STATE OF MICHIGAN

GOVERNOR'S TASK FORCE ON CHILDREN'S JUSTICE
AND
DEPARTMENT OF HUMAN SERVICES

FORENSIC INTERVIEWING PROTOCOL

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TASK FORCE MEMBERS

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Michigan Supreme Court
Chairperson of Task Force

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Farmington Hills Police Department

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Public Representative
Traverse City

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Genesee County

Susan Cohen
Family Law Attorney
Oakland County

Dr. Joyce deJong
Medical Director of Forensic Pathology
Sparrow Hospital, Lansing

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Wayne County Prosecutor's Office

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Probate Family Court Judge
Cass County

Donald N. Duquette
Clinical Professor of Law
Child Advocacy Law Clinic
University of Michigan Law School

Gloria Gillespie
Assault Recovery Associates
St. Joseph

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Mason County

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Lansing

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Michigan State University

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Binogii Placement Agency
Sault Ste. Marie Tribe of Chippewa Indians

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Lutheran Child and Family Service of Michigan

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Detroit

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Department of Human Services, Lansing

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CASA Representative
Kalamazoo County

Marianne Udow
DHS Director
Lansing

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Committee Chairperson

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Southfield

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Lenawee DHS, CPS
Adrian

Ben Biddle
Police Department
Detroit

Katie Connell
CARE House of Oakland County
Pontiac

Gloria Gillespie
Therapist
St. Joseph

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Grand Rapids

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Oakland County Sheriff's Office
Pontiac

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Grand Rapids

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Lansing

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Holland

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Lansing

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Michigan State Police
Lansing

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Police Department
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Kids TALK, The Guidance Center
Taylor

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DHS, Office of Family Advocate
Lansing

TASK FORCE STAFF SUPPORT-DEPARTMENT OF HUMAN SERVICES (DHS)

Ted Forrest
Manager
Children's Protective Services

Longino Gonzales
Director
Child and Family Services

Shannon Stotenbur
Task Force Staff

PREFACE

In 1992, the Governor's Task Force on Children's Justice was created pursuant to federal legislation to respond to the tremendous challenges involved in the handling of child abuse—particularly child sexual abuse—cases in Michigan. In August 1993, the Task Force published DHS Publication 794, *A Model Child Abuse Protocol—Coordinated Investigative Team Approach.*

In 1996, the 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., Central Michigan University, was contracted by DHS to develop a forensic interviewing protocol and a training package to be used to train staff from the pilot counties. Debra Poole also then provided training to those counties. Debra Poole's professionalism and dedication to this project enabled DHS to meet its goals in developing the protocol. Independent of the DHS project, the Governor's Task Force on Children's Justice also identified the objective of developing and implementing a forensic interviewing protocol. From 1996 to 1998, DHS and the Governor's Task Force on Children's Justice 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 physical abuse and child sexual abuse in Michigan.

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 Governor's Task Force on Children's Justice 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 2003, the Forensic Interviewing Protocol Revision Committee convened to review the existing Protocol. After a careful and complete examination, the Committee edited sections for clarity, improved the examples, added Quick Guides, and provided some additional reference material, including relevant statutes.

This protocol should be used in conjunction with the Governor's Task Force on Children's Justice DHS Publication 794, *A Model Child Abuse Protocol—Coordinated Investigative Team Approach*. Proper implementation of the DHS Publication 779, *Forensic Interviewing Protocol* requires professional training. Professionals who have received appropriate training in the application of the protocol should conduct the interviews of children.

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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 truthseeking manner, that will support accurate and fair decision-making in the criminal justice and child welfare systems. 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)

There are two overriding features of a forensic interview (Poole & Lamb, 1998). First, forensic interviews are hypothesis-testing rather than hypothesis-confirming (Ceci & Bruck, 1995). Interviewers prepare by generating a set of alternative hypotheses about the sources and meanings 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 their understanding of those terms and explore whether touching might have occurred in the context of routine caretaking 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 child is describing more than one event or using words in nonstandard ways. Before closing an interview, interviewers should be reasonably confident that alleged perpetrators are clearly identified and that the alleged actions are not subject to multiple interpretations.

forensic interviews should be child-centered rather than adult-centered (see Quick Guide #2)

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

Pre-Interview Preparation

Pre-interview preparation will vary depending upon the nature of the allegations, the available resources, and the amount of time before an interview must be conducted. 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, or collateral interviews with the reporting party and/or family members.[1]

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

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

- Child's name, age, sex, and relevant developmental or cultural considerations (e.g., developmental delay, hearing or speech impairment, bilingualism)
- Child's interests or hobbies that could be used to develop rapport
- Family composition/custody arrangements
- Family members' and relevant friends' or caretakers' names (especially how the child refers to significant others, with special attention to nicknames and duplicate names)
- Caretaking 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
- Family's names for body parts
- 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)

1. See Endnotes

The purpose of pre-interview preparation is to plan the following:

(a) questions that could test alternative hypotheses about how the allegations arose, and

(b) questions that could test alternative interpretations of details stated in the allegation.

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 caretaking (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 during the questioning and clarification stage 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. (See Quick Guide #1: *Sample Questions that Test Alternative Hypotheses and Sample Form.*)

Number of Interviewers

Local customs and requirements often dictate how many professionals will be involved in conducting investigative interviews. There are advantages and disadvantages to 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 is 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. 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 or great benefits from allowing support

individuals to be present during interviews (Davis & Bottoms, 2002). Support persons might be helpful during early portions of the interview, but they might also inhibit children from talking about sexual details. Individuals who might be accused of influencing the child to discuss abuse, such as parents involved in custody disputes or therapists, should not be allowed to sit with the child during the interview.

If a support person accompanies the child (a parent or teacher, for example), 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.

Videorecording or Audiorecording and Documentation

record identifying information

Videorecording or audiorecording policies vary widely. If your county elects to videorecord or audiorecord, 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 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 statement* (See Appendix, *Videorecording Laws*). All persons present in the interview room must be clearly visible to the camera and positioned so as to be heard. Rooms should be large enough to place videorecording 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 videorecorded or audiorecorded, it is paramount that the interviewer(s) 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 "TMMT" for "Tell me more about that").

The Physical Setting

The best environment for conducting forensic interviews is a center specifically equipped for this purpose. Centers often have comfortable waiting rooms with neutral toys, games, and bathroom facilities, as well as interviewing rooms with one-way mirrors and sound hookup to adjoining observation rooms. The interview room should be equipped with a table, chairs, and a cupboard for keeping supplies out of view. The goal of designing an interview room is to provide a relaxing environment that is not unnecessarily distracting to young children. Decorations such as a simple, repetitive wallpaper are cheerful but do not invite inspection by the child.

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

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, 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. Similarly, 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, and disruptions; phones, fax machines, or other potential distractions should be temporarily unplugged. 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, because they sometimes roam around and bounce on sofas. Moreover, children pay more attention when attractive items such as computers or typewriters are temporarily removed from the interview space. If the interview must be conducted in the home (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. A child may be intimidated by having his or her parents in the home if neglect or abuse is taking place there.

Interviewer Guidelines

Several guidelines about interviewer behavior, demeanor and communication should be followed throughout the interview:

be relaxed and avoid correcting the child's behavior unnecessarily or commenting on the child's reactions to the interview

- Avoid wearing uniforms or having guns visible during the interview.
- 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. Older children and teenagers may be more comfortable talking if the interviewer does not sit directly in front of them and does not look directly at them while talking.
- 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." Do not say, "You will never have to talk about this again."
- If the child becomes upset, embarrassed, or scared, acknowledge and address the child's feelings, but avoid extensive comments about the child's 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 noncontingent; 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," "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.
- If you have difficulty understanding what the child said, ask the child to repeat the comment with phrases such as, "What did you say?" or "I couldn't hear that, can you say that again?" instead of guessing (e.g., "Did you say _____?"). 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 a child.

Conducting a Phased Interview

Most current protocols advise interviewers to proceed through a series of distinct interviewing stages, with each stage accomplishing a specific purpose.[2] There are several advantages of a *phased* approach to interviewing:

(a) all interviewers deliver recommended introductions and instructions to children,
(b) interviewers are encouraged to use less directive methods of questioning, and
(c) phased approaches facilitate training by breaking the interview process into discrete steps that can be mastered separately.

A phased interview structure minimizes suggestive influences and empowers children to be informative. These goals are accomplished by three major guidelines:

(a) children receive clear information about the interviewer's job and the ground rules for the interview,
(b) the interviewer builds rapport in a way that encourages children to talk, and
(c) the interviewer elicits information using the least directive question formats.

Some investigations involve more than one interview, but interviewers should cover all of the phases even when children have participated in a previous interview.

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. This protocol describes the general structure of a phased interview but does not dictate which specific questions interviewers will ask.

The interview includes 8 phases:

a summary of the interview phases appears in Quick Guide #3

1. Preparing the Interview Environment
2. The Introduction
3. Establishing the Ground Rules
4. Completing Rapport Building with a Practice Interview
5. Introducing the Topic

2. See Endnotes

6. The Free Narrative
7. Questioning and Clarification
8. Closure

The order of these phases can be varied somewhat from interview to interview depending upon children's initial comments and their ages. For example, some children begin to discuss allegations without prompting. In 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 rapport building. 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. The purpose of the phases is to encourage interviewers to introduce themselves to children, build rapport, deliver age-appropriate instructions, allow children to talk about their lives in their own words, and use follow-up questions to clarify ambiguities in the reports. Within this framework, interviewers can select approaches that match their styles of interviewing, the ages and needs of individual children, and the specifics of individual cases.

Preparing 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. The interviewer can review the plan for the interview, including a tentative list of hypothesis-testing questions, before bringing the child into the room. (See Quick Guide #1: *Sample Questions that Test Alternative Hypotheses and Sample Form.*)

The Introduction

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 session. Sometimes children were not informed or were misinformed by a parent or caretaker about the circumstances of the interview. When this happens, children are 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 his/her job and the purpose of the recording equipment. The child should be given an opportunity to glance around the room. School-aged children could even be allowed to inspect the recording equipment if they choose. There are varying decisions about whether or not to introduce the child to observers or let the child view the observation room before the interview.

Introductions can be brief or long, depending upon how relaxed the child appears. The following is a simple example adapted from Sternberg et al. (1997):

Introduction: "Hello, my name is _____. I am a police officer/detective/social worker and part of my job is to talk with children about things that have happened."

Explain recording: "As you can see, I have a video camera/recorder here. It will record what we say. Sometimes I forget things and the recording lets me listen to you without having to write everything down."

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]"). When children seem distressed, it is appropriate to ask them how they are feeling and 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.

Establishing the Ground Rules

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 (Waterman, Blades, & Spencer, 2002). During the ground rules phase, the interviewer motivates the child to answer accurately with a series of short, simple instructions.

There are no uniform guidelines about the need to discuss truth/lies questions during forensic interviews, but many prosecuting attorneys prefer that interviewers briefly address this issue and get verbal assent that the child intends to tell the truth.

This phase of the interview can be delayed until after the interviewer has built rapport with the child, or omitted if a supervisor advises against truth/lie questions.

During a truth/lie determination, the interviewer demonstrates that the child understands the difference between the truth and a lie by asking the child to label statements as "the truth" or "a lie," after which the interviewer gets a verbal acknowledgment that the child will tell the truth. Interviewers 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.

use concrete statements such as, "It is raining in the room. Is that true or not true (a lie)?" rather than abstract questions such as, "What does it mean to tell the truth?"

The interviewer may use the following example:

> "I am going to say some things. I need you to tell me whether they are true or not true (a lie). 'You took a plane to get here today.' Is that true or not true (a lie)? What is the truth about how you got here today? 'We are sitting down.' Is that true or not true (a lie)? 'You have 6 brothers.' Is that true or not true (a lie)? What is the truth about how many brothers you have?
>
> Good. I see that you understand the difference between the truth and a lie. Is it good to tell the truth? Is it good to tell a lie? While we are talking today, it is important that you tell me the truth—what really happened. This room is a place where you should always tell the truth. So the first rule is that you are going to tell me only things that are true."

After discussing the truth, the interviewer can introduce other ground rules by saying, "I have a few other rules to talk about today. If I ask you a question you don't understand, I want you to tell me you don't understand. Also, if you do not know the answer to a question, don't guess. For example, what is my cat's name? That's right, you don't know my cat's name, so 'I don't know' is the right answer. The final rule is that I want you to correct me if I make a mistake or say something wrong. For example, you are 8 years old. That's good, you are right to tell me I am wrong because you are 6."

Completing Rapport Building with a Practice Interview

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

(a) to make the child comfortable with the interview setting,
(b) to get preliminary information about the child's verbal skills and cognitive maturity, and
(c) to convey that the goal of the interview is for the child to talk.

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

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 are 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. A better technique is to begin with a few focused questions, then shift the discussion to a recent event the child has experienced (e.g., Sternberg et al., 1997). By asking the child to recall a personally-experienced event, the interviewer can gauge the child's verbal skills and communicate that the child is expected to do the talking.

use open-ended prompts such as "and then what happened?"

One way to build rapport is to identify—during pre-interview preparation—a specific event that the child recently experienced (or experienced around the time of the alleged abuse). "Training to talk" events 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 complete fascination with everything the child has to say, as in the following example (Orbach et.al., 2000).

1. "A few days ago (or "a few weeks ago") was Easter (your birthday, Christmas, etc.). Tell me about your Easter (or whatever)."
2. "I want you to tell me all about Easter (or whatever). Think again about Easter 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)."
3. "Then what happened?"
4. "Tell me everything that happened after (incident mentioned by the child)."
5. "Tell me more about (something the child just mentioned)."
6. "It's really important that you tell me everything about things that have happened to you."

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

There are three general principles for rapport building:

(a) The interviewer tries to elicit information using only open-ended prompts that invite the child to provide multiple-word responses, such as, "Tell me everything about that."
(b) The interviewer invites the child to be informative with comments such as, "Tell me everything that happened, even little things you don't think are very important" or "Tell me everything that happened, from the very beginning to the very end."
(c) The interviewer can encourage the child to talk during this phase of the interview with head nods, exclamations (e.g., "Ohhhh"), partial repetitions of the child's last comment (e.g., Child: "And then he opened my present by mistake." Interviewer: "Oh, he opened your present"), or even more direct encouragement (e.g., "You told me a lot about your birthday; I know a lot more about you now").

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:

1. "I'd like to get to know a little bit more about you and your family. Tell me what you do every morning when you get ready for school. First you get out of bed—then what do you do? And then what do you do next? Tell me everything from the beginning until you get to school, even little things you don't think are very important. Okay. Then what?"
2. "I talk with a lot of children, and most of them really like to get hamburgers or pizza or tacos at their favorite restaurant. Do you have a favorite restaurant? Good. Tell me about everything that happens when you take a trip to _____ to eat _____. Tell me everything that happens, from the very beginning to the very end. First you drive there, right? Then what happens?"

To engage a reluctant child, it may be helpful to express interest in a topic the child is an "expert" on, with the interviewer feigning complete ignorance about the topic:

> "I talked with your mom yesterday and she said that you really like to play _____. I don't know anything about that game, but I've heard a lot about it and think that my son might really like to learn how to play it. Tell me all about that game so I'll know all about it too."

During the rapport phase, interviewers 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."

Introducing the Topic

The substantive portion of the interview begins when the interviewer prompts a transition to the target topic. Interviewers should start with the least suggestive prompt that might raise the topic, avoiding mention of particular individuals or events. The following examples are from Poole and Lamb (1998):

start with the least suggestive prompts that might raise the topic of abuse (See Quick Guide #4)

1. "Now that I know you a little better, it's time to talk about something else. Do you know the reason you are here today?"
2. "Now that we know each other a little better, I want to talk about the reason that you are here today. Tell me the reason you came to talk with me today."
3. "Now it's time to talk about something else. I understand there are some problems in your family (or, I understand that some things have been happening at camp). Tell me about them."
4. "I know that you had to move recently, and Mr./Mrs. _____ is taking care of you now. Tell me how that happened."

Avoid words such as *hurt, bad, abuse,* or other terms that project adult interpretations of the allegation. 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. Examples include the following:

1. "I understand something has been bothering you."
2. "Does your mom think that something has been bothering you?"
3. "I understand you were playing with someone yesterday and your teacher wanted you to stop playing. I'm really interested in the kinds of games that children play—tell me how you were playing."

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

1. The interviewer can ask what the child's favorite thing and least favorite thing is about various people in his or her life (Morgan, 1995).
2. Alternatively, the interviewer can ask, "Who are the people you like to be with?" and "Who are the people you don't like to be with?" (Yuille, Hunter, Joffe, & Zaparniuk, 1993).
3. The interviewer might explore the topic indirectly by asking, "Is there something you are worried about if you talk with me today?"
4. It can be helpful to give the child some control over the interview by changing the seating, removing a second interviewer, or letting the child write an initial answer on paper. The interviewer can explore the child's feelings about such things by asking a question like, "Is there something that would make it easier for you to talk with me today – would you rather sit someplace else or have me sit someplace else?"

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 or 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, 2002). Consequently, answers to direct questions are less informative than answers to open-ended questions. Furthermore, direct questions about touching may elicit responses about routine caretaking (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. The investigative team needs to decide in advance how directly a child should be prompted, taking into consideration the amount of corroborating evidence and the risk to the child from failing to obtain a disclosure.

The 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., 2003; Orbach & Lamb, 2000). Answers to open-ended questions are more accurate than answers to focused questions because many children answer focused questions even when they do not remember relevant information (e.g., Poole & Lindsay, 2001). The most common interviewer errors are omitting the free narrative phase or shifting prematurely to specific questions.

To elicit a free narrative, the interviewer simply tacks on an open invitation after raising the topic:

1. "Tell me everything you can about that."
2. "I want to understand everything about that. Start with the first thing that happened and tell me everything you can, even things you don't think are very important."
3. "Tell me all about that, from the very beginning to the very end."

encourage the child to describe the event in his or her own words by using open-ended invitations such as, "Tell me everything you can about that"

After the child begins talking, the interviewer should be patient about pauses in the conversation and not feel pressured to jump to another prompt right away. The child's free narrative can be encouraged with open-ended comments such as, "Then what?", "Tell me more about that," or "What else can you tell me about that?" The interviewer can also motivate the child with neutral acknowledgments (e.g., "uh huh"), by repeating the child's comments (e.g., Child: "And then he turned on the TV," Interviewer: "He turned on the TV") or by giving the child permission to talk about the target issues (e.g., Child: "And then he...," Interviewer: "It's okay to say it"). When necessary, the interviewer can remind the child that he or she is used to talking about such things, perhaps with a comment such as, "I talk with a lot of children about these sorts of things. It's okay to tell me all about it, from the very beginning to the very end."

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." He or she may then respond. If a child remains upset, it may help to restate the child's last statement or ask the child to tell you the reason that he or she is upset.

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?" before attempting to clarify information by entering the questioning and clarification phase. Interviewers can jot down short notes while the child is talking to remind themselves to revisit specific information later in the interview.

Questioning and Clarification (See Quick Guides #5 and #6)

The questioning phase begins after it is clear that the child has finished providing a free narrative. Throughout this phase, the interviewer should follow the guidelines for developmentally-appropriate questions that are listed in Quick Guide #2: *Guidelines for Questioning Children*, at the end of this Protocol.

The questioning phase is a time to seek legally-relevant information and to clarify the child's comments. (Also, see Quick Guide #5: Sample Question Frames.) Interviewers should avoid jumping from topic to topic. In general, it is best to build the questioning phase 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 questioning and clarification, the interviewer should make sure that the description of the allegation and the identity of the perpetrators are clear, explore whether there was a single event or multiple events, and determine whether there were other witnesses or whether the child witnessed similar events happening to other children. 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, interviewers should avoid probing for unnecessary details because children may contradict themselves if interviewers ask for information that is not remembered well. For example, it is not essential to get a detailed description of an alleged perpetrator and his clothing if the accused is someone who is 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 some time ago, or if there has been ongoing abuse over a period of time. The section in this Protocol entitled "Special Topics" discusses general guidelines for investigating the time element in child criminal sexual conduct cases.

use the least suggestive question possible, working for a complete description of one event before shifting to a different topic (see Quick Guide #6)

Interviewers should always use the most open-ended questions possible during questioning and clarification. If a specific question is necessary to raise an issue, interviewers should try to continue with an open-ended question. For example, if objects were retrieved from the scene of the alleged events, the question, "Did he bring anything with him when he came to see you?" might be followed by "Tell me what those things looked like." 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. (Also, see Quick Guide #6: *The Hierarchy of Interview Questions.*)

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

complete information in one interview may not always be possible

Open-ended questions/prompts allow children to select which details they will report, and these prompts generally require multiple-word responses. Open-ended prompts ask children to expand, (e.g., "You said he hit you with a belt. Tell me everything about that"), provide physical descriptions (e.g., "What did the belt look like?"), 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 ...can you tell me about that again?"). 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 (e.g., _____ hit you). 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 (e.g., _____ hit you)."

Specific but nonleading questions ask for details about information the child has already mentioned, and these questions can be answered with a word or brief comment. Specific but nonleading questions might ask about the context of an event (e.g., "Tell me what you were doing when...?"), 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 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 questions because children sometimes feel they should choose one of the options. Therefore, responses are generally less accurate to these questions than 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 happened in the bathroom, for example, the interviewer might ask, "Where 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.

Leading questions imply an answer or assume facts that might be in dispute. In practice, there is no single definition of a leading question. Determination of whether a question is leading depends upon a host of variables, including the child's age, 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 wiener is").

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

Because young children often 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, ...". If the child reports new or unusual information, it is best to ask something like, "Are you talking about that time Timmy 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.") (Yuille et al., 1993).

Interviewers should avoid covering topics in a predetermined order. Instead, interviewers should follow the child's train of thought and ask questions that are related to the child's narrative at that point in the interview. 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 closing the interview, all references to people and events should be clarified to ensure that there is only one interpretation of the child's comments.

Questioning and clarification is the most difficult phase of the interview. The interviewer has to listen to the child, mentally review the information already provided, make decisions about further questioning, and decide 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.

Closure

If the child made a disclosure, the interviewer can begin the closure phase of the interview by asking, "Is there something else you'd like to tell me about (event the child described)?" Regardless of the outcome of the interview, the interviewer can ask, "Are there any questions you would like to ask me?" It is appropriate to chat about neutral topics for a few minutes to end the interview on a relaxed note. The interviewer can thank the child for coming but should be careful not to specifically thank the child for disclosing abuse. In addition, it is important to avoid making promises that might not be kept (for example, saying that the child will not have to talk about the abuse again). A school-aged child or an accompanying adult may be given a contact name and phone number in case they later think of something they want to add.

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. 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 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 sexual conduct cases in Michigan, and thus it may be unnecessary to narrow down the time of an event beyond specifying a period of several months (e.g., during summer vacation). The Michigan Court of Appeals set forth four 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

Because young children sometimes provide little information in response to open-ended questions, interviewers occasionally use interviewing aids, such as anatomical dolls and body outlines, to elicit information about alleged abuse.

Guidelines on anatomical dolls and drawings state that children's responses to visual aids are not diagnostic of abuse. Consequently, interviewers can be accused of suggesting sexual themes if they introduce aids before children have mentioned abuse (Poole & Lamb, 1998). It is less controversial to introduce aids during the questioning and clarification phase of the interview, when aids help to clear up ambiguities in children's reports (Everson & Boat, 2002). (For examples of anatomical drawings, see Groth & Stevenson, 1990.)

To access anatomical drawings that are available on the Prosecuting Attorneys Association of Michigan (PAAM) website:

- log on to www.micats.org
- click on "child abuse resources"
- click on the drawing you would like to access and print

Interviewers should avoid using anatomical dolls with very young children. One problem is that dolls are models that represent something else. To use an anatomical doll, a child must realize that the doll is an object itself and also a representation of the child. But children between the ages of 2 and 4 years may not have the cognitive skills to appreciate the representational purpose of dolls (DeLoache, 1995). As a result, dolls often do not improve the quality of the information obtained from young children (e.g., Lamb et al., 1996; Pipe, Salmon, & Priestly, 2002).

Special Communication Issues

Interviewers should identify whether children have special communication issues that require accommodation during their interview preparation.

Separate developmental assessments are not routinely required or useful, but they may be helpful for children who suffer from a developmental disability or have a language limitations that raise questions about their ability to respond accurately to questions. The following summary is based on a longer discussion by Poole and Lamb (1998).

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 interview protocol are required for preschool children, but interviewers should be aware that young children are more likely to attempt answers to closed questions than are older children. When interviewers use closed questions with young children, it is helpful to demonstrate that they are not simply going along with the social pressures of the interview. 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.

Visual Impairments. Children who have experienced vision loss before the age of 5 years frequently have delays in the development of language concepts. These children may have difficulty with personal and possessive pronouns (e.g., *her* versus *their*), and they may use words inconsistently across contexts. Because some of these children show echolalia, or a tendency to repeat the last phrases spoken to them, interviewers should avoid asking questions that can be answered by partial repetition. Additionally, a high proportion of children with vision impairments also have hearing loss or other handicaps, so interviewers should ask about additional problems if they determine that a child has a visual impairment.

Hearing Impairments. Children with hearing impairments differ widely in degree of hearing loss, the age at onset of loss, the degree to which they benefit from amplification, and their primary mode of communication (American Sign Language, Signed English, reading speech, etc.). As a general rule, a language specialist should be consulted about the child's primary mode of communication and facility with language. An interpreter, if needed, should not be an individual who might have an interest in the outcome of the case. Because children with hearing impairments tend to be poor at written English, writing generally is not an acceptable communication option for a forensic interview. Many authors report that children with hearing impairments are more impulsive than other children about responding, so interviewers should take care to warn these children about the ground rules for the interview.

Augmentative and Alternative Communication (AAC). AAC includes any system that supplements or replaces traditional communication modes, including communication by eye gaze, picture boards, or computer-based technologies. 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 children who communicate via AAC.

Developmental Disabilities. As a group, children who are developmentally disabled are more likely to respond randomly to yes-no questions and to provide inaccurate information to specific questions. Care should be taken during the rapport building and ground rules phases of the interview to ensure that the child can report a past event and does not tend to make up responses to more specific questions. If there is serious uncertainty about the accuracy of the child's information, preliminary assessments may be helpful to identify how well the child discusses past events and how the child responds to various types of questions.

Quick Guide #1: Sample Questions that Test Alternative Hypotheses and Sample Form

Alternative Hypotheses about the Allegation

touching occurred during routine caretaking:

Examples: What were you doing when Bryan touched you?
What was Bryan doing when he touched you?
What did Bryan say after he touched you? (to elicit threats or promises about secrets)

child now claims that the touching was an innocent mistake:

Example: I'm interested in learning more about your teacher. How did you get along with your teacher before all this trouble started? When did you first start feeling close to your teacher (after child states that she feels very close to her teacher)? What did you and your teacher do together next? (to elicit information about grooming)

child is acting out sexually due to influences other than sexual abuse (child calls the reenactment a "game"):

Example: Tell me about the game. Tell me about the first time you played the game. Did you make this game up? Did you see the game somewhere?

teenager made an allegation out of anger and is embarrassed to retract it:

Example: Remember that we are here to talk about the truth today, so you are right to say whatever is true. Sometimes teenagers tell when someone hurt them because it happened, but sometimes there has been a big misunderstanding. Did that really happen (child's report, such as, "your mom pushed you into the cupboard when she was angry") or was there a misunderstanding about that?

Alternative Hypotheses about Details Reported During the Interview

a name:

Example: Do you have one daddy or more than one daddy? Which daddy (child's words)?

report spins off in an unexpected direction:

Example: Are you talking about the time Sandy left you alone while she went shopping, or are you talking about something different now?

a sexual term:

Example: You said that you watched Sandy and Joe have sex. Tell me what people do when they have sex (because children often call kissing "sex").

claim that abuse happened "all the time":

Example: Tell me about the last time Joe ____ (with probes for contextual detail after the child's free narrative; this line of questioning helps establish that there was opportunity and that the child can report discrete episodes). Tell me about the first time Joe _____. Tell me about the time you remember best (with probes for contextual detail after the child's free narrative).

Sample Form: Alternative Hypotheses Documentation/Testing

Hypothesis [Allegations] --

Alternative Hypotheses--	How Tested--

Quick Guide #2: Guidelines for Questioning Children

(Poole & Lamb, 1998. Adapted with permission from the American Psychological Association. For expanded discussions, see Walker, 1999.)

Understanding the Child

- 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'?"

- 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 some other person?").

- 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.)

- 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.

- 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?" Interviewers should try to anticipate how a child will interpret a question and vary the phrasing of questions to check the child's understanding of the concept.

Avoid Using Difficult Words or Introducing New Words

- 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.

- Young children are often confused by kinship terms (e.g., *uncle, aunt*), and word pairs such as *come/go, here/there,* and *a/the.*

- Even school-aged children often do not understand common legal terms, such as *judge, jury,* or *hearing*. Avoid legal terms or other adult jargon.

- Children often integrate new words into their narratives, so avoid introducing key words, names, or phrases that the child has not yet volunteered.

Phrasing Questions

- 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 such as, "And then he left, didn't he?"

- 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?").

- Children learn to answer *who, what,* and *where* questions earlier than *when, how,* and *why* questions.

Cultural Considerations

- 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.

- 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.

- Interviewers should be aware that 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.

Quick Guide #3: Overview of a Phased Interview

(Poole & Lamb, 1998. Adapted with permission from the American Psychological Association.)

Preparing the Environment

- Review questions that will test alternative hypotheses about how the allegation arose.
- Remove distracting materials from the room.
- Record identifying information on videorecorded statement (see p. 4), if used.

The Introduction Hello, my name is .....

- Introduce yourself to the child by name and occupation.
- Explain the recording equipment if used and permit the child to glance around the room.
- Answer spontaneous questions from the child.

Establishing the Ground Rules Before we talk some more, I have some simple rules for talking today.

- Get a verbal agreement from the child to tell the truth.
- Remind the child that he/she should not guess at an answer.
- Explain the child's responsibility to correct the interviewer when he/she is incorrect.
- Allow the child to demonstrate understanding of the rules with practice questions (e.g., "What is my dog's name?").

Completing Rapport Building with a Practice Interview I'd like to get to know you a little better now.

- Ask the child to recall a recent significant event or describe a scripted event (e.g., what he/she does to get ready for school each morning or how he/she plays a favorite game).
- Tell the child to report everything about the event from beginning to end, even things that might not seem very important.
- Reinforce the child for talking by displaying interest both nonverbally and verbally (e.g., "Really?" or "Ohhh").

Introducing the Topic Now that I know you a little better...

- Introduce the topic, starting with the least suggestive prompt.
- Avoid words such as *hurt, bad,* or *abuse.*

The Free Narrative Tell me everything about that, even little things you don't think are very important.

- Prompt the child for a free narrative with general probes such as, "Tell me everything you can about that."
- Encourage the child to continue with open-ended prompts such as, "Then what?" or "Tell me more about _____."

Questioning and Clarification I want to make sure I understand everything that happened.

- Cover topics in an order that builds upon the child's prior answers to avoid shifting topics during the interview.
- Select less directive question forms over more directive questions as much as possible.
- Do not assume that the child's use of terms (e.g., "Uncle" or "pee pee") is the same as an adult's.
- Clarify important terms and descriptions of events that appear inconsistent, improbable or ambiguous.
- Ask questions that will test alternative explanations for the allegations.

Closure Is there something else you'd like to tell me about _____? Are there any questions you would like to ask me?

- Ask if the child has any questions.
- Revert to neutral topics.
- Thank the child for coming.

Quick Guide #4: Introducing the Topic

This is a hierarchy of question types from the least suggestive to most suggestive. Whenever possible, select questions from the top of the hierarchy. Interviewers should start with the least suggestive prompt that might raise 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," then follow-up with one or more of the following suggestions listed below.

Do you know the reason you are here today?
or
Tell me the reason you are here today.

IF ANSWER IS "I DON'T KNOW."

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. Tell me what's happened to you.

Tell me the reason_____doesn't live with you anymore.

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? Wait for a response. If it is affirmative say, "Tell me what they are worried about."

I heard that someone has been bothering you. Tell me about what happened.

I heard that something might have happened to you. Tell me all about what happened.

IF CHILDREN DO NOT RESPOND TO ANY OF THE ABOVE AND QUESTIONS MUST BE EVEN MORE FOCUSED:

I heard you told_____something. Tell me what you talked about.

I heard that you saw a policeman (social worker, doctor, etc.) last week (yesterday). Tell me what you talked about.

I heard that something might have happened to you at_____(location or time of alleged incident).

I heard that someone might have_____(brief summary of allegation without mentioning name of perpetrator).

REMEMBER TO FOLLOW UP THE ANSWER WITH:
Tell me all about_____.

Quick Guide #5: Sample Question Frames

(Poole & Lamb, 1998. Adapted with permission from the American Psychological Association.)

Familiarity with a list of flexible question frames can help interviewers ask follow-up questions that are not leading.

Elaboration

"You said _____ . Tell me more about that."
"And then what happened?"
"Sometimes we remember a lot about sounds or things that people said. Tell me all the things you heard _____ (when that happened, in that room, etc.)"
"Sometimes we remember a lot about how things looked. Tell me how everything looked _____ (when that happened, in that room, etc.)"

Clarification

Object or action: "You said _____. Tell me what that is."
Ambiguous 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 _____?")

Inconsistency

"You said _____ but then you said _____. I'm confused about that. Tell me again how that happened."
"You said _____, but then you said _____. Was that the same time or different times?"

Repairing Conversational Breaks

"Tell me more about that."
"And then what happened?"

Embarrassed Pause

"It's okay to say it."
"It's okay to talk about this."

Inaudible Comment

"I couldn't hear that. What did you say?"

Single or Repeated Event

"Did it happen one time or more than one time?"
(if child says, "Lots of times"):
"Tell me about the last time something happened. I want to understand everything from the very beginning to the very end." "Tell me about another time."

Quick Guide #6: The Hierarchy of Interview Questions

(Poole & Lamb, 1998. Adapted with permission from the American Psychological Association.)

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

Free Narrative and Other Open-Ended Questions

Free-narrative questions are used after the topic has been introduced, to encourage children to describe events in *their own* words.

Examples: "Tell me everything you can about _____."
"Start with the first thing that happened and tell me everything you can, even things you don't think are very important."

Open-ended questions allow children to select the specific details they will discuss. Open-ended questions encourage multiple-word responses.

Examples: "You said he took you into a room. Tell me about all of the things that were in that room."
"You said, 'That other time.' Tell me about that other time."

Specific but Nonleading Questions

Specific but nonleading questions ask for details about topics that children have already mentioned. 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 he came over?"
"What did your mom say after you told her?"

Closed Questions

Closed questions, which provide only a limited number of options, are used when children do not respond to open-ended questions, when 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 young children.) Multiple-choice questions, particularly when they have more than two options, are preferable to yes-no questions because they permit a wider range of responses. Interviewers should try to follow closed questions with less directive prompts.

Examples of multiple-choice questions:

"Did that happen one time or more than one time?" (Follow-up prompt: "Tell me about the last time that happened.")

(Interviewer, "Where did that happen?" Child, "I don't know.") "Did that happen at your house, at Grandpa's house, or some other place?" (Follow-up prompt: "Who else was at Grandpa's house that day")

Example of a yes-no question:

"Was your mom home when that happened?" (Follow-up prompt: "Tell me what your mom was doing.")

Explicitly Leading Questions

Explicitly leading questions suggest the desired answer or contain information that 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." Leading questions should be avoided during forensic interviews.

Examples of inappropriate questions:

"You told your mom you were scared of him, didn't you?"

"Did he have his pants on or off when he laid next to you?" (when the child did not mention that he laid down).

End Notes

[1]There 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 specific or 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."

[2]A variety of terms are used to describe this progression from introduction to closing, including *step-wise* (Yuille, Hunter, Joffe, & Zaparniuk, 1993), *funnel* (Sternberg et al., 2002), and *phased approaches* (Bull, 1995).

Appendix

VIDEORECORDING LAWS

Criminal Statue

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; videotape 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 (17) and (18).

(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 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.

(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) 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; and, if appropriate for the witness's developmental level, 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.
(8) 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. 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.
(9) 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.
(10) 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.

(11) 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.
(12) 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.
(13) 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 (14) 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.
(14) 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 (13), 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.
(15) If upon the motion of a party made before trial the court finds on the record that the special arrangements specified in subsection (16) 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.
(16) 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 (15), 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.
(17) 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), (14), and (16), the court shall order that a videorecorded deposition of a witness shall be taken to be admitted at a court proceeding instead of the witness's live testimony.
(18) For purposes of the videorecorded deposition under subsection (17), 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, and the court shall order that the witness, during his or her testimony, shall not be confronted by the defendant but shall permit the defendant to hear the testimony of the witness and to consult with his or her attorney.
(19) This section is in addition to other protections or procedures afforded to a witness by law or court rule.
(20) 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.

Civil Statue

MCLA 712A.17b Definitions; proceedings to which section applicable; use of dolls or mannequins; support person; notice; videorecorded statement; shielding of witness; videorecorded 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 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 (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 videorecorded statement may take a witness's videorecorded statement. The videorecorded statement shall be admitted at all proceedings except the adjudication stage instead of the live testimony of the witness. 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 statement.
(6) 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; 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 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. Each respondent and, if represented, his or her attorney has the right to view and hear the videorecorded 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 videorecorded statement, the court may order that a copy of the videorecorded statement be given to the defense.
(8) 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.
(9) 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.
(10) 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.
(11) 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.
(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 videorecorded 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 videorecorded 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 videorecorded 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 videorecorded 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 videorecorded 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 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 45, Eff. Jan. 1, 1988;—Am. 1989, Act 254, Eff. Mar. 29, 1990;—Am. 1998, Act 325, Imd. Eff. Aug. 3, 1998;—Am.
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