

Child & Adolescent Victims of Child Abuse: Special Issues





Understand + Remember = Accurate Responses

AGE APPROPRIATE

ONE AT A TIME

SLOW IT DOWN

The Struggle is Real

“...neither defense nor prosecution attorneys varied the length or complexity of their sentences directed to children despite the fact that the age range of the alleged child victims varied greatly (i.e. 5-15 years).”

Are We Kidding?

Prelim 9-year-old

Do you recall anything else going on in your life at the time that helps you remember that you were 6? Do you recall a school you were in? Do you have a recollection of classes you were taking? Do you recall an extracurricular activity that you were doing or what babysitter you had?

How many times was he successful in touching your breasts, in what locations and how long did he touch them for?

Realistic Expectations





6,000 Words
Concrete & Literal
Words without Meaning

WHAT + WHO



6 – 8 year olds = **WHERE**

9 – 10 year olds = **DIFFERENTIATE + SEQUENCE**

11 – 12 year olds = + **CONTEXT**

OPPOSITES



before



after

Start at the beginning?

How did it start?

What's the very first thing that happened?

And then what happened?

C: He let me go loose and I ran away.

I: 'Kay, tell me what happened before he let you go loose and you ran away.

C: He let go of my hand.

I: Ok, and what happened before that?

C: What does before mean?

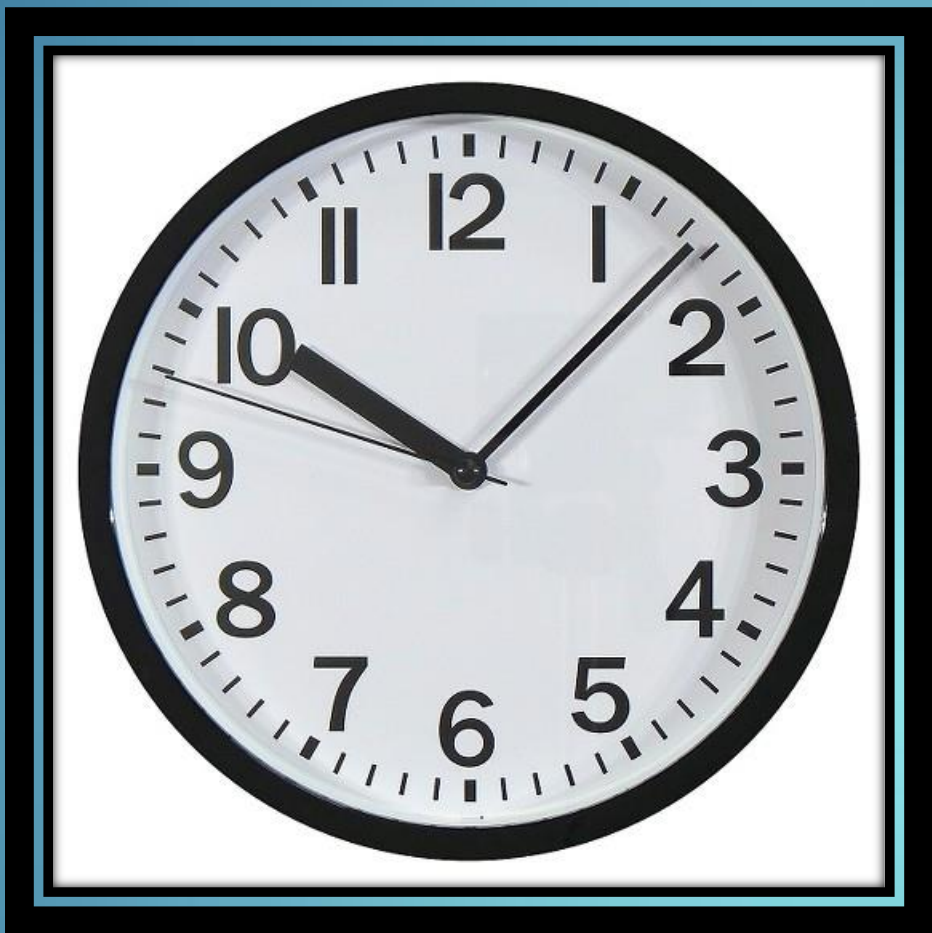
I: Um, so if he was holding your hand and then he let you go, what happened just before he let you go?

C: Like after it?

I: No, not after before, you know what I mean?

C: What?

WHEN
&
How Many Times







6-year-old

I: When did this happen?

C: Um, probably a week ago.

I: Probably a week ago, okay. How did you know it was a week ago?

C: Because it was a long time I guess. It was probably a year. I don't remember.



8-year-old

I: You said it happened before on another holiday when he came to visit. Do you remember what holiday that was?

C: Don't remember that.

I: Do you remember what the weather was like?

C: Cloudy maybe.

I: Cloudy okay. Was it warm or cold or something else?

C: Warmish, coldish.

“Mom and Dad went to see the Batman movie so my neighbor came over to play.”

“We were in my basement on the new couch.”

when we went fishing

when my dad was drunk

I just got my report card

during my Christmas break

once when my mom went to the store



When did [allegation] happen?

How do you know?

What makes you think ____?

Why do you think ____?

“...failure to provide the number of specific incidences should not be used as a reason to consider children’s testimony unreliable because memory for content is easier to remember than memory for frequency or specific time frames.”

Over/Under Inside/Outside



Tell me everything that happened to [your clothes/suspect's clothes] when ____.

Where were your clothes/underwear when ____?

7-year-old

C: He pulled my pants and underwear part way down. Then he touched the part I pee with.

I: And did he touch you on the outside of the part you pee with, on the inside or something else?

C: Inside

Accurate Response Requires:

asking question in age-appropriate way

child's full command of preposition inside

awareness of how many, what & where orifices are

what exactly inside the body means

child's perception of inside

ALL

So he pulled your pants and underwear part way down, what happened next/then what did he do?

Tell me everything about him touching the part you pee with.

What did he touch the part you pee with?

What did he do with (his hand)?

How did your body/part you pee with feel when he touched you?

Children often don't express feelings
but can do so when asked

When children fail to exhibit emotion,
viewed less credible by police,
prosecutors, judges & jurors

Feelings unlikely to be the result of
external influences

How did you feel?

I felt someone get under my covers in my bed (7)

It felt like I was getting stabbed in my bum (8)

My little sister thinks it will hurt but it won't. It
actually tickles (6)

You know if it's your own dad something is really
wrong (11)

The Story is Inconsistent

79% prosecutor

89% defense





OJJDP

Working for Youth Justice and Safety

JUVENILE JUSTICE BULLETIN

September 2015

Robert L. Listenbee, Administrator

From the Administrator

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

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

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

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

Robert L. Listenbee
Administrator

OJJDP

Child Forensic Interviewing: Best Practices

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

Highlights

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

Among the topics that the authors discuss are the following:

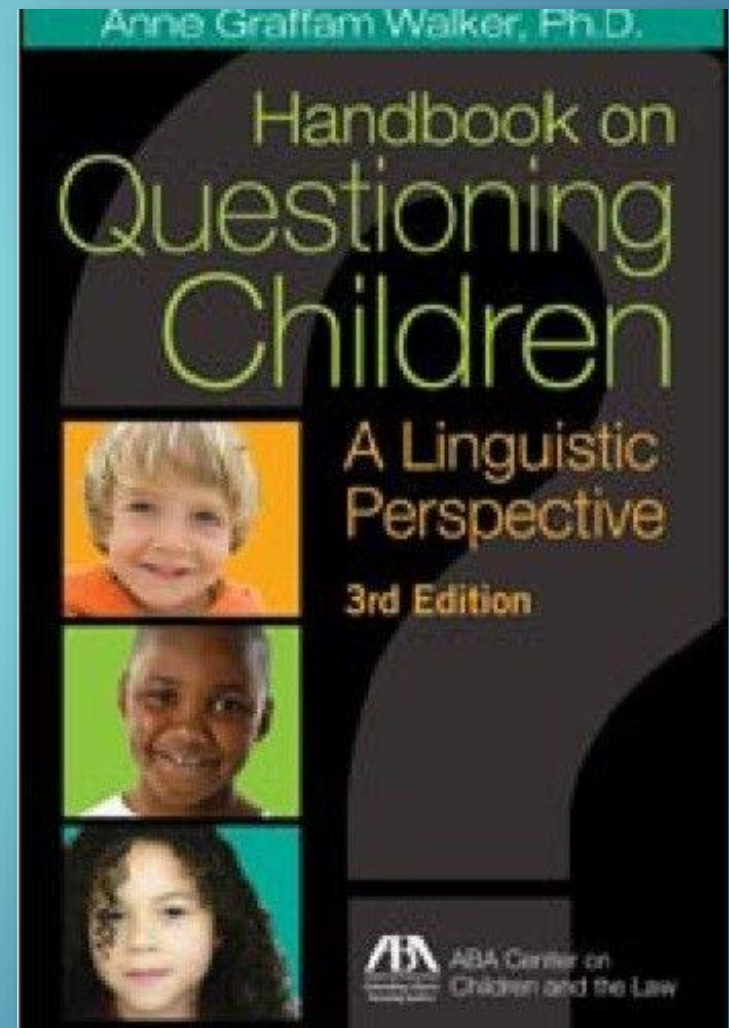
- No two children will relate their experiences in the same way or with the same level of detail and clarity. Individual characteristics, interviewer behavior, family relationships, community influences, and cultural and societal attitudes determine whether, when, and how they disclose abuse.
- The literature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

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

American Bar Association Center on Children and the Law

2013

3rd edition



FI with 9-year-old

“In the beginning of summer I could stay up later so my dad would tickle me when I was going to bed. He took my pj bottoms off and put them on the floor. He was tickling me like regular then was rubbing my front private and I didn't like it. When I got up in the morning my dad's phone was on my floor. I took it to him in his room 'cause he needed it for work. After that he did it like every week.”

Composite of Testimony 1 year later

“It was like 4 months ago... He came to cuddle ‘cause my mom snores... I wore my pjs... My dad rubbed me a lot where I go pee on the bare skin... My sister was there too...”

“It happened 10 times... Well lots of times... I guess months or a little less than a year...”

beginning of summer

4 months ago

tickle me

cuddle me

going to bed

mom snores

took my pj bottoms off

wore my pjs

my front private

where I go pee

dad's phone on my floor

my sister was there

like every week

10 times

lots of times

months or little less than a year



↓ Memory fade/forgetting

↓ Contamination/influence

Active disclosure

Open-ended prompts

Narratives-own words

Developmentally appropriate

CAC child-friendly environment



Reminiscence = newly remembered details

Disclosure is a process

Therapy and/or development

Confusing questions

Stressful environment

Defendant



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