

# Understanding Forensic Interviews

Misty Baldwin, LCSW-P

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## Historical Context

- 1970s (mid) renewed awareness child sexual abuse
- 1974 CAPTA - Child Abuse Prevention and Treatment Act
  - Legislation addressing child abuse/neglect and child welfare policy and practice
- 1981 sexual abuse added as a required type of maltreatment to be reported
- Mid 1970s-1980s when CSA was suspected - no formalized process in place for gathering information about the allegation
- Sexual abuse is generally determined by a child's statements

Faller KC. Forty Years of Forensic Interviewing of Children Suspected of Sexual Abuse, 1974-2014: Historical Benchmarks. Social Science 2015; 4(1):54-63. <https://doi.org/10.2390/ssci-04050034>

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## Historical Context

- 1983: McMartin Preschool - California
  - 369 allegations, 7 teachers accused, all charges dropped by 1990
- 1985: Kelly Michaels Daycare - New Jersey
  - charged with 181 counts, sentenced to 47 years, reversed in 1993
- 1989: Little Rascals Daycare - North Carolina
  - 90 children made allegations, 8 month trial, convicted and later reversed
- Case study findings
- Bud Cramer

Najko Schreiber, Lisa D. Bellah, Yolanda Martinez, Kristin A. McLain, Berata Sood, Sara Garven & James M. Wood (2006) Suggestive interviewing in the McMartin Preschool and Kelly Michaels daycare abuse cases: A case study. Social Influences, 11, 35-47. DOI: 10.1080/1524105060060720

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## Where we are now

- Major National Forensic Interview Protocols
  - ChildFirst - Zero Abuse Project
  - CornerHouse
  - NCAC (National Children's Advocacy Center)
  - NICHD (National Institute of Child Health and Human Development)
  - APSAC (The American Professional Society on the Abuse of Children)
  - state specific protocols
- Similarities
  - identified phases/stages
  - rapport and NEP
  - question type
  - child as victim
- Differences
  - guidelines
  - truth/lie discussions
  - interview aids
  - transition to topic

-Zero Abuse Project

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## Best Practice: Multi-Disciplinary Team

- MDT members include:
  - Law enforcement
  - Child Welfare
  - Forensic Interviewers
  - Prosecutors
  - Medical
  - Mental Health
  - Advocates
  - Others
- Exist to:
  - Improve response to alleged maltreatment
  - Decrease negative impact on children and families
  - Reduce duplication of services
  - Meet statutory requirements
    - Protocols

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## Forensic Interview

A forensic interview is a neutral, fact-gathering interaction conducted by a specially trained interviewer using a multidisciplinary approach in response to allegations of maltreatment.

-Zero Abuse Project

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# Forensic Interview

- Conducted with children ages 3-17 or with vulnerable adults
- Used in open investigations
- Neutral, trained interviewer
- Child led interaction
- Screen for all forms of abuse
- Child friendly/neutral location
- Developmentally appropriate
- Information gathering
- Legally sound
- Video and audio recorded
- Conducted in one session or more



Goal: a child's unique descriptive information about personally experienced events

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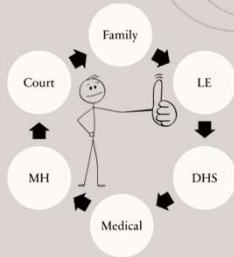
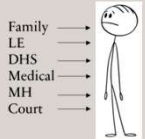
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# Purpose

- FI is one part of a comprehensive child abuse investigation
- It typically occurs at the beginning and provides direction for the investigation
- Observed by members of MDT
- Interviewer is a neutral party
- Can be used in court




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**2023 Oklahoma Statutes**  
**Title 12. Civil Procedure**  
**§12-2803.1. Statements of children not having attained 16 years or incapacitated persons describing acts of physical abuse or sexual contact - Admissibility in criminal and juvenile proceedings.**

Universal Citation: 12 OK Stat § 2803.1 (2023)

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A. A statement made by a child who has not attained sixteen (16) years of age at the time the statement is made, a child sixteen (16) years of age or older who has a disability, or a person who is an incapacitated person as defined by Section 10-113 of Title 43A of the Oklahoma Statutes, which describes any act of physical abuse against the child or incapacitated person or any act of sexual contact performed with or on the child or incapacitated person by another, is admissible in criminal and juvenile proceedings in the courts in this state if:

1. The court finds, in a hearing conducted outside the presence of the jury, that the time, content, and totality of circumstances surrounding the taking of the statement provide sufficient indicia of reliability to render the statement inherently trustworthy. In determining such trustworthiness, the court may consider factors including but not limited to:

- the spontaneity and consistent repetition of the statement,
- the mental state of the declarant,
- whether the terminology used is unexpected of a child of similar age or of an incapacitated person, and
- whether a lack of motive to fabricate exists; and

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## Why do we need FI: Dynamics of Abuse

Children are not equipped to know what to do when they are victims of child sexual abuse

- Child Sexual Abuse Accommodation Syndrome
  - Proposed by Roland Summit, 1983
  - Still referenced today
  - Helps improve our understanding of how a child copes with the complex dynamics of sexual victimization
  - Not a true syndrome, 1992

**Secrecy**  
**Helplessness**  
**Entrapment & Accommodation**  
**Delayed or Unconvincing Disclosure**  
**Recantation or Retraction**

Summit, R.C. The child sexual abuse accommodation syndrome. Child Abuse Negl. 1983;7(2):177-191. doi:10.1016/0145-2134(83)90070-4

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## Why do we need FI: Barriers to Disclosure

1. Threats made by the perpetrator
2. Fears
3. Lack of opportunity
4. Lack of understanding
5. Relationship with the perpetrator

Schaeffer F., Leventhal J. M., Aron A.G. (2011). Children's disclosures of sexual abuse: Learning from direct inquiry. Child Abuse & Neglect, 35, 343-352. doi:10.1016/j.chabu.2011.01.014

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## Why do we need FI: Process of Disclosure

- Disclosure is a process - not an event
- Unreasonable to expect a child to provide an immediate, complete, detailed account of their abuse.
- Types of Disclosure
  - Accidental
  - Purposeful
- Stages of Disclosure
  - Denial
  - Tentative
  - Active
  - Recanting
  - Reaffirming
- Child victims of sexual abuse face secondary trauma in the crisis of discovery

-Roland Summit

Disclosure is a complex, lifelong process. Child sexual abuse disclosure often delayed into adulthood.

Tomison, T. & Stone, B. (1991). How children tell: The process of disclosure in child sexual abuse. Child Welfare: Journal of Policy, Practice, and Program, 72(1), 2-13

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# ChildFirst

- Main protocol used in Oklahoma.
- Nationally and internationally recognized
- Initially CornerHouse FI protocol developed in 1989 - later developed into it's own protocol
- Overriding principle of the ChildFirst model: **Best interest of the child**
- Training: Attend a nationally recognized FI protocol training including a demonstration of skills and a written test, participate in continued training and research, participate in Peer Review
- CF: process of disclosure, blocks and problems, memory and suggestibility, child development, cultural differences, testifying in court

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# ChildFirst Forensic Interview Protocol

RAPPORT	TRANSITION TO TOPIC OF CONCERN	EXPLORE DETAILS	CLOSURE
Introduce self and role	Open invitation	Use narrative to obtain details of abuse	Questions for me
Orient child to room	Decision tree: Explore family Or Anatomy ID Touch Inquiry	1x or more Last, first, different Sensory/contextual	Anything else important
Narrative Event Practice		Anatomical diagrams for clarification	Safe adult
Review guidelines			Thank child for participating
Illicit truth statement	If d/c move to ED, if no d/c move to Closure	Alternative hypothesis	Return to neutral topic
Obtain family info			

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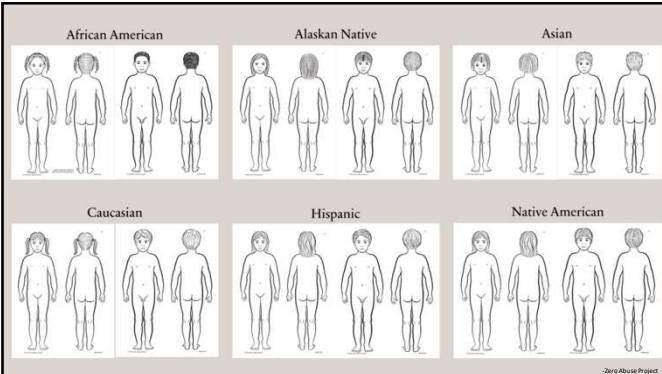
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## Question Types



OPEN-ENDED PROMPTS	WH PROMPTS	MULTIPLE CHOICE	YES/NO	CLOSE-ENDED OR LEADING
-	-	-	-	-
Tell me more Then what happened What happened next	Who What Where When(?) How	Where you at home, or school, or somewhere else?	For clarification Was the door open?	Avoid Your dad hit you, didn't he?

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## Medical Exam: Considerations

A medical evaluation holds an important place in the multidisciplinary assessment of child abuse. An accurate and complete history is essential in making medical diagnoses and determining appropriate treatment of child abuse.

-NCA, National Standards of Accreditation, 2023 edition

- If non-acute, consider waiting to complete medical exam until after FI
- Watch forensic interview
- If unable to watch FI, ask for summary
- LE – encourage medical exams in your investigation
- Remember - Repetitive interviews can damage child abuse investigations
  - Ask questions necessary for CSA medical evaluation

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## Medical Exam: Considerations

- No diagnostic tool for sexual abuse
- If a child does not disclose, it does not mean sexual abuse did not occur
  - Even with external corroborating evidence (Witness, DNA, pregnancy) 42-50% of children still did not make a disclosure
- Avoid: Did it go inside?
  - Ask for sensory details
  - Use: Did something go inside any part of your \_\_\_\_\_ ?
  - Avoid asking the length of time of the abuse incident
  - Avoid asking how far something went inside
- Avoid asking unknowable or unanswerable questions
  - Ask 1x or more

10. Lown, T. D. (2007). False details: Overcoming methodological biases in abuse disclosure research. In M. Pyno, M. Lamb, Y. Oshachi, & A. Colterbury (Eds.), *Disclosing abuse: Delays, denials, retractions and recantations* (pp. 41-62). Mahwah, NJ: Erlbaum.  
11. Jolly, M. & Williams, R. (2007). Children's Knowledge of Genital Anatomy and Its Relationship With Children's Use of the Word "Inside" During Questioning About Possible Sexual Abuse. *Journal of Child Sexual Abuse*, 26, 1, 23-39. DOI: 10.1080/10532528.2006.10559492

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## Questioning Children: Considerations

Even very young children can tell us what they know if we ask them the right questions in the right way.

-Walker, 2013

- Questions should be simple and concrete
- Be aware of faux invitations
- Address action not emotion
- Use how come instead of why
- Use some instead of any
- Use names, not pronouns
- Check for misunderstanding
- Avoid using 'can you' or 'do you'
- Avoid compound questions
- Remember - time (when) is an abstract concept for children
  - Gather timeline information from protecting caregiver when able
  - Ask about other things going on around child at that time

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Guidelines for Age-Appropriate Interview Questions

Age	C O N C R E T E				A B S T R A C T			
	Who	What	Where	Is / is	How	Sequencing	When	# Times
3	Dark	Dark	Dark	Dark	Light	Light	Light	Light
4	Dark	Dark	Dark	Dark	Light	Light	Light	Light
5-6	Dark	Dark	Dark	Dark	Light	Light	Light	Light
7-9	Dark	Dark	Dark	Dark	Light	Light	Light	Light
10-12	Dark	Dark	Dark	Dark	Light	Light	Light	Light
13+	Dark	Dark	Dark	Dark	Light	Light	Light	Light

Dark shading indicates that a developmentally "typical" child may be able to answer these types of questions. Light shading indicates that some children at that age may have the capacity to answer these question types.

Remember: age and ability are enhancers; trauma affects how events are stored and recalled. Allison M. Foster, Ph.D., Assessment & Resource Center, Columbia, SC, 2015

National Children's Advocacy Center  
Forensic Interviewing of Children Training

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## Questions

At the edge of every shadow, there is light.



Misty Baldwin, LCSW-P  
misty.baldwin@ouhealth.com  
405-821-4659

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