmentally-sensitive, child-centered interview, one in which the interviewer plans procedures that help individuals of all ages understand and respond to questions.

If an initial interview is unsuccessful, and interviewers have the resources, it may be helpful to conduct a second interview, taking a more comprehensive approach to planning for individual needs. For example, it may be helpful to determine the child's primary and secondary diagnoses and educational accommodations (if any) to anticipate the child's strengths and areas of difficulty.

Quick Guide #1: Alternative Hypotheses Questions and Planning Form

During pre-interview preparation, interviewers generate a set of alternative hypotheses about the source and meaning of the allegations. During the Question, Clarify, and Test Hypotheses Phase, interviewers attempt to rule out alternative explanations for the allegations.

There are numerous alternative hypotheses to allegations of abuse and neglect. These include honest mistakes and misunderstandings, unintentional influence of the child, intentional influence of the child, and a child's decision to lie for attention or to achieve another goal. The following are some examples:

- Someone misunderstood the child's statement.
- The child was abused but misidentified the perpetrator.
- An injury was accidental.
- A rash was caused by a medical condition.
- An injury resulted from a medical condition (e.g., falling down from a seizure).
- Touching occurred during routine caregiving.
- The child witnessed, but did not experience, the alleged abuse.
- Repeated questioning made the child believe abuse occurred.
- Someone coached the child to report abuse.
- The child wanted to retaliate against the accused.
- The child made up a story to get out of trouble.
- The child reported sexual abuse to cover for evidence of sexual activity.
- The child lied about abuse or neglect to attempt to change a living or visitation arrangement.
- The child exaggerated about an event to show off to friends.
- The child lied about who the perpetrator was to protect the actual perpetrator.

Below are examples of allegations, alternative hypotheses, and possible ways of testing these hypotheses. *It's important that your test questions be case-specific and updated based on information received during the free narrative.*

Sexual Abuse Allegation

A 9-year-old girl reported that her stepfather touched her private parts while getting her ready for bed.

Hypothesis/Allegation

The girl was sexually abused.

Possible Alternative Hypotheses

- The child does not like the stepfather and would prefer to live with her natural father.
- The stepfather has to administer topical medication to the child's privates at bedtime.

Test Questions

- "Tell me what happens when [name child calls stepfather] gets you ready for bed."
- "Is there something you like about spending time with [name child calls stepfather]? Is there something you don't like about spending time with [name child calls stepfather]?"
- "How do you get along with [name child calls stepfather]? How do you get along with your father?"
- "You said your parents are divorced. Who decided that you should live with your mom? Tell me about that."
- "What was your stepfather doing just before he touched you?" After a disclosure of touching.
- "Have you been to a doctor recently? Tell me about that."

Sexual Abuse Allegation

The mother of a 5-year-old girl said that her daughter disclosed sexual abuse after returning from her father's house.

Hypothesis/Allegation

The girl was sexually abused by her father.

Possible Alternative Hypotheses

- The girl was led into making a false report by her mother, who questions her daughter after visits to her father's house.
- The mother misunderstood a comment the girl made about a sex abuse prevention video shown in school.

Test Questions

- "Tell me about visiting dad. Tell me some things you like about visiting dad. Tell me some things you don't like about visiting dad."
- "Tell me some things you like about your mom. Tell me some things you don't like about you mom."
- "What happens when you come home from dad's house?"
- "Do you talk to your mom about your visit with dad? Tell me about that."
- "Did you see a video at school about being safe? Tell me about the video."
- "Did you tell your mom about the video? Did you tell your dad about the video?"

- If the answer is “Yes,” explore with “What did you tell your mom (dad) about the video?” or “Tell me all about that.”

Child *Recanting* a Prior Abuse Allegation

A 14-year-old boy claimed that his teacher touched him sexually (e.g., “He touched my butt!”). He later said his comment was an innocent mistake (e.g., “The hallway was crowded and he slid behind me to pass through the line”).

Hypothesis/Allegation

The boy misspoke or exaggerated when he reported that his teacher had touched him sexually.

Possible Alternative Hypotheses

- The child was touched inappropriately but is concerned that his teacher will be sent to prison.
- The child was touched inappropriately but is being teased by classmates and is embarrassed.
- The child got a bad grade and initially retaliated by lying about his teacher touching him.

Test Questions

- “Tell me about your teacher.”
- “How do you get along with your teacher? Is there anything about this situation with your teacher that worries you?”
- “Have any classmates talked to you about this situation with your teacher?” If the child says “Yes,” the interviewer should explore further.”
- “Have any friends or family members talked to you about this situation with your teacher?” If the child says “Yes,” the interviewer should explore further.
- “Have you talked to someone else about your teacher since we last spoke?”

Physical Abuse Allegation

A teacher reported that a 10-year-old boy came to school with a large bruise on the left side of his face. The child is secretive about the cause of the bruise.

Hypothesis/Allegation

A parent abused the boy.

Possible Alternative Hypotheses

- The injury was the result of an accident (e.g., The child was roughhousing with a sibling or injured while playing sports).
- The child was involved in a fight that could get him in trouble and wants to avoid discipline.
- The bruise was self-inflicted.

Test Questions

- “I see you have a bruise on your face. Tell me how you got the bruise on your face.”
- “What were you doing just before you got the bruise on your face?”
- “Who were you with when you got the bruise on your face?”
- “How do you get along with your brothers/sisters?”
- “What happens at home when you get into trouble?”
- “What happens at school when you get into trouble?”

Internet Sexual Exploitation Allegation

Police found sexually suggestive photographs of a 13-year-old girl on her father’s computer.

Hypothesis/Allegation

The girl’s father is taking pornographic pictures of his daughter and up-loading them onto the computer.

Possible Alternative Hypotheses

- The girl took the pictures herself to send to her boyfriend.
- Someone other than the father took the photographs of the girl.

Test Questions

- “Who uses the computer in your house?”
- “Do you have a camera? Who in your house has a camera?”
- “Do you have a boyfriend? Tell me about him.”
- “Does anyone take pictures of you? Tell me about the pictures.”
- “Have you ever seen these pictures? Where did you see them?”
- “Has anyone else taken pictures like this of you?”
- “Have you ever taken pictures like this of yourself?”

Emotional Abuse Allegation

A teacher reported that the father of a 7-year-old yells at the boy almost every time he picks the child up from school. He makes demeaning comments to the boy, such as “I can’t believe you are my son! I hate you!”

Hypothesis/Allegation

The father is emotionally abusing the boy.

Possible Alternative Hypotheses

- The boy has a father and a step-father; it is the step-father who belittles the boy.
- The teacher had a previous altercation with the father and is embellishing the story.

Test Questions

- "Who lives with you? Tell me all the people in your family."
- "Who usually picks you up from school? Tell me what happens when [person child named] picks you up from school."
- "Tell me something you like about [person child named] picking you up from school. Tell me something you don't like about [person child named] picking you up from school."
- "Does your teacher talk about your father?"

Alternative Hypotheses Planning Form

Hypothesis/Allegation

Possible Alternative Hypotheses

Test Questions

Quick Guide #2: Guidelines for Questioning Children

Strive to Avoid Misunderstandings

- **Don't guess.** If you cannot understand something the child said, ask the child to repeat the comment. Try not to guess with comments such as, "Did you say 'Bob?'"
- **Ask questions to clarify.** Children often make systematic pronunciation errors; for example, *potty* may sound like *body* or *something* may sound like *some paint*. Do not take young children's comments at face value; instead, always try to clarify what the child was saying by asking the child to describe the event fully (e.g., "I'm not sure I understand where he peed; tell me more about where he peed") or asking for an explicit clarification (e.g., "Did you say 'Bob' or 'mom' or something else?").
- **Pronounce words the way an adult does.** When talking, use the usual adult pronunciation for words; do not mimic the child's speech or use baby-talk (Exception: Do use the child's words for body parts).
- **Clarify what the child means by key words.** The child's meaning for a word may not be the same as the adult's meaning. Some children use particular words in a more restrictive way (e.g., "bathing suits" or "pajamas" may not be clothing to a young child), a more inclusive way (e.g., "in" often means "in" or "between"), or in a way that is peculiar to them or their families (e.g., a "penis" is called a "bird"). Words that are critical to identifying an individual, event, or object should be clarified.
- **Remember that self-contradictions could be due to language issues.** Children may seem to contradict themselves because they use language differently than adults. For example, some children think that you only *touch* with your hands. Therefore, they may say "no" to questions such as "Did he touch you?" but later report that they were kissed. Children also tend to be very literal. For example, they might say "No" to the question "Did you put your mouth on his penis?" but later respond "Yes" to the question "Did he put his penis in your mouth?" Interviews may vary the phrasing of questions to check the child's understanding of the concept.

Avoid Using Difficult Words or Introducing New Words

- **Avoid difficult temporal words with young children.** Children under the age of about 7 years have difficulty with temporal words such as *before* and *after*. Try to narrow down the time of an event by asking about other activities or events, such as whether it was a school day or not a school day or what the child was doing that day.
- **Avoid kinship terms with young children.** Young children are often confused by kinship terms (e.g., uncle, aunt). Instead of using the kinship term (e.g., "Tell me about your aunt"), refer to the person by name (e.g., "Tell me about Aunt Sue").

- **Select words that clearly mention places, people, objects, and actions.** Children sometimes confuse the meaning of word pairs such as “come” and “go,” “here” and “there,” and “a” and “the.” This confusion can make it difficult for a child to understand a question such as “Did you go *there* for Christmas?” Whenever possible, it is best to ask questions that clearly mention specific places, people, objects and actions (e.g., “Did you go to Grandpa John’s house on Christmas day, or did you go somewhere else?”).
- **Avoid adult jargon.** Even school-aged children often do not understand common legal terms and many other words that seem obvious to adults, such as *judge, jury, or hearing*. Avoid legal terms or other adult jargon.
- **Avoid introducing words the child has not yet mentioned.** Children often integrate new words into their narratives, so avoid introducing key words, names, or phrases that the child has not yet volunteered.

Ask Simple Questions

- **Ask one question at a time.** Questions should ask about only one concept at a time. Avoid multiple questions.
- **Use a noun-verb-noun order.** In other words, use the active voice (e.g., “You said earlier that you hit him ...”) rather than the passive voice (e.g., “You said earlier that he was hit by you”).
- **Do not use “tag” questions.** These are questions such as “And then he left, didn’t he?”
- **Avoid pronouns and other “pointing” words.** Words such as *she, he, that, or it* can be ambiguous to a child, even when these words are in the same sentence as their referents (e.g., “So when *she* came home, did *mom* take a nap?”). Be redundant and try to use the referent as often as possible (e.g., say, “So after *your father pushed you*, then what happened?” rather than “So after he did *that*, then what happened?”).
- **Prioritize *who, what, and where* questions.** Children learn to answer *who, what, and where* questions earlier than *when, how, and why* questions.
- **Avoid overly specific questions.** Children’s memory failures are more common when interviewers word questions specifically rather than broadly. For example, the question “Tell me about the last time you visited your cousin’s *house*” is less likely to prompt recall of abuse in the *back yard* than the question “Tell me about the last time you visited your cousin.”

Consider How Culture Might Influence Children's Behavior

- **Try to learn about the child's culture.** If a child is from a different culture, the interviewer should try to confer with someone from that culture to see if special cultural considerations should be understood prior to the interview.
- **Avoid correcting children's nonverbal behavior.** Children are discouraged in some cultures from looking authority figures in the eye while answering. Avoid correcting children's nonverbal behavior unless that behavior interferes with your ability to hear the child.
- **Remember that many children are taught to cooperate with adults.** For example, some cultural groups discourage children from correcting or contradicting an adult, and children from these environments may be more likely to answer multiple-choice or yes-no questions even when they are uncertain.

Adapted from Poole and Lamb (1998) with permission from the American Psychological Association. For expanded discussions, see Walker (2013).

Quick Guide #3: Overview of a Phased Interview

1. Prepare for the Interview and the Interview Environment

- a. Gather background information.
- b. Generate alternative hypotheses and hypothesis-testing questions.
- c. Remove distracting materials from the room

2. Introduce Yourself and Start Building Rapport

“Hello, my name is _____. My job is to listen to children, and today I am here to listen to you.”

- a. Introduce yourself to the child by name and, if desired, by occupation.
- b. Explain the recording equipment, if used, and permit the child to glance around the room.
- c. Begin a brief conversation about neutral events. Favor prompts that require narrative responses over prompts that elicit single-word responses or lists of words.
- d. Answer spontaneous questions from the child.

3. Establish the Ground Rules

“Before we talk some more, I have some simple rules for talking today.”

- a. Tell the child not to guess at answers.
- b. Encourage the child to ask for clarification if the child does not understand something the interviewer said.
- c. Explain the child’s responsibility to correct the interviewer when the interviewer is incorrect.
- d. Get a verbal agreement from the child to tell the truth.
- e. Allow the child to demonstrate understanding of the rules with practice questions (e.g., “What is my dog’s name?”).

4. Conduct a Practice Narrative (to train the child to provide chronological details about a neutral event)

“I’d like to get to know you a little better now. I heard you (an event; e.g., went to ____). Tell me everything that happened that day, from [e.g., the time you got up, the time you got to the ____].”

- a. Ask the child to recall a significant event or (if the child is hesitant) a scripted event (e.g., What the child does to get ready for school each morning or how the child plays a favorite game).
- b. Tell the child to report everything about the event from beginning to end, even things that might not seem very important.
- c. Encourage a spontaneous narrative with open-ended prompts, such as “What else happened after ____ [a part of the event mentioned by the child]?” “And then what happened?”
- d. Be patient and allow time between a child’s response and the next question/prompt.
- e. Reinforce the child for talking by displaying interest both nonverbally and verbally (e.g., “Really?” or “Ohhh.”)

Immediately after the practice narrative is a good time to discuss useful background information (if helpful):

“Thank you for telling me about _____. I’d like to know more about [e.g., who lives with you, your friends].”

- a. Use open-ended questions to elicit information about people and/or places you might discuss later in the interview.
- b. If the child mentions a matter under investigation, proceed to phase 6.

5. Introduce the Topic

“Now that I know you better, I want to talk about the reason [you are/I am] here today. “Do you know the reason I came to talk with you?”

- a. Raise the topic, starting with the least suggestive prompt.
- b. Avoid words such as “hurt,” “bad,” “good-touch/bad touch,” or “abuse.”

6. Elicit a Free Narrative

“Tell me everything about [refer back to child’s statement].”

- a. Prompt the child for a free narrative with open-ended broad prompts, such as “Tell me everything you can about [refer back to child’s statement].”
- b. Encourage the child to continue by using facilitators (e.g., pauses and utterances like “Uh huh”) and open-ended breadth questions (e.g., “Then what happened?”). When the child stops adding new information, continue with open-ended depth prompts “Tell me more about the part where [refer back to child’s statement]” paired with open-ended breadth questions (e.g., “What happened next?” “What else happened?”).

7. Question, Clarify, and Test Hypotheses

“I want to make sure I understand everything that happened.”

- a. Cover topics in an order that builds on the child’s prior answers. Avoid shifting topics abruptly or without warning.
- b. Select less suggestion question forms over more suggestive questions as much as possible. (See Quick Guide #4: Hierarchy of Interview Questions.)
- c. Do not assume that the child’s use of terms (e.g., “uncle” or “pee pee”) is the same as an adult’s.
- d. Clarify important terms and descriptions of events when these appear inconsistent, improbable, or ambiguous.
- e. Ask questions that will test alternative explanations for the allegations.
- f. At any time, you may break to review notes, check the interview plan, or consult with observers (if helpful).
 - a. Tell the child that you need a moment to check your notes.
 - b. If you are recording, keep the recording equipment running.

8. Close the Interview

“Is there something else you’d like to tell me about [event child described]? Do you have any questions for me?”

- a. Ask if the child has any questions.
- b. Revert to neutral topics.

Adapted from Poole and Lamb (1998).

Broad, breadth, and depth prompts reflect terminology from Powell and Snow (2007).

Quick Guide #4: Hierarchy of Interview Questions

This is a hierarchy of prompt types from least suggestive to most suggestive. **Whenever possible, select prompts from the top of the hierarchy.**

Still-your-turn feedback refers to interviewer comments/behaviors that encourage children to continue talking (also called *facilitators* and *minimal encouragers*).

Examples:

- “Okay” or “Uh huh.”
- Partial repetitions; e.g., child: “Then he took me into the basement.” Interviewer: “Into the basement.”
- Silence.

Free Narrative and Other Open-Ended Prompts allow children to decide which details to report (also called *open-ended recall prompts* and *open-ended questions*):

open-ended broad questions ask children to talk about an event (also called *free narrative prompts* and *invitations*).

Examples:

- “Tell me everything about [event the child mentioned].”
- “Tell me everything that happened.”

open-ended breadth questions (another type of *invitation*) ask for more information about an event.

Example:

- “Then what happened?”

open-ended depth questions ask children to discuss something they already mentioned (also called *cued invitations*).

Example:

- “Tell me more about the part where [action the child mentioned.]”

Specific but non-leading questions ask children for details about topics that children have already mentioned (also called *Wh-* questions, directives, and recall-detail questions). Use these questions only when the details are important, because children often try to answer specific questions even when they do not know the relevant information.

Examples:

- “What were you doing when dad came over?”
- “What did your mom say after you told her?”

Closed questions provide only a limited number of options (also called *option-posing* and *forced-choice questions*). These prompts are used when children do not respond to open-ended questions, there is no obvious open-ended question that will elicit the desired information, or when a specific question is developmentally inappropriate. For example, the question “How many times did that happen?” is difficult for your children.

Multiple-choice questions, particularly when they have more than two options, are preferable to yes-no questions because multiple-choice questions permit a wider range of responses.

Examples:

- “Did [event] happen one time or more than one time?” Follow-up prompt: “Tell me about the last time [event] happened.” “Did [event] happen at your house, at grandpa’s house, or some other place?” Follow-up prompt “Tell me more about [location child described].”

Yes-no questions expect the child to say “yes” or “no.”

Example:

- “Was your mom home when [event] happened?” Follow-up prompt: “Tell me what your mom was doing.”

Explicitly leading questions suggest the desired answer or contain information the child has not yet volunteered. (Even yes-no questions are considered leading by many psychologists, particularly if the child is young or the interviewer does not reiterate the child’s right to say “no.”) Explicitly leading questions should be avoided during forensic interviews.

Examples:

- “You told your mom you were scared of him, didn’t you?”
- “What was he wearing when he laid next to you?” (When the child did not mention that the male in question laid down.)

Sources: Adapted with permission from the American Psychological Association from Poole and Lamb (1998) and Poole (2016). The terms facilitators, invitations, cued invitations, focused questions, and suggestive questions reflect usage by Michael Lamb and his colleagues (e.g., Sternberg et al., 2001). Martine Powell and her colleagues have divided open-ended questions into broad, breadth, and depth questions (e.g., Powell & Snow, 2007).

Quick Guide #5: Exploring Issues With Open-ended Prompts and Question Frames

Familiarity with a list of frequently-used comments/prompts helps interviewers ask questions that children understand. Question frames (also called *question stems*) are memorized phrases that interviewers use to construct prompts about the issues under discussion.

Managing Topics

Raising the Topic

Topic opener:

“Tell me what you have come to talk to me about today.”

Keeping the Child on Topic

Topic marker:

“Tell me everything about [child’s words; e.g., *those pictures*].”

Conducting a Topic-Drift Check

Topic-drift check:

“Are you talking about the time [current topic] or something else?”

“Are you talking about [person under discussion] or someone else?”

“Are you talking about [object under discussion] or something else?”

Shifting the Topic

Topic shifter:

“I am going to ask about something else now.”

Eliciting Information

Asking for a Free Narrative

Open-ended broad question (also called a free narrative prompt):

“Tell me everything that happened.”

Asking for Elaboration

Open-ended breadth question:

“What happened next/after that? (or “Then what happened?”)

“What else happened that time [child’s words]?”

Open-ended depth question:

"Tell me more about the part where [child's words]."

"What happened when [child's words]?"

Asking About Feelings and Reactions

"How did you feel when [child's words]?"

"What did [name of person] do that made you [child's words: scared, nervous, etc.]?"

"Is there something that would make you feel less [scared, nervous, etc.]?"

Asking About Reasons

"What made [name of person] [action child described]?" (For example, "What made your mom get mad?")

"How did [description of the situation]?" (For example, "How did your pajamas come off?")

"How did the lighter get on the table?"

Asking for Sensory Details

"Sometimes we remember a lot about how things looked. Tell me how everything *looked* in/at/when [child's words for the location or event]."

"Sometimes we remember a lot about sounds or things that people said. Tell me all the things you *heard* in/at/when [child's words for the location or event]."

Exploring for Other Incidents

"Did that happen one time or more than one time?"

(if child says, "lots of times"):

"Tell me about the last time something happened."

"Tell me about another time you remember."

"Tell me about the time you remember best (or the most)."

"Was there ever a time when something different happened?" "Tell me about that time."

Clarifying Reports**Clarifying Ambiguities****Person:**

"You said [grandpa, teacher, Uncle Bill, etc.]. Do you have one _____ or more than one _____?"

"Which _____?"

"Does your _____ have another name?" (or, "What does your _____ [mom, dad, etc.] call _____?")

Object or action:

"You said [child's words]. Tell me what that is."

Object:

“You said [child’s word]. What does the [child’s word] look like?”

Location:

“I don’t know anything about the [child’s words]. Tell me about the [child’s words]/What is the [child’s words]?”

Clarifying “I Don’t Know” Responses

“You don’t know, or you don’t want to talk about this right now?”

Clarifying Inaudible Comments

“I couldn’t hear that. What did you say?”

Resolving Inconsistent Information

“You said [child’s first words on the issue], but then you said [child’s second words on the issue]. I’m confused about that. Tell me again how that happened.”

“You said [child’s first words on the issue], but then you said [child’s second words on the issue]. Was that the same time or different times?”

Encouraging Responses

Overcoming Embarrassed Pauses

“It’s okay to say it.”

“It’s okay to talk about this.”

“Is there something that would make it easier for you to talk about this?” (Children sometimes continue when interviewers give them a choice, such as “Would you like to sit here instead?” or “Would you like to make a picture while we talk?” The choices offered should permit continuous recording and should not involve unauthorized interview props.)

Repairing Conversational Breaks

“Tell me more about that.”

“And then what happened?”

“I’m still listening.”

Sources: Lyon et al. (2012), Poole and Lamb (1998), Powell (2003), Powell and Snow (2007). Adapted from Poole (2016) with permission from the American Psychological Association.

Quick Guide #6: Guidelines for Use of Physical Evidence

Physical evidence of abuse or neglect may be presented to a child during a forensic interview, if necessary. Attempts should first be made to introduce the topic and elicit a free narrative from the child without the use of physical evidence. If those attempts fail, the interviewer may choose to proceed using physical evidence to introduce the topic.

The use of physical evidence may also be helpful during the Question, Clarify, and Test Hypotheses Phase. Interviewers should follow the hierarchy of questions, starting with the least suggestive types of questions (See Quick Guide #4: The Hierarchy of Interview Questions). For example, if a photograph is shown to a child, the interviewer should start by saying, "Tell me about this picture" rather than asking "What did he do to you?"

Types of physical evidence include, but are not limited to:

- Belts.
- Curling irons.
- Paddles.
- Medical photographs of bruises in physical abuse cases.
- Photographs of the condition inside a house in neglect cases.
- Sex toys.
- Camcorders.
- Lubricants in sexual abuse cases.
- Photographs or video recordings in sexual abuse cases.

The investigative team should consider several questions before making the decision whether or not to use physical evidence during the forensic interview:

- Is it necessary?
- When should the evidence be presented?
- How should the evidence be presented?
- Which items, images, or recordings should be presented to the child?
- Should the items, images, or recordings be masked to cover the abusive material?

Not all items, images, or recordings available may need to be presented to a child. Evidence presented during an interview should be chosen based upon issues including, but not limited to:

- Charging needs of the prosecutor.
- Identification of the child.
- Identification of the perpetrator(s).
- Identification of witnesses.
- Corroborative purposes.

After evaluating these questions, the team can then decide the most appropriate course of action.

The interviewer should be up-front about physical evidence early in the interview. For example, with pictures, the interviewer might say “I have some pictures I may want to show you and talk about today, but first I want to get to know you better.” This approach gives the interviewer the option of showing or not showing the physical evidence.

Special consideration must be given to photographs or recordings of a child engaged in sexually abusive activity. Please contact the charging authority (prosecutor or attorney general) in your area before presenting these types of images to a child. There are state and federal laws governing the possession and handling of child sexually abusive material. Child sexually abusive material should be handled by law enforcement. Law enforcement officers may provide child sexually abusive material to a forensic interviewer for use in a forensic interview if they ensure that the child sexually abusive material does not leave the interview location. All child sexually abusive material should be returned to law enforcement immediately after the interview.

The investigative team should consider using the least graphic images available. If necessary, the team may mask the images using paper, cardboard, tape, or a template to remove the abusive material. The method and nature of the masking should be documented.

Physical or digital evidence should not be altered. If it is impractical to mask the original and not alter the image, a copy may be made for this purpose. If a copy of an image (including a still frame from a video recording) needs to be made so that it can be masked, the investigative team should contact their local law enforcement digital evidence expert. Copies of child sexually abusive material for this purpose should only be made by a certified computer forensic examiner.

Quick Guide #7: Introducing the Topic

When introducing the topic, start with a transitional statement such as “Now that I know you a little better, it is time to talk about something else” and then follow-up with one or more of the suggestions listed below. Whenever possible, select the more open-ended questions at the top of the hierarchy.

“Tell me the reason you are here today.”

“Do you know the reason I came to talk with you?” If answer is “I don’t know,” respond:

- “It is important for me to understand the reason you came to talk to me today.”
- “I talk to kids about things that have happened. Has something happened to you?”
- “As I told you, my job is to talk to kids about things that have happened to them. It is very important that I understand the reason you are here. Tell me why you think your mom (dad, etc.) brought you here today.”
- “Is your mom (dad, etc.) worried that something may have happened to you?” If the child says “Yes,” respond, “Tell me what mom (dad, etc.) is worried about.”
- “Tell me the reason [person named in allegation] doesn’t live with you anymore.”
- “I heard that someone has been bothering you. Tell me all about that.”
- “I heard that something might have happened to you. Tell me all about that.”

If children do not respond to any of the above, then questions can be more direct and focused:

- “I heard you talked to [name of person] about something. Tell me all about that.”
- “I heard that you saw a policeman (social worker, doctor, etc.) last week (yesterday.) Tell me all about that.”
- “I have some information that something happened. Tell me all about what happened.”
- “Tell me all about [location or time of alleged incident.]”
- “I heard that someone might have [brief summary of allegation without mentioning name of alleged perpetrator].”

Remember to follow up the answer with “Tell me all about [event child described]”

Quick Guide #8: Physical Abuse and Neglect Questions

This quick guide contains examples of questions which may be helpful during physical abuse and neglect interviews. As with any forensic interview, the interviewer should try to get as much information as possible from a child during the free narrative portion of the interview, using open-ended questions and prompts to elicit information from the child. Keep in mind the questions below are not a script, as case features and child responses determine which questions are appropriate. It is important to follow up on the child's answers with prompts such as "Tell me more about [use child's words]."

Child Was Left Home Alone (Failure to Supervise)

- "Have you ever been left home alone? Tell me about being home alone."
- "Tell me about the last time you were home alone."
- "If you need help and your mom (dad) is not home, what do you do?"
- "Tell me how you feel when you are home alone."
- "Tell me what happened last night after your mom (dad) left the house."
- "I understand the police were at your home last night—tell me all about last night."

Child Is Not Taking Prescribed Medication/Pills (Medical Neglect)

- "I understand that you take pills so you don't get sick. Tell me about that."
- "Tell me about the pills that you take."
- "Tell me what your pills look like."
- "How do you get your pills?"
- "Do you need help to take your pills?"
- "What happens if you don't take your pills?"
- "Has there ever been a time when you had no pills? Tell me about that time."
- "Was there a time you didn't take your pills—what happened?"

Child Is in a Dirty House or House Lacking Food, Heat, or Water (Neglect)

- "What do you like about your house?"
- "Is there anything you do not like about your house?"
- "What happens when you get dirty?"
- "What happens when your clothes get dirty?"
- "Tell me about the last time you had a bath or shower."
- "Tell me about the food you ate today, beginning with when you got up this morning."
- "How do you stay warm in your house?"
- "Do you have any pets? Where does your pet go to the bathroom?"

Child Has Been Spanked/Hit, Leaving Injury (Physical Abuse)

- “Tell me the best thing about your family.”
- “Is there anything about your family that you do not like? Tell me about the things you don’t like.”
- “Tell me what happens if you don’t do what your mom (dad, mom’s boyfriend/girlfriend) tells you to do.”
- “What happens when your mom (dad) gets mad?”
- “You said that mom hit you with a fly swatter. Tell me about that time with the fly swatter.”
- “Tell me about the last time you were spanked (hit, kicked).”
- “Who else did you tell? Who else knows about this?”
- “You said your dad hit you with a belt. Tell me what your (arm, leg, etc.) looked like after your dad hit you with a belt.”
- “I understand the police were at your house last night. Tell me about last night.”

Child Has Been Ridiculed/Humiliated/Threatened Consistently (Emotional Abuse)

- “Tell me the best thing about your family.”
- “Is there something about your family that you do not like? Tell me about the things you don’t like.”
- “Tell me about the last time you were afraid.”
- “If you could change three things about your family, what would you change?”
- “Tell me about the last time your mom (dad) was angry with you.”
- “Tell me about the last time someone made you feel bad about yourself.”
- “Tell me about the last time you felt like crying.”
- “I heard that someone was calling you names. Tell me about the name calling.”

Child Has Recanted

- “Do you know the reason you are here today?”
- “You said [child’s initial statement] then you said [child’s second statement.] I’m confused. Help me understand.”
- “Tell me what’s been going on in your life since the last time we talked. How is your mom? How is your dad?” Use information you obtained in the first interview about likes/dislikes, family, etc. to try to determine what changes, if any, may have prompted a recantation.
- “Did someone tell you what to say today?”
- “Tell me the reason you’re saying this today.”
- “We talked a couple weeks ago. You told me [child’s disclosure]. Tell me the reason you told me about [child’s disclosure].”

Quick Guide #9: Sexual Abuse Questions

This quick guide contains examples of questions which may be helpful during sexual abuse interviews. As with any forensic interview, the interviewer should try to get as much information as possible from a child during the free narrative portion of the interview, using open-ended questions and prompts to elicit information from the child. Keep in mind the questions below are not a script, as case features and child responses determine which questions are appropriate.

Who is the alleged perpetrator?

- **Clearly identify the alleged perpetrator.** “Who did [child’s report of what happened]?” “Who is [name child mentioned]?” Do not assume you understand what the child means. For example, if the child says “I came here to talk about what daddy did,” you can ask “Does daddy have another name?” or “Do you have one daddy or more than one daddy?”
- **Determine the child’s relationship to the alleged perpetrator.** For example, “How do you know [name child used]?”

What allegedly happened? Determine what happened before, during, and after the event, putting the child’s report in context. “Tell me what happened before [event child described]? Tell me what happened after [event child described].”

- **If the child reports touching, clarify what part of the alleged perpetrator’s body was involved.** “How did [alleged perpetrator] touch you? You said he touched your pee pee. What part of his body touched your pee pee?” If child says “His hand,” ask “Did some other part of his body touch your pee pee, or just his hand?”
- **Clarify whether the child is reporting touching on top of clothes or under clothes.** “What were you wearing? What was [alleged perpetrator] wearing? Did anything happen to your clothes? Did anything happen to [alleged perpetrator’s] clothes? Did your clothes move at all? You said he touched your pee pee with his hand and you were wearing pajamas and panties. Was [alleged perpetrator’s] hand on top of your pajamas or under your pajamas?” If child reports under pajamas, ask “Was his hand on top of your panties, on your skin, or somewhere else?”

If the child is young, you can begin this line of questioning by testing knowledge of “on top of” and “under” using props, such as a piece of paper and a pencil. “I want to make sure I understand your words. Put the pencil on top of the paper. Put the pencil under the paper.”

- **Determine if the child is alleging any degree of penetration, e.g., outside genital region or inside labia majora.** “You said [alleged perpetrator] [child’s report, i.e., touched, felt, etc.] your [child’s word] with his hand.” Determine child’s name for body part and have child point to it; ask “Can you point to your [child’s word]?” If a girl points to genital area, ask “What do you do with your [child’s word, i.e. private, kitty cat, coochie, etc.]? After you go pee pee (or whatever word child used), what do you do?” If child says, “I wipe myself”, ask “The area where you wipe yourself - what do you call it? You said that [alleged perpetrator] touched your [child’s word]. Did [alleged perpetrator] touch on the outside of [child’s word] or inside where you wipe yourself? How did it feel when [alleged perpetrator] [child’s report]?”

If the child is young, you can begin this line of questioning by testing knowledge of “inside” and “outside” using props, such as a pencil box and a pencil. “Let me make sure I understand your words. Put the pencil outside the box. Put the pencil inside the box.”

- **Determine if there may be physical evidence on clothing (e.g., ejaculate, creams) or items that can be retrieved.** “Tell me everything that happened when [alleged perpetrator] [child’s report]. Did [alleged perpetrator] use anything when he touched you? What did the [item child mentioned] look like? Where is the [item child mentioned] kept?” If the child alleges penile contact, ask “What did his [child’s word for penis] look like? Did anything come out of [child’s word for penis]? What did [alleged perpetrator] do about [child’s word for what came out of penis]?”
- **Ask about conversation.** “Did [alleged perpetrator] say anything? Did you say anything (talk) to [alleged perpetrator]? When [abuse] ended, did [alleged perpetrator] say something?”
- **Ask about potential witnesses.** “Was anyone else there when [alleged perpetrator] [child’s report]? Did anyone see? Did you hear anyone else? Did anyone hear you?”

Where did this allegedly happen? “Where were you when [alleged perpetrator] [child’s report].” If reported location is a home or apartment, ask “What room were you in when [alleged perpetrator] [child’s report]? Tell me what [child’s word for room] looks like. Where were you in the [child’s word for room]?”

When did this allegedly happen? For younger children, use questions about age, school, or recent holidays to restrict the time; e.g., “How old were you when [alleged perpetrator] [child’s report]? What grade in school were you in when [alleged perpetrator] [child’s report]? Did [alleged perpetrator] [child’s report] a short time ago or a long time ago?” For older children, ask “When did this happen?” Attempt to establish whether offenses happened after August 2006 (when the law was amended to increase penalties). For younger children, if you need to determine a time of day for the alleged event, ask questions about what they were doing, using school hours, television shows, or mealtimes to narrow the time; e.g., “What were you doing when [alleged perpetrator] started to [child’s report]” (See Questions about Time on page 25).

How often did this allegedly happen? Ask questions about the nature of the touching for each event the child reports.

- Young child: “Did [alleged perpetrator] [child’s report] one time or more than one time?” If child says, “More than one time”, ask “Did [child’s report] happen a lot of times or just a few times?”
- “Tell me about the first time [alleged perpetrator] [child’s report]. Tell me about the last time [alleged perpetrator] [child’s report]. You told me [alleged perpetrator] [child’s first report] and [second report]. Were those the only times or was there another time? What time do you remember the best? What was the worst time something like [child’s report] happened?”
- It is not necessary to ask the child for the specific number of times the abuse happened. Instead, determine if it happened every day, once a week, every time Mom went bowling, every time the alleged perpetrator babysat, or in reference to some other meaningful event.

Were images taken or were sexually explicit materials used?

- “Did [alleged perpetrator] show you anything when [child’s report] happened? Tell me about the [child’s report].”
- “Did [alleged perpetrator] ever show you any books, pictures, or movies when [report of abuse] happened? Tell me everything about [child’s report].”
- “Did [alleged perpetrator] say something about books, pictures, or movies when [report of abuse] happened? Tell me all about [what accused said].”
- “Did [alleged perpetrator] have a computer, cell phone or other media device? Did [alleged perpetrator] show you anything on [named media device]? Tell me about [child’s report].”
- “Did [alleged perpetrator] show you anything on the TV or [named media device] that you think children your age shouldn’t see?” Ask questions to find out where these items are located in the house and what the child saw.
- “Did you ever watch movies with [alleged perpetrator]?”
- “Did [alleged perpetrator] take any pictures? How do you know? Tell me all about [child’s report].”

Who knows about the alleged abuse?

- **Identify people the child has told and when these disclosures occurred.** “Have you told someone about [child’s report]? Does anyone else know about [child’s report]? How long has [named person] known about [allegation]?”
- **Explore the child’s motivations for delaying disclosure.** “Did you tell someone?” If the child responds “No” then follow up with “Is there a reason you didn’t tell?” If the child responds “Yes”, then “Is there a reason you decided to tell? How was [child’s report] able to stay a secret for so long? Did [alleged perpetrator] say something about you telling? Did [alleged perpetrator] give you anything? Did [alleged perpetrator] take away anything from you? Is there anything [alleged perpetrator] allows you to do, that you can’t do somewhere else? Did [alleged perpetrator] let you break any of your mom or dad’s rules?”
- **Ask if other people know about the alleged events.** “Who else knows about [child’s report]? How do they know? Did someone else see (hear) this?” Remember that preschoolers may have difficulty with questions that include the words “remember” and “know.”

What was the nature/quality of the child’s relationship with the alleged perpetrator?

Explore the alleged perpetrator’s relationship with the child to elicit details of grooming (e.g., unusual gift-giving) or motivations for the child to lie (e.g., history of harsh punishment or rules). “How did you get along with [alleged perpetrator]? Is there something you liked about spending time with [alleged perpetrator]? Is there something you didn’t like about spending time with [alleged perpetrator]? How did you feel about [alleged perpetrator] when he wasn’t [child’s report]? Were there other things you didn’t like about spending time with [alleged perpetrator]? How did your mom (dad, brother, etc.) get along with [alleged perpetrator]?”

Has the alleged perpetrator allegedly done this to someone else? “Has [alleged perpetrator] done things he shouldn’t do to another child? Have you seen with your own eyes or have you seen [alleged perpetrator] do it to another child?” Follow up with questions to determine the child’s name, name of parents, if known, and “does your mom or dad know how to reach them?”

Has someone else allegedly done this to the child? “Has someone else ever [child’s report]?” If the child mentions a name, begin a line of questioning to clarify who that individual is and to explore this new disclosure.

Quick Guide #10: Interviewing About Repeated Similar Events

Children who experienced repeated similar events may recall *scripts*, which are memories of what *usually* happened. Script recall is evident when a child describes typical activities (for example, “first she closes the door, then she”). If the child discloses using the generic language of a script, the interviewer can use generic prompts to elicit what *usually* happens, as illustrated on the left side of the following table (e.g., “Tell me *what happens*”; Brubacher et al., 2012; Connolly & Gordon, 2014):

Generic Prompts

Tell me *what happens*.

Then *what happens*?

What happens next?

What else happens when [child’s words for the repeated action or other information that identifies the topic, such as “the other children leave”]?

You said [child’s words; e.g., “she starts yelling”]. *Then what happens*?

You said sometimes [child’s words; e.g., “she uses a belt”]. Tell me *what happens* when [child words; e.g., “she uses a belt”].

Episodic Prompts

Tell me *what happened* that time.

Then *what happened*?

What happened next?

What else happened when [child’s words for the event or other information that identifies the topic, such as “the other children left”]?

You said [child’s words; e.g., “she started yelling”]. *Then what happened*?

You said once [child’s words; e.g., “she used a belt”]. Tell me *about that time*.

After the child gives a generic description, the interviewer can question to elicit specific instances by asking about the time the child remembers best, the last time it happened, and so forth. After the child mentions a specific incident, the interviewer encourages elaboration through prompts that refer to specific episodes, as illustrated on the right side of the table.

Adapted from Poole (2016) with permission from the American Psychological Association.

End Notes

¹A variety of terms are used to describe this progression from introduction to closing, including *step-wise* (Yuille, Hunter, Joffe, & Zaparniuk, 1993)-and *phased approaches* (Bull, 1995).

²There are no fixed guidelines about how much information interviewers should gather before meeting with a child. An interview is conducted “blind” when the interviewer knows only the child’s name and age. The goal of a blind interview is to reduce the possibility that the interviewer can direct the child to confirm the allegations by asking leading questions. There are a variety of reasons why most experts oppose blind interviews. First, it is difficult for interviewers to develop rapport with children when they know nothing about their living situations or interests. Second, because some children will not respond to general questions about why they are being interviewed, it is difficult for interviewers to introduce the topic of abuse when they know nothing about the place or timing of the alleged abuse. Third, blind interviewing makes it more difficult for interviewers to consider alternative hypotheses about the meaning of children’s statements. Information about recent medical treatment, adults in a child’s life who have duplicate names (e.g., two grandpas), and the child’s caretaking environments and playmates can help interviewers understand what a child is describing. For these reasons, the National Center for Prosecution of Child Abuse, the American Prosecutor’s Research Institute, and the National District Attorney’s Association (1993, p. 59) concluded, “Interviewing a child without knowing any of the details revealed to another is analogous to performing a medical examination without knowing the patient’s history or looking for an unfamiliar destination without a road map.” For a discussion of issues and information about a hybrid approach, see Poole (2016).

Appendix Video Recording Laws

For the most current version of these laws, refer to: www.legislature.mi.gov.

Criminal Statute

REVISED JUDICATURE ACT OF 1961 (EXCERPT) Act 236 of 1961

MCLA 600.2163a Definitions; prosecutions and proceedings to which section applicable; use of dolls or mannequins; support person; notice; videorecorded statement; special arrangements to protect welfare of witness; videorecorded deposition; section additional to other protections or procedures; violation as misdemeanor; penalty.

Sec. 2163a. (1) As used in this section:

(a) "Custodian of the videorecorded statement" means the department of human services, investigating law enforcement agency, prosecuting attorney, or department of attorney general or another person designated under the county protocols established as required by section 8 of the child protection law, 1975 PA 238, MCL 722.628.

(b) "Developmental disability" means that term as defined in section 100a of the mental health code, 1974 PA 258, MCL 330.1100a, except that, for the purposes of implementing this section, developmental disability includes only a condition that is attributable to a mental impairment or to a combination of mental and physical impairments and does not include a condition attributable to a physical impairment unaccompanied by a mental impairment.

(c) "Videorecorded statement" means a witness's statement taken by a custodian of the videorecorded statement as provided in subsection (5). Videorecorded statement does not include a videorecorded deposition taken as provided in subsections (18) and (19).

(d) "Vulnerable adult" means that term as defined in section 145m of the Michigan penal code, 1931 PA 328, MCL 750.145m.

(e) "Witness" means an alleged victim of an offense listed under subsection (2) who is any of the following:

- (i) A person under 16 years of age.
- (ii) A person 16 years of age or older with a developmental disability.
- (iii) A vulnerable adult.

(2) This section only applies to the following:

(a) For purposes of subsection (1)(e)(i) and (ii), prosecutions and proceedings under section 136b, 145c, 520b to 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.136b, 750.145c, 750.520b to 750.520e, and 750.520g, or under former section 136 or 136a of the Michigan penal code, 1931 PA 328.

(b) For purposes of subsection (1)(e)(iii), 1 or more of the following:

(i) Prosecutions and proceedings under section 110a, 145n, 145o, 145p, 174, or 174a of the Michigan penal code, 1931 PA 328, MCL 750.110a, 750.145n, 750.145o, 750.145p, 750.174, and 750.174a.

(ii) Prosecutions and proceedings for an assaultive crime as that term is defined in section 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.9a.

(3) If pertinent, the witness shall be permitted the use of dolls or mannequins, including, but not limited to, anatomically correct dolls or mannequins, to assist the witness in testifying on direct and cross-examination.

(4) A witness who is called upon to testify shall be permitted to have a support person sit with, accompany, or be in close proximity to the witness during his or her testimony. A notice of intent to use a support person shall name the support person, identify the relationship the support person has with the witness, and give notice to all parties to the proceeding that the witness may request that the named support person sit with the witness when the witness is called upon to testify during any stage of the proceeding. The notice of intent to use a named support person shall be filed with the court and shall be served upon all parties to the proceeding. The court shall rule on a motion objecting to the use of a named support person before the date at which the witness desires to use the support person.

(5) A custodian of the videorecorded statement may take a witness's videorecorded statement before the normally scheduled date for the defendant's preliminary examination. The videorecorded statement shall state the date and time that the statement was taken; shall identify the persons present in the room and state whether they were present for the entire videorecording or only a portion of the videorecording; and shall show a time clock that is running during the taking of the videorecorded statement.

(6) A videorecorded statement may be considered in court proceedings only for 1 or more of the following:

(a) It may be admitted as evidence at all pretrial proceedings, except that it may not be introduced at the preliminary examination instead of the live testimony of the witness.

(b) It may be admitted for impeachment purposes.

(c) It may be considered by the court in determining the sentence.

(d) It may be used as a factual basis for a no contest plea or to supplement a guilty plea.

(7) A videorecorded deposition may be considered in court proceedings only as provided by law.

(8) In a videorecorded statement, the questioning of the witness should be full and complete; shall be in accordance with the forensic interview protocol implemented as required by section 8 of the child protection law, 1975 PA 238, MCL 722.628, or as otherwise provided by law; and, if appropriate for the witness's developmental level or mental acuity, shall include, but is not limited to, all of the following areas:

(a) The time and date of the alleged offense or offenses.

(b) The location and area of the alleged offense or offenses.

(c) The relationship, if any, between the witness and the accused.

(d) The details of the offense or offenses.

(e) The names of any other persons known to the witness who may have personal knowledge of the alleged offense or offenses.

(9) A custodian of the videorecorded statement may release or consent to the release or use of a videorecorded statement or copies of a videorecorded statement to a law enforcement agency, an agency authorized to prosecute the criminal case to which the videorecorded statement relates, or an entity that is part of county protocols established under section 8 of the child protection law, 1975 PA 238, MCL 722.628, or as otherwise provided by law. The defendant and, if represented, his or her attorney has the right to view and hear a videorecorded statement before the defendant's preliminary examination. Upon request, the prosecuting attorney shall provide the defendant and, if

represented, his or her attorney with reasonable access and means to view and hear the videorecorded statement at a reasonable time before the defendant's pretrial or trial of the case. In preparation for a court proceeding and under protective conditions, including, but not limited to, a prohibition on the copying, release, display, or circulation of the videorecorded statement, the court may order that a copy of the videorecorded statement be given to the defense.

(10) If authorized by the prosecuting attorney in the county in which the videorecorded statement was taken, a videorecorded statement may be used for purposes of training the custodians of the videorecorded statement in that county on the forensic interview protocol implemented as required by section 8 of the child protection law, 1975 PA 238, MCL 722.628, or as otherwise provided by law.

(11) Except as provided in this section, an individual, including, but not limited to, a custodian of the videorecorded statement, the witness, or the witness's parent, guardian, guardian ad litem, or attorney, shall not release or consent to release a videorecorded statement or a copy of a videorecorded statement.

(12) A videorecorded statement that becomes part of the court record is subject to a protective order of the court for the purpose of protecting the privacy of the witness.

(13) A videorecorded statement shall not be copied or reproduced in any manner except as provided in this section. A videorecorded statement is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, is not subject to release under another statute, and is not subject to disclosure under the Michigan court rules governing discovery. This section does not prohibit the production or release of a transcript of a videorecorded statement.

(14) If, upon the motion of a party made before the preliminary examination, the court finds on the record that the special arrangements specified in subsection (15) are necessary to protect the welfare of the witness, the court shall order those special arrangements. In determining whether it is necessary to protect the welfare of the witness, the court shall consider all of the following:

- (a) The age of the witness.
- (b) The nature of the offense or offenses.
- (c) The desire of the witness or the witness's family or guardian to have the testimony taken in a room closed to the public.
- (d) The physical condition of the witness.

(15) If the court determines on the record that it is necessary to protect the welfare of the witness and grants the motion made under subsection (14), the court shall order both of the following:

(a) All persons not necessary to the proceeding shall be excluded during the witness's testimony from the courtroom where the preliminary examination is held. Upon request by any person and the payment of the appropriate fees, a transcript of the witness's testimony shall be made available.

(b) In order to protect the witness from directly viewing the defendant, the courtroom shall be arranged so that the defendant is seated as far from the witness stand as is reasonable and not directly in front of the witness stand. The defendant's position shall be located so as to allow the defendant to hear and see the witness and be able to communicate with his or her attorney.

(16) If upon the motion of a party made before trial the court finds on the record that the special arrangements specified in subsection (17) are necessary to protect the welfare of the witness, the court shall order those special arrangements. In determining whether it is necessary to protect the welfare of the witness, the court shall consider all of the following:

- (a) The age of the witness.

- (b) The nature of the offense or offenses.
 - (c) The desire of the witness or the witness's family or guardian to have the testimony taken in a room closed to the public.
 - (d) The physical condition of the witness.
- (17) If the court determines on the record that it is necessary to protect the welfare of the witness and grants the motion made under subsection (16), the court shall order 1 or more of the following:
- (a) All persons not necessary to the proceeding shall be excluded during the witness's testimony from the courtroom where the trial is held. The witness's testimony shall be broadcast by closed-circuit television to the public in another location out of sight of the witness.
 - (b) In order to protect the witness from directly viewing the defendant, the courtroom shall be arranged so that the defendant is seated as far from the witness stand as is reasonable and not directly in front of the witness stand. The defendant's position shall be the same for all witnesses and shall be located so as to allow the defendant to hear and see all witnesses and be able to communicate with his or her attorney.
 - (c) A questioner's stand or podium shall be used for all questioning of all witnesses by all parties and shall be located in front of the witness stand.
- (18) If, upon the motion of a party or in the court's discretion, the court finds on the record that the witness is or will be psychologically or emotionally unable to testify at a court proceeding even with the benefit of the protections afforded the witness in subsections (3), (4), (15), and (17), the court shall order that the witness may testify outside the physical presence of the defendant by closed circuit television or other electronic means that allows the witness to be observed by the trier of fact and the defendant when questioned by the parties.
- (19) For purposes of the videorecorded deposition under subsection (18), the witness's examination and cross-examination shall proceed in the same manner as if the witness testified at the court proceeding for which the videorecorded deposition is to be used. The court shall permit the defendant to hear the testimony of the witness and to consult with his or her attorney.
- (20) This section is in addition to other protections or procedures afforded to a witness by law or court rule.
- (21) A person who intentionally releases a videorecorded statement in violation of this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

History: Add. 1987, Act 44, Eff. Jan. 1, 1988; Am. 1989, Act 253, Eff. Mar. 29, 1990; Am. 1998, Act 324, Imd. Eff. Aug. 3, 1998; Am. 2002, Act 604, Eff. Mar. 31, 2003; Am. 2012, Act 170, Imd. Eff. June 19, 2012.

Probate Code Statute

MCL 712A.17b Definitions; proceedings to which section applicable; use of dolls or mannequins; support person; notice; video recorded statement; shielding of witness; video recorded deposition; special arrangements to protect welfare of witness; section additional to other protections or procedures.

Sec. 17b. (1) As used in this section:

(a) "Custodian of the video recorded statement" means the family independence agency, investigating law enforcement agency, prosecuting attorney, or department of attorney general or

another person designated under the county protocols established as required by section 8 of the child protection law, 1975 PA 238, MCL 722.628.

(b) "Developmental disability" means that term as defined in section 100a of the mental health code, 1974 PA 258, MCL 330.1100a, except that, for the purposes of implementing this section, developmental disability includes only a condition that is attributable to a mental impairment or to a combination of mental and physical impairments, and does not include a condition attributable to a physical impairment unaccompanied by a mental impairment.

(c) "Video recorded statement" means a witness's statement taken by a custodian of the video recorded statement as provided in subsection (5). Video recorded statement does not include a video recorded deposition taken as provided in subsections (16) and (17).

(d) "Witness" means an alleged victim of an offense listed under subsection (2) who is either of the following:

- (i) A person under 16 years of age.
- (ii) A person 16 years of age or older with a developmental disability.

(2) this section only applies to either of the following:

(a) A proceeding brought under section 2(a)(1) of this chapter in which the alleged offense, if committed by an adult, would be a felony under section 136b, 145c, 520b to 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.136b, 750.145c, 750.520b to 750.520e, and 750.520g, or under former section 136 or 136a of the Michigan penal code, 1931 PA 328.

(b) A proceeding brought under section 2(b) of this chapter.

(3) If pertinent, the witness shall be permitted the use of dolls or mannequins, including, but not limited to, anatomically correct dolls or mannequins, to assist the witness in testifying on direct and cross-examination.

(4) A witness who is called upon to testify shall be permitted to have a support person sit with, accompany, or be in close proximity to the witness during his or her testimony. A notice of intent to use a support person shall name the support person, identify the relationship the support person has with the witness, and give notice to all parties to the proceeding that the witness may request that the named support person sit with the witness when the witness is called upon to testify during any stage of the proceeding. The notice of intent to use a named support person shall be filed with the court and shall be served upon all parties to the proceeding. Court shall rule on a motion objecting to the use of a named support person before the date at which the witness desires to use the support person.

(5) A custodian of the video recorded statement may take a witness's video recorded statement. The video recorded statement shall be admitted at all proceedings except the adjudication stage instead of the live testimony of the witness. The video recorded statement shall state the date and time that the statement was taken; shall identify the persons present in the room and state whether they were present for the entire video recording or only a portion of the video recording; and shall show a time clock that is running during the taking of the statement.

(6) In a video recorded statement, the questioning of the witness should be full and complete; shall be in accordance with the forensic interview protocol implemented as required by section 8 of the child protection law, 1975 PA 238, MCL 722.628; and, if appropriate for the witness's developmental level, shall include, but need not be limited to, all of the following areas:

- (a) The time and date of the alleged offense or offenses.
- (b) The location and area of the alleged offense or offenses.
- (c) The relationship, if any, between the witness and the respondent.

- (d) The details of the offense or offenses.
- (e) The names of other persons known to the witness who may have personal knowledge of the offense or offenses.
- (7) A custodian of the video recorded statement may release or consent to the release or use of a video recorded statement or copies of a video recorded statement to a law enforcement agency, an agency authorized to prosecute the criminal case to which the video recorded statement relates, or an entity that is part of county protocols established under section 8 of the child protection law, 1975 PA 238, MCL 722.628. Each respondent and, if represented, his or her attorney has the right to view and hear the video recorded statement at a reasonable time before it is offered into evidence. In preparation for a court proceeding and under protective conditions, including, but not limited to, a prohibition on the copying, release, display, or circulation of the video recorded statement, the court may order that a copy of the video recorded statement be given to the defense.
- (8) If authorized by the prosecuting attorney in the county in which the video recorded statement was taken, a video recorded statement may be used for purposes of training the custodians of the video recorded statement in that county on the forensic interview protocol implemented as required by section 8 of the child protection law, 1975 PA 238, MCL 722.628.
- (9) Except as provided in this section, an individual, including, but not limited to, a custodian of the video recorded statement, the witness, or the witness's parent, guardian, guardian ad litem, or attorney, shall not release or consent to release a video recorded statement or a copy of a video recorded statement.
- (10) A video recorded statement that becomes part of the court record is subject to a protective order of the court for the purpose of protecting the privacy of the witness.
- (11) A video recorded statement shall not be copied or reproduced in any manner except as provided in this section. A video recorded statement is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, is not subject to release under another statute, and is not subject to disclosure under the Michigan court rules governing discovery. This section does not prohibit the production or release of a transcript of a video recorded statement.
- (12) Except as otherwise provided in subsection (15), if, upon the motion of a party or in the court's discretion, the court finds on the record that psychological harm to the witness would occur if the witness were to testify in the presence of the respondent at a court proceeding or in a video recorded deposition taken as provided in subsection (13), the court shall order that the witness during his or her testimony be shielded from viewing the respondent in such a manner as to enable the respondent to consult with his or her attorney and to see and hear the testimony of the witness without the witness being able to see the respondent.
- (13) In a proceeding brought under section 2(b) of this chapter, if, upon the motion of a party or in the court's discretion, the court finds on the record that psychological harm to the witness would occur if the witness were to testify at the adjudication stage, the court shall order to be taken a video recorded deposition of a witness that shall be admitted into evidence at the adjudication stage instead of the live testimony of the witness. The examination and cross-examination of the witness in the video recorded deposition shall proceed in the same manner as permitted at the adjudication stage.
- (14) In a proceeding brought under section 2(a)(1) of this chapter in which the alleged offense, if committed by an adult, would be a felony under section 136b, 145c, 520b to 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.136b, 750.145c, 750.520b to 750.520e, and

750.520g, or under former section 136 or 136a of the Michigan penal code, 1931 PA 328, if, upon the motion of a party made before the adjudication stage, the court finds on the record that the special arrangements specified in subsection (15) are necessary to protect the welfare of the witness, the court shall order 1 or both of those special arrangements. In determining whether it is necessary to protect the welfare of the witness, the court shall consider both of the following:

(a) The age of the witness.

(b) The nature of the offense or offenses.

(15) If the court determines on the record that it is necessary to protect the welfare of the witness and grants the motion made under subsection (14), the court shall order 1 or both of the following:

(a) In order to protect the witness from directly viewing the respondent, the courtroom shall be arranged so that the respondent is seated as far from the witness stand as is reasonable and not directly in front of the witness stand. The respondent's position shall be located so as to allow the respondent to hear and see all witnesses and be able to communicate with his or her attorney.

(b) A questioner's stand or podium shall be used for all questioning of all witnesses by all parties, and shall be located in front of the witness stand.

(16) In a proceeding brought under section 2(a)(1) of this chapter in which the alleged offense, if committed by an adult, would be a felony under section 136b, 145c, 520b to 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.136b, 750.145c, 750.520b to 750.520e, and 750.520g, or under former section 136 or 136a of the Michigan penal code, 1931 PA 328, if, upon the motion of a party or in the court's discretion, the court finds on the record that the witness is or will be psychologically or emotionally unable to testify at a court proceeding even with the benefit of the protections afforded the witness in subsections (3), (4), and (15), the court shall order that a video recorded deposition of a witness shall be taken to be admitted at the adjudication stage instead of the witness's live testimony.

(17) For purposes of the video recorded deposition under subsection (16), the witness's examination and cross-examination shall proceed in the same manner as if the witness testified at the adjudication stage, and the court shall order that the witness, during his or her testimony, shall not be confronted by the respondent but shall permit the respondent to hear the testimony of the witness and to consult with his or her attorney.

(18) This section is in addition to other protections or procedures afforded to a witness by law or court rule.

(19) A person who intentionally releases a video recorded statement in violation of this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

History: Add. 1987, Act 45, Eff. Jan. 1, 1988;--Am. 1989, Act 254, Eff. Mar. 29, 1990;--Am. 1998, Act 325, Imd. Eff. Aug. 3, 1998;--Am. 2002, Act 625, Eff. Mar. 31, 2003.

References

- Ahern, E. C., Hershkowitz, I., Lamb, M. E., Blasbalg, U., & Winstanley, A. (2014). Support and reluctance in the pre-substantive phase of alleged child abuse victim investigative interviews: Revised versus standard NICHD protocols. *Behavioral Sciences & the Law*, *32*, 762–774.
- American Academy of Child and Adolescent Psychiatry (1994). Policy statement on facilitated communication. (Approved October, 1993; reviewed June, 2008.) Retrieved February 4, 2011 from http://www.aacap.org/cs/root/policy_statements/facilitated_communication
- American Psychological Association (1994). Resolution on facilitated communication. (Adopted in Council, August 14). Retrieved February 4, 2011, from <http://www.apa.org/divisions/div33/fcpolicy.html>
- Brubacher, S. P., Malloy, L. C., Lamb, M. E., & Roberts, K. P. (2013). How do interviewers and children discuss individual occurrences of alleged repeated abuse in forensic interviews? *Applied Cognitive Psychology*, *27*, 443–450.
- Brubacher, S. P., Poole, D. A., & Dickinson, J. J. (2015). The use of ground rules in interviews with children: A synthesis and call for research. *Developmental Review*, *36*, 15–37.
- Bruck, M., Kelley, K., & Poole, D. A. (2016). Children's reports of body touching in medical examinations: The benefits and risks of using body diagrams. *Psychology, Public Policy, & Law*, *22*, 1–11.
- Bull, R. (1995). Innovative techniques for the questioning of child witnesses, especially those who are young and those with a learning disability. In M. Zaragoza, J.R., Graham, G. C. N. Hall, R. Hirshman, & Y. S. Ben-Porath (Eds.), *Memory and testimony in the child witness* (pp. 179- 194). Thousand Oaks, CA: Sage.
- Ceci, S. J., & Bruck, M. (1995). *Jeopardy in the courtroom: A scientific analysis of children's testimony*, Washington, DC: American Psychological Association.
- Davis, S. L., & Bottoms, B. L. (2002). The effects of social support on the accuracy of children's reports: Implications for the forensic interview. In M. L. Eisen, J. A. Quas, & G. S. Goodman (Eds.), *Memory and suggestibility in the forensic interview* (pp. 437–457). Mahwah, NJ: Lawrence Erlbaum.
- Dickinson, J. J., Poole, D. A., & Bruck, M. (2005). Back to the future; A comment on the use of anatomical dolls in forensic interviews. *Journal of Forensic Psychology Practice*, *5*, 63–74.
- Everson, M.D., & Boat, B. W. (2002). The utility of anatomical dolls and drawings in child forensic interviews. In M. L. Eisen, J.A. Quas, & G. S. Goodman (Eds.), *Memory and suggestibility in the forensic interview* (pp. 383–408). Mahwah, NJ: Lawrence Erlbaum.
- Fallon, T. J., & Pucci, L. (1994). *Forensic interviewing techniques with young children*. Handout for a workshop sponsored by the Wisconsin Department of Justice.

- Home Office. (1992). *Memorandum of good practice on video recorded interviews with child witnesses for criminal proceedings*. London: Home Office with Department of Health.
- Hershkowitz, I., Lamb, M. E., & Katz, C. (2014). Allegation rates in forensic child abuse investigations: Comparing the revised and standard NICHD protocols. *Psychology, Public Policy, and Law, 20*, 336–344.
- Hershkowitz, I., Orbach, Y., Lamb, M. E., Sternberg, K. J., & Horowitz, D. (2006). Dynamics of forensic interviews with suspected abuse victims who do not disclose. *Child Abuse & Neglect, 30*, 753–769.
- Lamb, M. E., Hershkowitz, Y. O., & Esplin, P. W. (2008). *Tell me what happened: Structured investigative interviews of child victims and witnesses*. Hoboken, NJ: Wiley.
- Lamb, M. E., La Rooy, D. J., Malloy, L. C., & Katz, C. (Eds.), *Children's testimony: A handbook of psychological research and forensic practice* (2d ed.). Malden, MA: John Wiley & Sons.
- Lyon, T. D., Malloy, L. C., Quas, J. A., & Talwar, V. A. (2008). Coaching, truth induction, and young maltreated children's false allegations and false denials. *Child Development, 79*, 914–929.
- Lyon, T. D., Scurich, N., Choi, K., Handmaker, S., & Blank, R. (2012). "How did you feel?" Increasing child sexual abuse witnesses' production of evaluative information. *Law & Human Behavior, 36*, 448–457.
- Malloy, L. C., & Poole, D. A. (2002, March). The use of time line representations in forensic interviewing of children. In A. R. Warren & D. A. Poole (Chairs), *Forensic interviews with young children: Continuing challenges and controversies*. Symposium presented at the meeting of the American Psychology-Law Society, Austin, TX.
- Morgan, M. (1995). *How to interview sexual abuse victims*. Thousand Oaks, CA: Sage.
- Myers, J., Gramzow, E., Ornstein, P. A., Wagner, L., Gordon, B. N., & Baker-Ward, L. (2003). Children's memory of a physical examination: A comparison of recall and recognition assessment protocols. *International Journal of Behavioral Development, 27*, 66–73.
- National Center for Prosecution of Child Abuse, American Prosecutors Research Institute, National District Attorney's Association (1993). *Investigation and prosecution of child abuse* (2nd Ed.). Alexandria, VA: American Prosecutor's Research Institute.
- National Children's Advocacy Center. (2014). *Update to the National Children's Advocacy Center's Child Forensic Interview structure*. Retrieved from <http://www.nationalcac.org/ncac-training/update-to-ncac-cfis-2014.html>
- Orbach, Y., Hershkowitz, I., Lamb, M. E., Esplin, P. W., & Horowitz, D. (2000). Assessing the value of structured protocols for forensic interviews of alleged child abuse victims. *Child Abuse & Neglect, 24*, 733–752.

- Orbach, Y., & Lamb, M. E. (2000). Enhancing children's narratives in investigative interviews. *Child Abuse & Neglect, 24*, 1631-1648.
- Orbach, Y., Shiloach, H. & Lamb, M. E. (2007). Reluctant disclosers of child sexual abuse. In M.-E. Pipe, M. E. Lamb, Y. Orbach, & A.-C. Cederborg (Eds.), *Child sexual abuse: disclosure, delay, and denial* (pp. 115–134). New York, NY: Routledge.
- People v. Naugle*, 152 Mich. App. 227, 235, 393 N.W.2d 592, (1986).
- People v. Miller*, 165 Mich. App. 32, 418 N.W.2d 668, (1987).
- Poole, D. A. (2016). *Interviewing children: The science of conversation in forensic contexts*. Washington, DC: American Psychological Association.
- Poole, D. A., & Bruck, M. (2012). Divining testimony? The impact of interviewing props on children's reports of touching. *Developmental Review, 32*, 165–180.
- Poole, D. A., Bruck, M., & Pipe M.-E. (2011). Forensic interviewing aids: Do props help children answer questions about touching? *Current Directions in Psychological Science, 20*, 11–15.
- Poole, D. A., & Lamb, M. E. (1998). *Investigative interviews of children: A guide for helping professionals*, Washington, DC: American Psychological Association.
- Poole, D. A., & Lindsay, D. S. (2001). Children's eyewitness reports after exposure to misinformation from parents. *Journal of Experimental Psychology: Applied, 7*, 27–50.
- Poole, D. A., & Lindsay, D. S. (2002). Reducing child witnesses' false reports of misinformation from parents. *Journal of Experimental Child Psychology: Applied, 18*, 117–140.
- Powell, M. B. (2003, December). A guide to introducing the topic of an interview about abuse with a child. *Australian Police Journal, 259-263*.
- Powell, M. B., & Snow, P. C. (2007). Guide to questioning children during the free-narrative phase of an investigative interview. *Australian Psychologist, 42*, 57–65.
- Saywitz, K. J., & Camparo, L. B. (2014). *Evidence-based child forensic interviewing: The developmental narrative elaboration interview*. Oxford, England: Oxford University Press.
- State v. DBS*, 700 P.2d 630, 634, 216 Mont. 234, (Mont. 1985).
- Sternberg, K. J., Lamb, M. E., Orbach, Y., Esplin, P. W., & Mitchell, S. (2001). Use of a structured investigative protocol enhances young children's responses to free-recall prompts in the course of forensic interviews. *Journal of Applied Psychology, 86*, 997–1005.
- Walker, A. G. (with Kenniston, J., Inada, S. S., & Caldwell, C.) (2013). *Handbook on questioning children* (3d ed.). Washington, DC: American Bar Association Center on Children and the Law.

Yuille, J. C., Hunter, R., Joffe, R., & Zaparniuk, J. (1993). Interviewing children in sexual abuse cases. In G. S. Goodman & B. L. Bottoms (Eds.), *Child victims, child witnesses: Understanding and improving testimony* (pp. 95–115). New York, NY: The Guilford Press.



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