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For the most part, we have copied parts that are not dependent on any particular
state law. However, a few sections do have cites to the Washington statutes or
rules. Rather than hack those sections up, we left them intact.

You all would obviously have to rely on the Connecticut laws, procedures, rules
and practices!

CHAPTER 5
INTERVIEWING ADULTS AND CHILDREN
IN FAMILY LAW GAL INVESTIGATIONS

INTERVIEWING ADULTS AND CHILDREN IN FAMILY LAW GAL INVESTIGATIONS

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With the many tasks attending an effective investigation (review of court documents, meeting with parties, parent child observations, collateral contacts) perhaps the most critical element is the interview with each parent and the child. It is in the course of this process that the GAL can employ all of their skills - analytical, observation and intuitive - to arrive at a more rounded conclusion about the people whose family lives are being evaluated. Not only is information transmitted by what is said in the interview, but also by what is *not* said and *how* it is said and not said (nonverbal clues). Certain skills in the interview process are second nature for the therapist GAL and may require a bit more conscious attention by the attorney GAL. At the same time, the analytical skills which notice inconsistent responses during a lengthy interview may come more easily to the attorney GAL. A comfortable facility with the stages and approaches to adult and child interviewing will afford the GAL with a rich and useful pallet with which to describe a particular family.

THE ADULT INTERVIEW

The investigation usually is commenced by asking the parents to fill out a detailed questionnaire. This questionnaire can provide a volume of background information that will serve as a helpful platform for the interview.

There is a divergence of thought regarding the composition of the parent interview. Some practitioners recommend that, if at all possible, the parents be interviewed together initially. It is thought that the self censorship or heightened stress and emotionality of this approach is outweighed by the valuable information received through observing the parents' interaction. As there will also be individual meetings, this initial interview as the advantage of economizing time in exploration of various historical facts of the marriage and separation (if it has occurred). It should be noted that, while this approach is recommended by Dianne Skafte in her excellent book, *Child Custody Evaluations - A Practical Guide* it is generally not done in this jurisdiction. Should you have the occasion or interest in conducting a conjoint interview, some of the following comments may be helpful (as they will be equally useful when considering individual meetings with each parent).

Of course, to make this approach worth the effort, one must be reasonably aware of the basics of non-verbal communication and process (vs. substance).

A Note on Non-Verbal Communication: Jay Haley, one of the original theorists in the field of family therapy once said, "You cannot *not* communicate." By this, Haley suggested that virtually everything is communication. We may not know precisely *what* is being communicated but everything is a clue to be explored immediately or at a later time. Parents who are participating in an interview as part of a process to determine their future relationship with their children are quite naturally going to be experiencing a good deal of stress. How are they displaying this stress? A number of questions the interviewer may want to consider include:

How does the party dress? Does s/he come late or early to the meeting? Are they either particularly formal or informal in meeting you? Is there stress expressed through a hostile air? Are they able to maintain eye contact with you, or on the flip side, is their eye contact overly long and intense? (Therapists often say that the way you react to a client is diagnostic. This means that if you can sufficiently clear yourself of preconceptions, doubts and your own emotional "baggage" going into a meeting and maintain a position of relaxed curiosity, then your reaction to an interviewee will in some way reflect how this person is presenting themselves to the world. If their presentation makes you uncomfortable, this may be indicative not so much of your anxiety but rather of their affect.) Does s/he speak quickly? Do they describe things with precision or elliptically?

A Note on *How the Subject Responds*: The subject has in all likelihood never undergone an interview like this in their lives - in which they are asked to recount very sensitive and intimate details of their lives in a context in which they are being evaluated by a third party for the purpose of determining a vital interest (their future relationship with their children). Thus, it is to be anticipated that subjects will provide responses that are marked by emotionally loaded shorthand expressions, vague references and/or offhand or brief responses which either deny or minimize a sensitive area. It is critical that you be alert to these less-than-complete or responsive statements.

It will be often notable that subjects will describe their family of origin experience as very good or loving or free of conflict. These rather idyllic descriptions will seem inconsistent with the later events or emotional development of the subject. As will be discussed in a later section, in order to obtain the information essential to your task, you will need to circle back and re-ask a question (perhaps with a different focus) if you have concerns about inconsistent or incomplete history provided by the subject.

A Note on *Process*: Lawyers can often become very focused on the content of people's statements or complaints. Questions arise: "Is this true or false? What really happened? Whose fault was it?" However, oftentimes, the concentration on the content of an interaction diverts us from the rich information to be gained through observation of process. How do people interact? Does one speak while the other sits back silently, their face tight with stress? Do they look at one another when they speak? Does one exercise more power in the relationship and thereby dominate the exchanges? (If so, the exploration of the source of that power will be a fruitful exercise - is it imposed through physical or emotional intimidation, money, relationship with the children, sex? Sometimes each person attempts to exercise their own power in a relationship with one controlling the money and the other controlling the relationship with the children. If that is the case, what do people say that may give hints into this process?) In a dual session some of the questions may include: Does one person react when the other says something...by a sound or a change in their body posture? Does one continually override or interrupt the other? Does a parent who may appear even tempered in an individual meeting (or be describe as such by collaterals) react explosively in response to comments by their spouse? Does one parent seem to express more anger at the other or is one more consciously concerned with the well-being of the children than the other?

Question Construction: Generally speaking, questions may either be open or closed-ended. Each has its particular function and value in the interviewing process. Open ended questions are those which ask for broad, general information, allowing the subject to organize their response in their own way. "Tell me about how you and your spouse met," or "What was it like growing up I your home as a child?" are examples of such open ended questions. Closed ended questions are more focused and seek to elicit specific kinds of information. "Did your spouse ever strike you," or "What residential schedule have you and your spouse followed since the separation?" are examples of closed ended questions. Each has its benefits and limitations.

Try sitting down with someone and asking them about a past event in their lives (an auto accident for example) and ask only open ended questions. Such an exercise will may only last 3 minutes, but it will provide a visceral example of the limitations of such questioning when you want to get down to specific details that are of interest in your inquiry. With open ended questions, the subject of the interview exercises greater control over the subject and direction of the inquiry. You will likely experience considerable frustration as you will want to focus in on certain subjects, but the open ended restriction prevents you from doing this. Now try the same exercise using only closed ended questions. Now the control over the agenda shifts to the questioner. The subject may wish to convey information that he/she believes is important, but with the use of closed ended questions, only, this become difficult, if not impossible. Learning to appropriately utilize and balance these two different questioning styles is an essential skill for the effective interviewer.

As a rule, you will want to begin the interview (and subsequent areas of inquiry) with open ended questions. You can obtain a treasure of information by how these questions are addressed by the subject. How do they organize their thinking? (Do they seem to be organized and sequential in their expression or disjointed and haphazard?) Do they respond appropriately to your question or do they use the inquiry as an invitation to bring up areas of vital interest to them? What is of paramount importance to the subject (i.e., what do they tend to raise early and often in response to open ended questions?)

One hazard of the open ended question is that the interviewer can lose some control over the direction and length of the interview, so care must be taken in reining in the subject at times. This is one area where the closed ended question can be quite valuable. Usually the balance of commencing a subject area with an open ended question and then focusing down on the details with closed ended inquiries is the most useful approach.

It is important in asking an open-ended question that you not follow up your question with a number of suggested responses (eg., "How did you feel when he left? Angry? Frightened? Sad?"). Let the question stand on its own and be aware that the way the subject responds is always information you can use in your assessment.

Attorney GAL's may have to work to develop their listening skills. Lawyers are educated and trained to be issue spotters. We evolve our theory of a case and then seek the facts which are relevant to this theory. In our search for what we believe is relevant, we may overlook or disregard information that is freely given (or hinted at) by the subject. A good rule for lawyers to be aware of is that you should not cut a subject off if they are responding to a question because

you have the next question ready to go. Let the subject finish what they have to say and be alert to tones of voice, changes of body posture or verbal asides. (Of course, there may well come a time that you have to cut off an answer because you have a particularly long-winded or disorganized subject and the interview needs to be tightened up in order to be completed, but that is a different matter.)

Therapist GAL's will have to be continually aware that this is not a therapeutic setting. Much of what you do quite naturally to convey empathy in the process of constructing a bond with a client must not be utilized in this interviewing arena. The objective nature of your role must be continually borne in mind and communicated to the subject. Empathic feedback, so normal in the therapeutic context, must be avoided. One commentator has recommended that eye contact should be minimized and note-taking emphasized. There is a risk for the therapeutically oriented interviewer that a perceived bond by the subject will result in a serious, adverse reaction and expressions of betrayal if the observations and recommendations are not favorable to that person.

CONDUCTING THE PARENT INTERVIEW

(The remainder of this section will assume that the parents are being interviewed separately.) Each Parent Interview should last about 1 ½ hours. You should commence your session with a brief introduction that sets the context of the meeting. Key elements of your introduction should include:

- Your name and profession;
- The fact that you have been appointed by the Court to conduct an investigation and draft a report providing recommendations for the residential arrangement and other parts of the parenting plan in the action;
- The clear notice that nothing that is said in the interview and nothing that is learned in the course of the investigation will be confidential (coupled with a statement that the party may refuse to answer any question you ask, but that only with full and accurate information can you do your work);
- A brief summary of the process which includes initial interview with each parent; an interview with each child; observation of each parent with the child(ren); contact with others that each parent (or the GAL) believes will provide a fuller picture and drafting of the report.

After the introduction, you will want to address the following general areas in your interview:

Family of Origin: In order to arrive at a rounded, consistent picture of this person before you, you will need to understand their early life experiences. Early life experiences are essential guides to understanding a person's present attitudes and coping mechanisms. Further, we must be aware that any information which a subject may perceive as being less than adulatory is threatening, so you may need to go back over these areas a second or even third time with more specific inquiries if you are to obtain the information. Questioning may proceed along these lines:

- Tell me where you grew up.

- Did you have any siblings? (If so, where were you in the birth order and how much time separated you?)
- How would you describe your mother? How would you describe your father?
- What did your father do for a living? Did your mother work when you were a child? If so, what did she do?
- How would you describe your parents' relationship?
- How did you get along with your siblings?
- Were there any difficulties while you were growing up with your family?
(Note: This is a very important inquiry. The subject may initially deny any problems, even though her father got drunk every night and was horribly abusive (for example). It may take some circling back into this area with more specific questions a little later on (as you will see below)).
- Did your parents stay together? How would you describe the divorce? (Again, be mindful that you don't suggest a menu of answers to questions like these.) What was the residential arrangement? Did either parent remarry? What was your stepmom/stepdad like? How was your life after the divorce?
- What kind of discipline did you get from your mother/father?
- Did any of the siblings get punished less or more than any other?
- Were you spanked? Hit? Yelled at frequently?
- Did either of your parents have a drinking problem? How did you know when you were a kid that they had a drinking problem?
- Did you ever experience physical, emotional or sexual abuse as a child? (If so, ask them to describe it.)
- How was school for you? Do you remember anything particularly fondly about your school experience? Were there things you particularly didn't like about school?
- Would you say that you were the kind of kid that had a lot of friends, or were you more of a loner?
- What sorts of things did you enjoy doing when you were young?
- How would you describe your teenage years?
- What was the greatest benefit of growing up in your particular family?
- What was the most negative thing?
- How would you describe your family's financial circumstances when you were a child?

- What kind of relationship do you have now with each of your parents? Each sibling?

Education and Work History: Outside of our intimate relationships, this is the area we apply ourselves. A brief history in this realm give the interviewer information about the subject's capacity for diligence, drive for achievement and stability, among other things. Questions may include:

- After high school what did you do?
- (If further education) How far did you go in school?
- How would you describe the experience?
- Did you have any special achievements?
- Did you have any particular difficulties?
- What words or phrases would your friends in school use to describe you?
- Did you work during school (high school and after)?
- Did you have extracurricular activities? What were they?
- What was your living situation in school?
- How was school paid for?
- (Turning to employment) What was your first job and how did you get it?
- Briefly trace your employment history. (Note whether periods are omitted or given notable short shrift.) *For each job....* Did you like this job? If so, what did you like about it? If not, why not? Why did you leave?
- What are your career goals?
- Is there some other occupation that you would have liked to get into? What has kept you from that?

Relationship History: The relationship you are exploring for this evaluation is probably not the only one experienced by the subject. Some exploration into the other intimate relationships experienced by this person may reveal patterns and persistent attitudes about intimate relationships that will provide useful information.

- Did you date when you were in high school?
- Did you have a girl/boyfriend? How long did the relationship last? What was he/she like?
- Have you had any significant relationships as an adult before you were married?
- Were you ever engaged?
- Did you have any children before you were married? If "yes" do you maintain contact with the other parent? What is your relationship with him/her?
- For each prior relationship: What sorts of things would you have conflict

about? How did you deal with the conflict? How did he/she deal with the conflict? (Note whether there is a pattern of difficulties in either areas of conflict or how the conflict is dealt with.)

- Why did the relationship end?
- Were there problems in any relationship over drinking or any kind of abuse?
-

Current Marriage: This is where you begin to explore the current relationship. You will want to be particularly sensitive to any distortion occasioned by the emotional reaction to the (ex)spouse.

- Let's talk for a moment about your current marriage. How did you meet your (ex)spouse? (In the actual interview, you will want to use the other person's first name. Since this other person may not yet be an "ex" spouse, for the purpose of these questions the term "spouse" will be utilized.
- When did the two of you meet?
- What first attracted you to him/her?
- How long before you became sexually intimate?
- How long was it before you decided to get married?
- Whose idea was it, first, to get married?
- How did your family feel about your getting married?
- How did his/her family feel?
- What was your wedding like?
- How was your relationship like before you/your spouse became pregnant?
- Was this a planned pregnancy? If not, how did you feel about this? Your spouse?
- How did the pregnancy go? How was the delivery?
- When was the first time you felt that the two of you had serious problems in your relationship? What happened? What did you do about it?
- Have you and your spouse had any kind of counseling? When? With whom? What was the outcome?
- Did your relationship change after the birth of your first child? (Again, it

is good to use the actual names.) How?

- Describe your relationship with your first child. What was he/she like as a baby? As a toddler?
- What is most enjoyable thing about being a parent?
- What is the hardest part?
- How did your spouse take to being a parent?
- Was your next child planned? What was your reaction when you learned that you/your spouse was pregnant? Was your spouse's reaction?
- Did you ever discuss how many children you wanted to have? If you disagreed, how did you deal with the disagreement.
- What was the next child like as a baby? As a toddler?
- Same for the subsequent children. Be sure be clear on when each child was born - the time distance between each child.
- Did you/your spouse ever get pregnant other than these times?
- What is (child's name) like now?
- How is s/he dealing with the divorce?
- Returning to your relationship with your spouse, what have been the issues you have fought about the most? What does he/she say? What do you say?
- How do you fight?
- How do you resolve your differences? (Do you feel you actually resolve your differences?)
- Is there anything that makes your fights worse (looking for drug or alcohol use, involvement of family members, etc.)?
- In the last few years, how has your spouse taken to being a parent? You?
- How have the two of you shared parenting responsibilities?
- Are you happy with your role? Your spouses? What would be different?
- What have the schedules with the children been like?
- How have you and your spouse differed about parenting (diet, bedtime, discipline, etc.)

Separation: These questions explore the problems in the relationship.

- What led to the break-up?
- Usually when a marriage ends, one person withdraws emotionally from the marriage first and the other one feels left. Which are you? Explain why you feel that way. (This is a very important line of inquiry. It is oft-stated in the literature on divorce that one person withdraws emotionally from the marriage before the other and their emotional experiences of this process are dramatically different. One is the “leaver” and their emotional reaction may be expected to be one of relief and/or guilt at breaking up the family. The other is the “left” and they may have been living in a state of denial about problems in the marriage, so when that denial is shattered, they are much more likely to experience deep anger, betrayal and grief over the end of the marriage. These emotional reactions to the separation will likely color each person’s view of the other and their own responses to the process.)

How did you/your spouse convey that the marriage was over?

How did you/your spouse respond?

Are you still living together? If not, when did you separate? Who left? Where did s/he go to live? How was it determined that s/he would be the one to move out? What was the process of their moving out like?

How did you tell the child(ren) you were getting divorced?

Have either of you been involved romantically with someone else? If you, when did this start and what were the circumstances? Does your spouse know? How did he/she find out? If your spouse, how did you find out? When did this relationship start?

What problems have you and your spouse had since the separation?

Post-Divorce Parenting: Here you can explore in greater detail the pattern of parenting since divorce and the desires/expectations of each parent.

- For each child, what kind of person is he/she?
- Were there any problems with the pregnancy?
- Has he/she had any developmental difficulties? What has his/her doctors or teachers said about this?
- What are this child’s strengths? What are this child’s difficulties?

• How does she/he relate to her/his siblings?

INTERVIEWING CHILDREN

Introduction

Interviewing children may be the most challenging and difficult part of conducting a custody evaluation. The evaluator must be educated about the effectiveness of various interview protocols and know which formats are known to provide the most information, cause the least trauma to the child and yield the most reliable information. Interview techniques should vary according to the age, development of the child and the specifics of the case. Some children should not be interviewed by a general practice evaluator particularly if there are allegations or knowledge about acts of sexual or physical abuse and if they have already been or will be interviewed by child expert interviewers. Knowledge of child development is absolutely necessary to conducting interviews of children. Differences in children's cognitive gains, their perceptions about time, their ability to consider abstract thought and their emotional need to protect parents or perform for adults means that the interviewer must carefully craft the way that questions are posed as well as know how to interpret the answers. A different vocabulary should be used for younger children so that the child understands the question; as well, the interviewer should be aware of the child's own vocabulary so that answers are understood and interpreted correctly. Children should be asked if they understand posed questions as they may not tell the interviewer that they don't understand the question.

This section is not meant to be a comprehensive coverage of the subject of child interviewing; it does not include a complete review of pertinent literature regarding interviewing children as there is simply too much to cover. Whole chapters of books have been dedicated to the subject of child interviews as part of child custody evaluations. What is covered in this section are a few research based principles of child interviewing as "the most productive and helpful interviews are likely to be those that integrate information from both forensic practice and research findings" (Daniel J. Hyman, 1998). A suggested list of questions is included for young children (Appendix A) and for adolescents (Appendix B) as well as a useful "Guidelines for Talking with Children", (Appendix C). A review of child interview literature reveals information about cases which require the use of "expert child interviewers" such as police, sexual assault units at hospitals or highly trained mental health professionals. There is a great deal of literature by professionals ranging from family therapists and psychiatrists to child welfare and police department personnel who have written extensively about interviewing traumatized children who are thought or known to be victims of sexual or physical abuse. Specific interview guidelines are necessary when the child has experienced trauma or been sexually abused. A reference at the end of the section lists a few articles about this specialized type of interviewing.

A review of the literature regarding interviewing children can be intimidating in that experts don't necessarily agree on one methodology. Bricklen (1995) goes as far as to say that interviewing children is often iatrogenic because it can inadvertently encourage members of the family to make negative statements that exacerbate conflicts. He suggests a reliance on tests he has developed for custody evaluations. It does not appear from a general literature search that

most professionals agree with Bricklen. Interviews that have been the subject of research regarding the validity of responses and score fairly well are the: Open-ended questions interview, Structured interview, Step-Wise Interview, Cognitive interviews (encompassing four interview techniques), the Allegation Blind interview (reported to yield higher disclosure rates about specific events) and Truth Lie Discussions, to name a few.

In this section the reader will find a consideration of the goals of the interviews and information on the Step-Wise interview, chosen because it is simple to understand, accessible to beginning interviewers and is a safe approach in that there are careful distinctions between open ended versus leading questions. Developed by John Yuillie and his colleagues, it is meant to minimize any trauma the child may experience during the interview, maximize the amount and quality of the information obtained while minimizing any contamination of that information. Difficulties in interpreting children's statements increase the challenges of conducting these interviews and information will be given about how to interpret answers.

Goals of the child interview

Let's first discuss the factors to be considered when focusing on the best interests of children, our goal in formulating custody recommendations. We conduct interviews to establish: the wishes of the parents; the wishes of the child; the interactions of the child with the parents, siblings, and other relevant individuals; the child's adjustment to the home, school and community; the mental and physical health of all involved parties; and other issues that may be seen as important in individual cases. Parental absence and the effect on the child, economic hardship, poor parental adjustment and parenting practices, life stresses and interparental conflict are factors important to consider when formulating interview questions. Put another way, the evaluator wants to know about the child's social functioning, temperament, emotional functioning, mental health, general functioning, their experience of the divorce and how the current situation is working for them. A list of questions is appended (Appendix A and B) that covers these areas of interest.

Protocols for interviewing

Evaluators are encouraged to interview the child during home visits with each parent and after the parent/child observation. If necessary, the child can also be brought to the evaluator's office for follow up interviews or to clarify their perspective or if the evaluator feels the need to get to know the child better. It is important to interview the child alone. The parent might remain in the room for a discrete period of time in order for a child to become comfortable, (usually necessary for young children) but the questions could be limited to neutral questions during that phase of the interview. More critical questions should be asked when the parent is not in the room. A neutral location in the home is best, rather than the child's bedroom. If a child is estranged from a parent, the interview could take place in the evaluator's office or a neutral location such as the children's area at a local library or coffee shop.

Formulating the interview

Most writers agree that it is extremely important to set up the interview so that the child feels comfortable and rapport can develop. The evaluator should begin by asking if the child understands why they are being interviewed. Many children need the distraction of being able to draw or play during the interview. Materials should be available and the room set up so that even small children can sit and draw or play. The better the rapport, the more likely it is that the child will be forthcoming. One way to develop rapport and ease a child into an interview is to begin with neutral questions requiring very short answers such as "What school do you go to? What is your favorite subject? Do you have hobbies? What kinds of things do you like to do on the weekends? With small children in particular, questions that are neutral should be interspersed with questions that are likely to be experienced as more intense so that children don't tire or become adversely affected by the interview experience.

The focus here will be on the Step-Wise Interview as it is easiest to utilize and has the widest applicability. For a detailed explanation of this technique, see the article, "Forensic Interviews and Child Welfare", December 2002, found in the reference section. A chart showing application of this type of interview is shown as Appendix D. The Step-Wise interview begins with a "rapport building phase" by asking questions about the child's interests. The rules for the interview are discussed (e.g., "If you are unsure about an answer, please say so." The interviewer then introduces a "topic of concern" such as "Do you know why we are here today?" The evaluator then moved to "questioning." A reliance on open ended questions will serve an evaluator well in that they elicit longer, more detailed and more accurate responses than other types of "interviewer utterances by school age and adolescent children". Open ended questions are not as helpful for young children who need a bit more specificity or simplicity. In general, questions should begin with questions such as "How do you get along with your daddy/mommy?" Questions begin as open ended; then specific. This technique can be used for topics during an interview that require special care. More neutral questions can be interspersed with use of the Step-Wise interview. Even if the evaluator is aware that there is an issue with one parent, the child should be asked about the issue as it exists with either parent. For example, if the evaluator believed that the children might have seen parent A being aggressive toward Parent B, the interviewer would ask about each parent being aggressive.

Length of the interview

The length of the interview depends on the age of the child, their verbal skills and comfort level. The evaluator can continue with the interview as long as the child feels like talking but should end the interview when the child becomes fidgety, tired, disengaged or say they want to stop. Some general guidelines are:

3-4	10-15 minutes or as long as they are interested
5-7	15-30 minutes
8-11	15-40 minutes
11-15	30-60 minutes
15-18	45-60 minutes

Understanding the answers children give during interviews

The evaluator must be cautious about bold statements made by children, particularly if they are unsolicited, use language that is above the child's developmental level or that mimics the same wording as the parent has used. One expert described a case where a child had spontaneously indicated a desire to maintain the status quo regarding the visitation schedule. The evaluator was criticized for not considering this statement more strongly. However, other experts cautioned that a child who volunteers information "may be subject to parental influence to create an impression for the evaluator that is not based on actual parent-child interactions". (See Daniel J. Hynan's article, "Interviewing Children in Custody Evaluations" found in the October 1998 issue of the Family and Conciliation Courts Review.) An excellent chapter in Dan Saposnek's book, "Mediating Child Custody Disputes" describes the various responses of children to the initiation of divorce and loss of a non-residential parent and how children might become "*innocent and functional contributors*" to the disputes as a part of a dysfunctional family system and to address their needs. Statements then need to be evaluated by reflecting on the "function" of the child's statements. One should consider if child's comments were made in an attempt to bring mom and dad back together or in order to show loyalty to one parent, to be fair to both parents or in order to help one parent.

How to know if a child has been coached (Dr. Naomi Oderberg)

One evaluator tells of a case where she was interviewing a six year old boy in "a two mom family". At the first mom's house the child behaved normally; then at the other mom's house, the first thing he said to the evaluator was, "I want to live with my mom all the time and just visit my mommy." If the child spontaneously tells the evaluator where they want to live and the language and other information suggests that they may be influenced, there are a couple of strategies to determine if that is so:

- Look for developmentally appropriate language
- Descriptions that appear to be from a child's point of view
- Encourage spontaneous disclosures which are more trustworthy.
- Look for the presence of peripheral details when describing an event.
- Look for child language that mirror's the parents. I sometimes hear the same phrase coming out of a child as I did during a parent interview. This usually tells me the child is being exposed to more information than they should be.

When Not to interview a child

Lauren Flick, a psychologist who has completed over 3000 interviews with children, described the problem with multiple interviews of a child as follows: "If the interviewer is the first person to speak with a child about an event, the event is like a design at the bottom of a swimming pool filled with clear water – it is easy to read. Each subsequent interview about an alleged event clouds the water and if a child has spoken to a principal, the police and their parents before the evaluator talks with them, it is very difficult to see the design (event) clearly." (North Carolina Child Welfare Notes). If sex abuse has been alleged, the child should be interviewed by a police expert interviewer who has learned special skills, by Child Protective Services or by a response

team who also has received advanced training. An evaluator who has not been trained for this specialty and/or had supervision in conducting interviews could pollute the information by asking leading questions at the wrong time, misunderstand answers or formulate questions in a manner that is too intense and thus traumatizing for the child. Some psychologists or other professionals by virtue of extensive training and practice can be considered as "expert child interviews"; however, there is no exact certification or standard so one should be cautious about choosing to utilize their services.

Dr. Andy Benjamin writes on page 190 in his book, "Family Evaluation in Custody Litigation", co-authored by Jackie K. Gollan, "Typically a young child is not interviewed individually or asked about his or her preferences for placement or visitation. This is to protect the child from feeling responsible for any outcome associated with the evaluation."

Clearly there is a range of thoughts about interviewing children. All of the literature reviewed seemed in agreement that children should never be asked which parent they want to live with. While some professionals believe that only testing can provide accurate information, others believe that proper questioning, after establishing rapport with a child, yields much information necessary to formulating evaluations. Others feel that observing parents and children provides enough data for their evaluations. They don't want to burden children with believing that something they said during the interviews caused harm to a parent. Loyalty issues and distress about discussing painful family matters often place limits on obtaining accurate information. Evaluators can easily misunderstand children if they are not trained properly or follow the guidelines of research based methodology. Lastly, information given by children must be considered in conjunction with other data in the evaluation.

APPENDIX A
Sample Questions for Children's Interview
(Courtesy of Dr. Naomi Oderberg)

Questions are to be tailored for each family (i.e. two biological parents, adopted parents or sibs, step parents or sibs, grand parents, same sex parents, etc.). To simplify, I'll be using the terms mother and father

Ice Breakers/ Learning about the Child's Life

First questions are neutral, getting a general view of child's life

I'm looking for whether the child has interests, is engaged in their lives, is sociable or are they withdrawn, not finding pleasure in things, under-stimulated. For teens, lack of interests could also be a cue for regular marijuana use.

What school do you go to? What grade are you in? What do you like best/least about school? What is your favorite subject? How are your grades? What's it like to show your parents your report card?

Do you have any hobbies? What kinds of things do you enjoy doing on the weekends? Which chat rooms do you visit? How many hours of TV/computer/text messaging/video games watch/do each day? What's your favorite TV show/video game? Do you have any after school activities? Are you on any sports teams?

Peers

Who do you usually play with/hang out with? Do you have a best friend? Do you see each other outside of school/religious activity/sports team, etc.?

Who do you hang out with at recess? **You get a great feeling for their social situation and how they feel about themselves from bringing recess up. It's one of the most important parts of school for elementary age kids.**

Finding Out About Home

Give me an example of what a normal day would be like with dad/mom? **From morning until night, ask for details and questions about who is in a care giving role. Asking about parts of the day that will tell you about routines and consistency.** Who wakes you up in the morning? Makes breakfast? How do you get to school?

What kind of chores do you have at mom's/dad's? **Are they being given appropriate levels of responsibility.**

What do you talk about at dinner time? What does your family do after dinner? What time do you get ready for bed? Who helps you/puts you to sleep? What are your bedtime routines?

How much homework do you usually have? Who helps you with it? How do you like working with Mom/Dad? What happens if you do an especially good job? What happens when you're not trying very hard? **This is another very telling area for eliciting information about the parent/child relationship. Are there power struggles going on? Can parent and child work cooperatively or collaboratively?**

I ask about Discipline. Is it consistent, benevolent, predictable or rigid, harsh and inconsistent?

What are some of the rules your dad's/ mom's house? What happens if you break a rule? What happens when you get in trouble? What kind of consequences/punishment/discipline do you get from your mom/dad?

Tell me about a time when you think you were unfairly punished.

What's the worst trouble you've ever been in?

Is corporal punishment is used: Who disciplines you? What do they spank you with a hand or an object? On a scale from one to ten, with one being "it's nothing" and ten being "it's really bad," how much does it hurt?

What's something your mom/dad do if they want to give you a special treat or surprise? **End on a more positive note and then go to a more neutral topic after this section.**

Self

Looking for self concept/self esteem. Name three things you like about yourself. If you could change one thing about yourself, what would it be? What kinds of things are you good at?

In general we're looking for anxiety symptoms, ability to regulate affect and manage feelings and sooth oneself. Give me an example of a couple of things that make you happy? Sad? Angry? Excited? Frustrated? How do you get yourself to feel better when you're down? Have you been worried about anything lately? Tell me about that.

Who do you talk with about your worries/problems/need help? **This can give you insight into how the child relates to his/her parents.** What's it like to walk into a room full of new people

Siblings

I'm looking for the degree of conflict, what the distribution of power is between sibs, what are patterns in the sibling relationship that may reflect the parental relationship.

I'm particularly interested in finding out if one sibling is being mean, attacking, devaluing of another sibling. If there are conflicts, do the parents intervene or not?

How do you get along with your brother/sister? What do you like about your sister/brother?

What annoys you most about him/her? How often do you fight? What happens when you fight?

Tell me about a time your bro/sis helped you

Current Parent/Child Relationship

Tell me three words that describe your mom/dad? What is one of your favorite things about him/her? If you could change something about your dad/mom, what would it be? What does your mom/dad do that is most annoying? Nicest thing? What do your friends think about your mom/dad?

What do you like to do with your mom/dad? Do you have family traditions? What are they? Do you feel your mom/dad treats you with respect?

Do you talk to mom/dad when you are at dad/mom's? How often does your mom/dad call you? How often do you call her/him? **You want to try to find out if parent's calls are interfering with visitation or if they are being monitored.** Where is your mom/dad when you're on the phone with dad/mom?

Ask about residential time with each parent. What do you do? Where do you go? Who's usually there? **Is it Disneyland dad/mom or do they have their own normalized routine.** What kinds of things are similar at your mom/dad's house? What kinds of things are different?

If you were having a problem with some kids at school, who would you talk with? If you were upset, angry, sad, scared...who do you like to talk with? **Teens are more likely to say friends but usually don't exclude parents all together. If little kids don't mention parents, I wonder why.** Who do you talk to when you feel sad, angry, upset, scared...? Is s/he helpful? Ever Have nightmares? Who do you ask for when you wake up at night? Who takes care of you when you are sick? Does either of your parents participate at school/sports?

How do you know when your mom/dad is sad/happy/worried/frustrated/angry/excited? What happens when you get mad at your dad/mom? How does your family resolve conflict?

If you were on an island and could only pick one person to be with you, who would it be? What if you could have two people with you? Who else would you want to be there? **It's really interesting. There are times when kids who are in high conflict families only want their friends on the island and no parents, or they leave siblings off the island, or leave one parent off. Then you can explore this further. Another one is:** If you had three wishes what would they be? What would you do with a million dollars? If you had a magic wand and could change anything you wanted, what would you change? What would you change about your family, mom/dad, yourself?

The Divorce

Do you remember what it was like when you were all living together? How old were you when your parents separated/divorced? What has changed since the divorce? Why do you think they separated/divorced? How did they get along before they separated?

Who told you about the separation? What did they say? **What happened the day your mother/father left?** How do you feel about it now? What kinds of things are better since the divorce? Worse?

Parents' Relationship

How do your parents get along now? How does your mom/dad feel about your dad/mom? What gives you that impression? If you could change something about the way they treat each other, what would it be?

What kinds of things does your mom/dad say about your dad/mom? Do you ever hear your dad/mom talking on the phone to someone else about mom/dad? What have you heard?

Transitions can be a really stressful time for children: What is it like when you go from mom's home to dad's home? How do you feel about it? Is there anything that makes you uncomfortable during transitions?

Residential Arrangement

What is your schedule with mom/dad? How is that for you? What is it like going back and forth? What happens if you're at your dad's but you've left something you really need at mom's? Are there any particular things you always take with you? Ask if they can take their stuff back and forth or have to keep toys and games at one home.

If you could change something, what would it be? For older children I'll ask if they have any ideas about how to make the schedule work better, particularly if they have indicated that there are any problems or areas of discomfort.

How is your mom when you're at your dad's? What does your mom do when you are at your dad's? Do you worry about your mom/dad when at your dad's/mom's? If a parent is not regulating their affect well, are depressed, anxious, personality disordered you may get a positive response.

Is the schedule always the same? What kinds of things come up that change the schedule? What happens if it's time to be with your dad but you have a ball game/party/play date to go to?

Closing up the Interview

Try to allow at least 5 or 10 minutes to neutralize the situation and help the child get contained if the interview was difficult for him/her. It's helpful to go back to some general, neutral questions. What is your week going to be like this week? Do you have any special plans? Have you seen any good movies lately? What are you planning to do after you're done here? Talk about pets or other topics you've found the child brightens up about.

Is there anything else you would like me to know (to talk with me about)? **Praise the child and thank them for their participation. Try to leave on a positive note.**

APPENDIX B

The Adolescent Interview **From Appendix H in Dr. Benjamin, Dr. Gollan's book** **Family Evaluation in Custody Litigation**

School History

Where do you go to school? What grade are you in? Who are your teachers? Do you like school? What aspects do you like and dislike of school? How do you do academically in school? What is your GPA? Do you complete homework? In what ways has each parent helped you with your school work and grades? What would people in school who knew you say to describe you? Do you have as many friends as you would like? Extra curricular activities? Do you work after school? Any significant events happen during your time in school? When have your parents met your teachers? What do they say about them? What do they say about you? Have you spoken with other school professionals? What do they say about you? Do you have any learning problems, including difficulties with attention, concentration? Have you had any problems or bad experiences at school? Have you been abused, bullied, or harassed while at school? Do you have any disciplinary problems? Behavioral problems with teachers or peers? How has each parent responded to these problems?

Family Questions

How well are the current living arrangements with your parents working in your view? What works? What doesn't work? What are your specific daily schedule and routine in both of your parents' homes? Does either parent give different attention or guidance in the particular areas of your routine? What do you do for fun? How often do you play with your siblings? Any problems or concerns? How much quiet time do you need in the course of the day? What type? What kind of activities do you do with each parent? How much time do you spend with your parent each day? What kind of play do you engage in with each parent? What kinds of games do you select? How has your relationship changed with each parent since they separated? What works? What doesn't work? Where and when do you make transitions from one house to another? What works? What doesn't work? What kinds of behavior does each parent engage in to make you mad? Sad? Happy? How about your behaviors that make each parent mad? Sad? Happy? What kinds of topics does each parent talk to you about, either in person or by phone? What are the hot issues that usually produce arguments between your parents? Please discuss the worst fight you saw them in? (Use the allegation form in Appendix F) For each of the child-related and adult-related allegations raised by each party, ask the teen to describe two of the worst examples of each allegation he or she may have witnessed or endured.

APPENDIX C

Guidelines for Talking with Children

Phonology

- ❖ Speak to the child using proper pronunciation. Do not use baby talk. Do not guess what a child might have said. If a comment is uninterpretable, ask the child to repeat the comment.
- ❖ Remember that the child may pronounce words differently than an adult would. If there might be another interpretation of what the child said (e.g., *body* or *potty*), clarify the meaning of the target word by asking a follow-up question (e.g., "I'm not sure I understand where he peed. Tell me more about where he peed.").

Vocabulary

- ❖ A word might not mean the same thing to the child and the interviewer. Instead, the child's usage may be more restrictive (bathing suits, shoes, or pajamas may not be *clothes* to the child; only hands maybe capable of *touching*); more inclusive (*in* might mean *in* or *between*); or idiosyncratic (i.e., having no counterpart in typical adult speech).
- ❖ Avoid introducing new words, such as the names of specific persons or body parts, until the child first uses those words.
- ❖ The ability to answer questions about the time of an event is very limited before 8 to 10 years of age. Try to narrow down the time of an event by asking about activities or events that children understand, such as whether it was a school day or what the child was doing that day. Even the words *before* and *after* might produce inconsistent answers from children under the age of 7 (e.g., "Did it happen before Christmas?").
- ❖ When the child mentions a specific person, ask follow-up questions to make sure that the identification is unambiguous.
- ❖ Beware of *shifters*, words whose meaning depends on the speaker's context, location, or relationship (e.g., *come/go, here/there, a/the, kinship terms*).
- ❖ Avoid complicated legal terms or other adult jargon.

Syntax

- ❖ Use sentences with subject-verb-object word orders. Avoid the passive voice.
- ❖ Avoid embedding clauses. Place the primary question *before* qualifications. For example, say "What did you do when he hit you?" rather than "When he hit you, what did you do?"
- ❖ Ask about only one concept per question.

- ❖ Avoid negatives, as in "Did you *not* see who it was?"
- ❖ Do not use tag questions, such as "This is a daddy doll, *isn't it?*". Be redundant. Words such as *she, he, that, or it* may be ambiguous. When possible, use the referent rather than a pointing word that refers back to a referent.
- ❖ Children learn to answer *what, who, and where* questions earlier than *when, how, and why* questions.
- ❖ Avoid nominalization. That is, do not convert verbs into nouns (e.g. "the poking").

Pragmatics

- ❖ Different cultural groups have different norms for conversing with authority figures or strangers. Avoid correcting a child's nonverbal behavior unless it is interfering with your ability to hear the child or otherwise impeding the interview.
- ❖ Language diversity includes diversity in the way conversations are structured. Be tolerant of talk that seems off topic and avoiding interrupting children while they are speaking.
- ❖ Children may believe that it is polite to agree with a stranger. It is especially important to avoid leading or yes-no format questions with children who might always be expected to comply even when adults are wrong.

From: Poole, D.A. and Lamb, M.E. (1998). *Investigative Interviews of Children*. Washington, DC: American Psychological Association. PP 1

APPENDIX D

A Continuum of Types of Questions To Be Used in Interviewing Children Alleged to Have Been Sexually Abused			
Kathleen Coulbom Faller, MSW, PhD.			
	Question Type	Example	Child Response
<div style="display: flex; align-items: center; justify-content: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg); font-weight: bold; margin-right: 10px;">Open-Ended</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg); font-weight: bold; margin-right: 10px;">↑</div> </div>	A. General*	Do you know why you came to see me today?	To tell you about my daddy.
	B. Focused	How do you get along with your daddy?	OK, except when he babysits for me.
		What happens when he babysits?	He plays a game with my hole.
		What does he use to play with your hole?	His "wiener."
	C. Multiple Choice	Does he play with your hole with his finger, his "wiener," or something else?	He used his "wiener."
		Did he say anything about telling or not telling?	Don't tell or you'll get punished.
		Did you have your clothes off or on, or some off and some on?	I took my pants off.
	D. Yes-No Questions	Did he tell you not to tell?	Yup.
		Did you have your clothes off?	No, just my panties.
	E. Leading Questions**	He took your clothes off, didn't he?	Yup.
<div style="display: flex; align-items: center; justify-content: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg); font-weight: bold; margin-right: 10px;">Close-Ended</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg); font-weight: bold; margin-right: 10px;">↓</div> </div>		Didn't he stick his "wiener" in your hole?	Yup.

More Confidence

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Less Confidence

*Children usually are not very responsive to general questions. **Not appropriate when interviewing children.

Source: Faller, K. C. (1993). Child sexual abuse: Intervention and treatment issues. Washington, DC: USDHHS Administration for Children and Families. Online <<http://www.calib.com/nccanch/pubs/usermanuals/sexabuse/index.cfm>>.

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