

Interviewing Children

Kathleen Stilling
Buting, Williams & Stilling, S.C.
Brookfield, Wisconsin

Adam Walsh Act

Forced polygraphs

Lifetime GPS Monitoring

Chapter 980

Banned from housing

Special Constables

S
O
R
P

Public Hysteria

Long Sentences

The Face of Public Hysteria



The Child Witness



The Biggest Myth about Child Abuse

The biggest myth is that the dangers to children come from strangers.

In most cases, the perpetrator is someone the parent or child knows, and is often trusted by the child and family.

Learn about children

- **Dr. Spock**
- **Stephen Ceci**
- **Maggie Bruck**
- **National Child Abuse Resource & Defense Center**
- **Children that you know**
- **Youtube**
- **Teacher resources**
- **Step-Wise Interviewing, John Yuille**



Nonverbal Communication for Maximum Teaching Effectiveness

- Eye contact
- Facial expressions
- Gestures
- Posture and body orientation
- Proximity
- Paralinguistics – tone, pitch, loudness.

• <http://honolulu.hawaii.edu/intranet/committees/FacDevCom/guidebk/teachtip/commun-1.htm>

The Key to the Theory of Defense

- **The child's relationships with the people in his/her world**
- **The relationships between the adults in the child's world**
- **The child's stage of development**
- **The “disclosure”**



Say Orange



The Trainable Toddler

- Toddlers :
 - develops language by imitation.
 - play by imitating adults.
 - may repeat interesting new words somewhat randomly.
- Use of a word does not necessarily demonstrate understanding

Modest Goals

- Test communication skills
- Talk about other things: build rapport
- Gauge the child's reaction to mentioning the client or showing a picture
 - Note positive and negative reactions
- Ask questions about themes
 - Love Mommy?
 - Mommy is mad at Daddy

Star Wars, Nothing But Star Wars



A little training goes a long way



The Pre-School Storyteller

- **Pleases adults.**
- **Intensely imaginative.**
- **Models adults behavior**
- **Identifies with the adults around him.**
- **Demonstrates empathy and sympathy with close adults.**



Interviewing the People Pleaser

- Develop rapport
- Spend some time on the floor
- Move away from the toys
- Focus on the relationships: perceptions
- Broad to narrow
- Hit difficult topics lightly
- Be prepared to change topics

Oh, *That* Nobody

- INTERVIEWER: How about right here in between the legs; anybody ever touch you there that you didn't like?
- MISS G.: **Nobody.**
- INTERVIEWER: Okay. What would you do if somebody did?
- MISS G.: [indecipherable] with my mom and dad.
- INTERVIEWER: Okay. Anybody ever touch you there (pointing) that you didn't like?
- MISS G.: **Nobody.**
- INTERVIEWER: Nobody, okay.
- MISS G. That **pappa** did right here.
- INTERVIEWER: **Pappa** did?
- MISS G.: Yeah.
- INTERVIEWER: Okay right where? Can you point to where **pappa** touched you?

Do You Know What A Lie Is?

- **INTERVIEWER:** And do you know what a lie is?
- **MISS G.:** Yes.
- **INTERVIEWER:** What's a lie?
- **MISS G.:** I don't know.



But Why Would A Child Say That If It Isn't True?

- **Two to five years**
 - **The ambiguous statement**
 - >misinterpreted > reinforced,**
 - **The manipulative adult**
 - **Attention**

**There's no such thing as too
much attention.**

**When a 3 yr old is asked
about monsters**

The Child Will Help You

- Talk about her important people and her life.
- Simple and straightforward.
- Ask about a family story
- Ask about the parental response, repetitious interviews, positive attention, adult reactions.



So, You Want to Sing for the Queen.



Elementary School Virtuoso

- **Elementary school child**
 - **Logic**
 - **Greater poise and self-control**
 - **Time relationship**
- **Elements of leadership**



Why Would A Child Lie?

- **Elementary school children:**
 - **May lie if manipulated by a loved adult.**
 - **May lie to protect someone.**
 - **May have a direct motive to falsify – e.g. dislike of step-parent.**

My Mom Told Me

- INTERVIEWER: He did that thing? What did he do?
- CHILD: Uncle J.?
- INTERVIEWER: No, your step-dad.
- CHILD: He didn't do nothing but they thought he did though.
- INTERVIEWER: Oh, they thought he did it. Okay.
- CHILD: But they're lying.
- **INTERVIEWER: Who says they're lying?**
- **CHILD: Nobody – I mean my mom. She told me they're lying because my stepdad – he didn't do nothing to me.**

Interviewing the Elementary School Child

- Same themes apply but the scope of her world is broader.
 - Friends, teachers, neighbors
 - Internet, TV
- Sources of sexual knowledge need to be addressed.
 - Unsupervised time with internet or TV
 - Music videos, soap operas, prime time

Middle School Diva

- The onset of puberty and the appearance of **sexual feelings**.
- Struggles with **turbulent emotions**.
- **Overwhelming need** for peer acceptance and approval.
- Asserts independence, exhibits a **resentment of and resistance** to adult authority.
- Has **rapidly multiplying, but superficial** interests.

I can switch it on like a light.



Interviewing the “Tweenener”

- Talk about her life
- Friends - Who does she talk to?
- Teachers – Learn about “touching problems” in school.
- Parents reaction, interviews, relationships.
- Interests
- Unsupervised access to music, internet, TV, Netflix, Amazon Prime, streaming video.
- Identify if child has need for attention

The Teen-Age Werewolf



- Rapid gains in height and weight
- Development of secondary sex characteristics and changing hormonal levels.
- Brain development issues cause inconsistent control
 - emotion, impulses, and judgments.
- Developing advanced reasoning skills and can assess **multiple options and possibilities.**

The Center of the Universe

- “**Everyone** is watching and noticing what I do.”
- “I am the **only one** who feels this way.”
- “It can't happen to **me**”
- “**I** am right and they are wrong.”

A Teen Manifesto



Psycho-Social Development

- Five recognized psychosocial issues that teens deal with during their adolescent years.
 - Establishing an identity
 - Establishing autonomy
 - Establishing intimacy
 - Becoming comfortable with sexuality
 - Achievement

Am I a child?



Themes for the Teens and Tweens

Themes for cases with children in this age range vary widely.

- Identification with the beloved parent in a divorce.
- Misguided efforts to get parents back together.
- Dislike of the new man in her mother's life.
- Desire for attention from distracted parents.
- Desire to avoid punishment for bad behavior.

The Possible Motives Never End

- Unrequited love, jealousy, anger.
- Resentment about rules or authority.
- It's not my fault.
- A bid for sympathy from a boyfriend.

Now What?



Get Control

At the first sign of tears:



- Use the element of surprise – change the subject, break the flow, make an unexpected transition.
- Use eye contact and voice to gain control.
- Keep a serious and neutral tone.
- Stay on neutral topics until the child regains control.

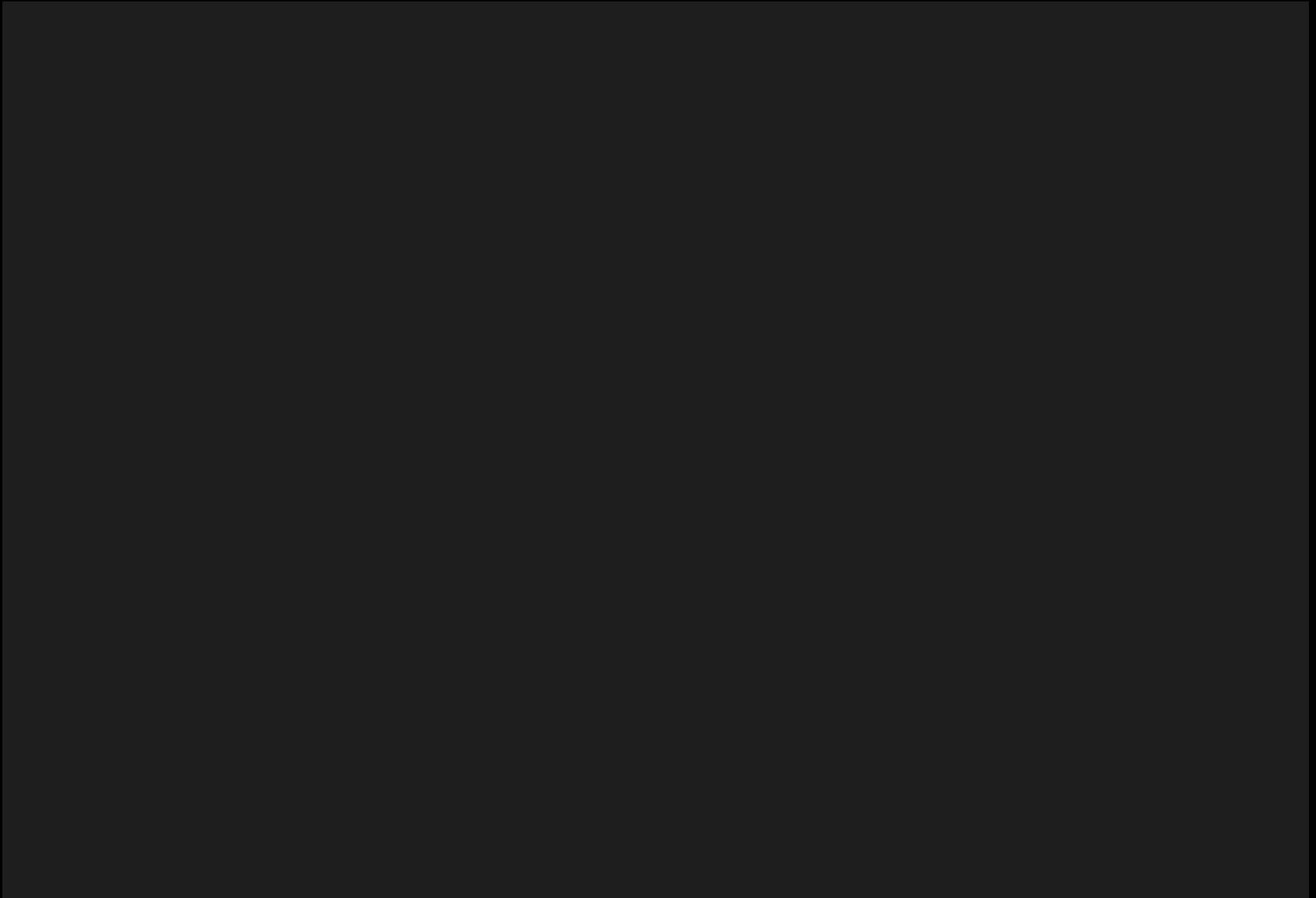
What else is going on?

- Opportunity to learn about the disclosure and the family dynamics.
- Ask about other cases going on: divorce, CHIPS, juvenile.
- Parental issues: mental health, anger, abuse, AODA.
- Problems at school

Information is the Key

- Open Records Requests: 911 calls, dispatch tapes and logs, jail records, prior contacts with the home or people of interest.
- Public information: Computer use records of websites, IM's, My Space, Facebook
- School curriculum including sex education and child protection.

Oh, That Lollipop!



Keep Your Options Open

- “if the investigator entertains only a single hypothesis, there exists a chance that the investigation might turn into an effort to ‘prove’ that hypothesis rather than an effort to find the hypothesis that best fits the facts of the case” The Step-Wise Interview–Guidelines for Interviewing Children, John C. Yuille.
-

Test Your Theory

- Think about different facts and different possible motives.
- Listen to your client carefully. He probably know better than you how the witnesses think and is going on behind the scenes.