

2020 Custody Guardian *ad Litem* Training Manual

6. Representing Children in High Conflict Cases

a. Child Development

- i. Child Development and Family Dynamics for Children's Representatives in Custody Proceedings (Kathy Shands, MD)
- ii. Child Development Guidelines and Implications for Visitation (Frances Stott, Ph.D., Erikson Institute)

b. Tips for Working With and Interviewing Children

- i. Continuum of Questions Handout
- ii. Interviewing Children Resources (Anne Graffam Walker, Ph.D, 2000)
- iii. Age Appropriate Interview Questions - Guidelines

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Child Development and Family Dynamics
For Children's Representatives in Custody Proceedings
Kathy Shands, M.D.

A Brief Outline of Theories of Child Development

➤ Cognitive Development (Piaget)

- Sensorimotor Period (0-2 years)
 - object permanence (18 months)
 - recognition memory vs. evocative memory
- Pre-operational Thought ((2-7 years)
 - "The Magic Years" (Fraiberg)
 - egocentrism
 - animism
 - size, shape, time
 - contiguity confused with causality
- Concrete Operations (7-12 years)
- Abstract Thinking ((13 years and up)

➤ Emotional Development; Development of Relationships with Others

- Object Relations (Mahler: "Separation-Individuation")
 - Symbiotic Phase (0-4 months)
 - Differentiation (4-10 months)
 - Stranger reaction (6-9 months)
 - Practicing (10-16 months)
 - Rapprochement (16-25 months)
 - "On the Way to Object Constancy" (2-3 years)
- Attachment
 - Ainsworth, Bowlby
- Psychosexual Development
 - Freud

Developmental Tasks for Children of Various Ages

(Adapted from Baris and Garrity)

- Infants
 - Form attachment to primary caretakers
 - Develop trust
- Toddlers
 - Begin to develop a sense of independence
 - Develop self-awareness
 - Learn to use language and locomotion
 - Develop capacity to use "transitional objects" for comfort
- Three to Five-Year-Olds
 - Grow in independence and individuality
 - Develop the capacity to hold absent parent in mind to comfort self for extended periods
 - Develop verbal skills to express of feelings and needs
 - Regulate and master emotions and bodily functions
 - Develop identification with the same-sex parent
- Six to Eight-Year-Olds
 - Begin to develop peer relationships
 - Develop a sense of morality
 - Develop empathy and greater internal regulation of impulses
 - Continue to develop a self-concept around competence and mastery
- Nine to Twelve-Year-Olds
 - Develop proficiency in skill areas: academic, athletic, artistic
 - Develop an increased awareness of self, evaluating own strengths and weaknesses as compared to others
 - Find a place within the peer group
- Adolescents
 - Continue to solidify identity
 - Separate from parents, prepare for independent living, and mourn the loss of childhood and its comfortable dependency and protection within the family
 - Negotiate and solidify peer relationships
 - Learn to handle sexual feelings
 - Establish a sense of self with respect to the rules and regulation of society

What Children Need From Parents at Various Developmental Levels

- All Children
 - Love
 - Empathy
 - Firmness and consistency
 - Stability and control of own emotions
 - Low levels of conflict between parents
- Infants
 - Nurturing attitude
 - Availability
 - Attunement to child's needs in absence of verbal communication
- Toddlers
 - Ability to let child go to explore and return for "emotional refueling"
 - Ability to monitor child's activities closely
 - Patience
- Six-to-Twelve Year Olds
 - Ability to foster peer relationships and community activities
 - Ability to provide for fostering of proficiencies
- Adolescents
 - Flexibility
 - Ability to tolerate challenging and questioning of parental authority
 - Ability to tolerate the child's independence

Application of Developmental Issues in Divorce/Custody Situations
(Adapted from "Sandcastles" and from Baris and Garrity)

➤ Understanding of and Reactions to Divorce

▪ Infants & Toddlers

- ✓ Infants have no understanding of divorce
- ✓ Toddlers understand one parent no longer lives in the home but do not understand why
- ✓ Feel loss of contact with primary, care-taking parent
- ✓ Feel loss of familiar and comfortable environment
- ✓ Experience confusion
- ✓ Experience unidentified sadness

▪ Three to Five-Year-Olds

- ✓ Understand parents are angry, upset, and live apart, but do not understand why
- ✓ Magical thinking results in sense of responsibility/guilt for divorce
- ✓ Experience anxiety around basic needs being met, e.g., feeding, shelter, visitation logistics, and abandonment
- ✓ Fantasize intact family and denies divorce
- ✓ Have fantasies and actions relating to reuniting of parents
- ✓ Difficulties in moving between households can be expected

▪ Six to Eight-Year-Olds

- ✓ Begin to understand what divorce means (e.g. may understand that parents no longer love each other and will not live together)
- ✓ Prevailing sadness
- ✓ Feel rejected
- ✓ Long for the absent parent
- ✓ Show direct expression of pain and anger
- ✓ Fears around money, food and a place to live
- ✓ Fear of losing both parents
- ✓ Self-blame manifested by feelings of responsibility/guilt and attempts to reunite parents

▪ Nine to Twelve-Year-Olds

- ✓ Empathic understanding of one or both parents with possible intense condemnation of one parent

- ✓ Demanding adequate adult-level explanations
- ✓ Aware of own rejection and vulnerability; obvious and sustained feelings of sadness, anger and hurt
- ✓ Feel possible sense of shame in community
- ✓ Experience hopelessness
- ✓ Feel out of control
- ✓ Demonstrate indifference

- Adolescents

- ✓ Take responsible role in helping run household
- ✓ Show accelerated emancipation because of lack of intact family from which to emancipate
- ✓ De-idealize one or both parents
- ✓ Embarrassment about family
- ✓ Distress over parents' more obvious sexuality (generally seen as "gross")
- ✓ Indifference
- ✓ Will place peer needs ahead of family and therefore may not want to visit

- Brief Notes on Talking to Kids at Various Ages

- Children less than 3 years of age should be interviewed with a parent.
- Children 3-8 may feel more comfortable and will give an interviewer more information if they can draw or play with dolls and other toys in order to express their feelings.
- Children in the "magic years" cannot place events into a time frame. They *can* reference accompanying events, e.g. "It was at Christmastime."
- Children, especially younger ones, may be coached or may feel and express loyalty to the parent who brought them to the interview.
- Children of all ages, but especially younger ones, may express preferences based on many issues other than who is the "best parent," including ambivalent attachment, the "Disneyland" approach, and the "parentified" child.

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CHILD DEVELOPMENT: GUIDELINES AND IMPLICATIONS FOR VISITATION

BIRTH TO 6 MONTHS

Child's Agenda:

- Physiological and emotional regulation (experience stabilization, positive emotions and control of negative emotions)
- Form special and specific relationships

Adult's Agenda:

- Reduce stress signals and enhance stabilization (be responsive to cues)
- Emotional availability, sensitivity, turn-taking, and consistency
- Recognize and control own anxiety and anger

Implications for Visitation:

- Learn what stabilizes infant
- Short and consistent visits
- Support for adult anxiety

SIX TO 18 MONTHS

Child's Agenda:

- Attachment to and trust in primary caregivers
- Experience with a wide range of emotions
- Explore the world
- Begin to develop self control

Adult's Agenda

- Provide emotional caring, consistency and time together
- Share positive and negative emotions (encourage partnership, i.e., provide alternatives, turns; share wonder and disappointments)
- Provide opportunities for exploration of objects, places
- Set clear limits (accompany increase in limits with more positive engagement)
- Control own emotions (avoid under, over control, power struggles--be firm, but fair)

Implications for Visitation:

- Support for adult's relationship with child
- Short predictable visits (longer or over-night only if there is a special relationship)
- Learn what child's joys are and what limit work (bring special object from home)
- Support for adults anger

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EIGHTEEN MONTHS TO 3 YEARS

Child's Agenda:

- Feel safe in an intimate relationship
- Seek and use adult as a secure base for exploration
- Development of autonomy (self-reliance)
- Experience and survive tantrums (learn that anger and despair need not lead to lasting collapse)
- Development of self-awareness and language
- Impulse control

Adult's Agenda:

- Provide emotional caring, consistency, and time together
- Provide safety (protect from danger and empathize with fears; share delight in objects and experiences)
- Promote self-reliance (locomotion, choices, exploration)
- Remain emotionally available while firm in position; modulate emotions and stimulation
- Point out others' point of view; communicate often and honestly (don't say one thing and mean another)
- Control own impulses; structure environment, help child

Implications for Visitation:

- Support for adult's relationship with child
- Longer visits, overnight stay by age 3 (earlier if indicated)
- Learn what child's routines, joys are (bring special objects from home)
- Learn what rules at home are and what limits work
- Support for adult's frustration and anger

THREE TO 6 YEARS

Child's Agenda:

- Regulate fears and anxieties, jealousies and rivalries
- Take initiative and experience genuine mastery
- Play with peers, adults
- Construct a positive view of self as valued and competent
- Moral development (assume responsibility, conform to social rules, identify with caregivers)

Adult's Agenda:

- Provide predictable and regular routines
- Accept, describe child's feelings
- Play, joint problem-solving with child
- Genuine approval
- Provide and model guidelines, expectations, consequences, and respect

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Implications for Visitation:

- Support adult's relationship with child
- Provide honest explanation (e.g., what happened to other parent)
- Longer over-night visits (2-3 days unless otherwise indicated)
- Plan activities; know what child's routine and rules are
- Support for adult's frustration, etc.

SIX TO 12 YEARS

Child's Agenda:

- Learning in school (and in other settings)
- Friendship with peers
- Gaining an identity through genuine accomplishment
- Moral development (knowledge of formal rules; increased responsibility)

Adult's Agenda:

- Maintain consistency, fairness
- Arrange and structure experiences to promote success in school and other arenas
- Arrange and structure experiences to promote friendships
- Affirm genuine efforts and accomplishments
- Provide rules, responsibilities; model moral behavior

Implications for Visitation:

- Support adult's relationship with child
- Support school and activity schedule and need for homework, practice, etc.
- Longer visits (1-2 weeks if logistically possible)
- Support adult in terms of planning for visit

TWELVE TO 18 YEARS

Child's Agenda:

- Development of a healthy and consistent identity
- Success in school (and other arenas)
- Friendships with peers

Adult's Agenda:

- Maintain fairness, consistency of values
- Allow child to separate, become increasingly independent
- Support friendships
- Control own emotions

Implications for Visitation:

- Support adult's relationship with child
- Respect child's desires, schedule, need to be with friends
- Support for adult's fears, anxieties, anger, misunderstandings
- Length of time works best when mutually determined

CONTINUUM OF QUESTIONS

Children provide the best and most accurate information when they are able to freely recall the information they are providing to adults. Research in the fields of child psychology and development has shown that gathering accurate information from children is best accomplished by using open-ended prompts and questions. When asked questions by adults, children are prone to wanting to give the answer that they perceive to be the right answer in the eyes of an adult, so it is important to avoid the suggestion of ideas when speaking with children.

Various types of questions are listed below. These are listed in order from the least structured and most open-ended type of questions to the most structured and close-ended type of questions. The purpose of this list is to help think about the formation of questions that are asked of clients, keeping in mind that the open-ended questions (top of the list) will produce the most reliable information when speaking with children.

1. **Broad Narrative Invitation:** A broad narrative invitation is simply asking a child to speak about any topic. Depending on a child's developmental level, they may be able to provide a good deal of information just based on an invitation to speak. The idea is to let the child talk as much as they can without asking additional questions or otherwise interjecting into the narrative. Example: "Tell me about school / your family / your house."
2. **Focused Narrative Invitation:** Focused narrative invitations are similar to broad narrative invitations, but they include a specific topic or item attached to the invitation. The focus can be something of special interest to the person asking the question or can be based off of something that the child already mentioned but that may warrant further inquiry. Example: "Tell me what you do when you get home from school." or "You mentioned your grandmother. Can you tell me more about her?"
3. **Detail Questions:** Detail questions are open-ended questions that ask for a specific piece of information. When an adult is seeking specific information, it may become necessary to direct the child's attention to the specific detail that is of interest. "Who," "what," "when," "where," and "how" questions can fill in these details without suggesting any specific answer to children. Examples: "What things did you do when you visited you dad?" and "How many times did that happen?"
4. **Multiple Choice Questions:** Multiple choice questions are open-ended questions that pose options for the person being asked. If an adult is seeking a specific piece of information and the child is having trouble understanding or responding to a detail question, it can be helpful to them to be given options for the answer. Example: "When

you see your mother, would you like to see her at her home, at your home, out in public, or somewhere else?"

5. Yes-No: Similar to multiple choice questions, these can help a child form a response to a detail-oriented question. It is generally useful to follow up from a yes-no question with an open-ended question that allows a child to give more information. Example: "Does Daddy ever spank you? Can you tell me about that?"
6. Leading and Suggestive Questions: These questions prompt specific responses from children or otherwise guide children to give information in a certain way. Information gathered using leading or suggestive questions is not reliable, and it is important not to depend on these questions when gathering information from children. Examples: "Your aunt is the best person to take care of you, isn't she?" or asking "Does your uncle smoke marijuana?" when the client has not indicated such.

Introduction to Handout Selection

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The following materials do not comprise a "paper" in the normal sense of the word, since they are handouts that accompany my workshops and seminars. But they do represent some of the principles which can assist interviewers and questioners of children to obtain information upon which they can rely. These principles are more fully discussed in the 2nd Edition of my book: Handbook on Questioning Children: A Linguistic Perspective, published in 1999 by the American Bar Association.

Adults traditionally have found interviewing children, especially pre-school-aged children, a difficult process, and as a result of their struggles, and the sometimes incomplete or inconsistent information they get, often come to the false conclusion that children are unreliable witnesses. But the problem doesn't belong to the children. The problem lies with the adults, who, because of their total amnesia about how they themselves acquired language, are not able to appreciate the extraordinary, generally unconscious skill they have in choosing words, putting them together in quite complex ways, and then knowing how to use those utterances in culturally acceptable ways.

Language acquisition is not just a process, it's an unstable one. A "rule," (such as forming plurals, use of adverbs or prepositions), can operate at one moment, but be lost five minutes later by a child who is still in the acquisition stage. That instability is a function of age, familiarity with the event, degree of trauma associated with that event, environment (who's asking, where, why, when), and, of course, knowledge. The same is true of our universal desire to know "What happened?" Skill in responding to that question can still be developing in the early teen years. Then there are the concepts we tap. We adults (who aren't all that good at responding to these same questions) ask when something happened, how long it took, how far away, how many times – and other details that require, if a response is to be accurate, complete command of the concept in the question. Most of those details can be obtained from children – but not by using the kind of questions that my experience has shown are typical. And that is something that most adults simply fail to recognize.

Along with language acquisition comes development of cognitive skills, one of which is to hold in memory incoming information. Again, adults have "forgotten" what's required in order to process a long, or even a short complex question, to untangle the often awkward utterances they hear, or even to be able to hook a pronoun to the right noun. (When he came home, did Daddy or Johnny make dinner?) It seems so simple to us – because we are experts. But we were NOT experts when we were children.

The bottom line in communicating accurately with children is that adults must realize that they and children do not speak the "same" language. Because the penalty for that lack of realization is daily miscarriages of justice which never need to have happened.

The Language of the Child Abuse Interview: Asking the Questions, Understanding the Answers

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In this chapter, we discuss the assumptions that adults make when speaking to each other, and how those assumptions may be inappropriate, and even harmful, if they are carried over into conversations with children. We recommend that, in any interview of a child, the child's comprehension of word meanings be established, that the complexity of sentences be tailored to the child's level of understanding, that the child's comprehension of questions be monitored, and that a structure be provided for the child's report.

This is a chapter about something so simple that we pay little attention to it, but something simultaneously so complex that we ought to: it is a chapter about *language*. More specifically, it is a chapter about assumptions that adults make about the language children speak, and about how those assumptions can lead interviewers astray when they talk to children.

People make a lot of assumptions when they carry on conversations with each other. They assume that each party intends to make sense, for one thing. And they assume that making sense will be done in a language that each person understands. This does not mean simply that each person agrees to speak a particular language, such as English, or Spanish, or Urdu. It means that whatever the language chosen, both parties assume that the other has an adequate store of words and idioms, a skill comparable to their own in putting those words together to make sentences that others will understand, and a shared cultural knowledge of how to use those words and sentences to get things done.

It is not surprising, then, considering that most of our assumptions about language are below awareness when we speak, that we carry them into our conversations with children. The problem is that we should not do so, because for children, particularly young children, those assumptions do not hold true. We cannot

consider here all of the ways in which that is so, but we can make a beginning. We will set out what we see as the basic assumption made by adults everywhere when they have conversations, and then break it down into four parts for discussion. At the end of the chapter, we will make a few practical suggestions and offer some recommendations for future reading, so that those who are interested in pursuing the linguistic complexities of talk with children can do so.

ADULT ASSUMPTIONS ABOUT LANGUAGE

The assumption that acts as a primary source of misunderstanding and misinterpretation when we adults talk to children is that *if someone sounds pretty much the way we do, that person has the same linguistic capacities that we have*. In other words, generally, when we begin our conversations (until or unless we have evidence to the contrary):

1. We assume that if someone uses a word, he or she understands its meaning.
2. We assume that if we can ask a complex question, the hearer can process it.
3. We assume that if the hearer does not understand something we have said, he or she will tell us so-and why, in some cases.
4. We assume that if we ask someone "What happened?" he or she can tell us-if he or she knows.

Let us take a closer look at these assumptions, and how they relate to children.

1. We Assume That If Someone Uses a Word, He or She Understands Its Meaning

The assumption that if someone uses a word appropriately, he or she understands it, is one that adults talking to adults must make, or communication could never be accomplished. It is not one, however, that adults should make when talking to children, yet they often do.

"My stepmother loves us. She's overprotective," a nine-year-old tells a judge, who responds, "Well, that's one thing you don't like about her?" "That's the thing I like about her," the child replies, comfortable with the fact that her stepmother cares for her (adapted from *Baxter v. Baxter*, in Jones, 1984).

In this case, the adult's incorrect assumption about the meaning of a word resulted in no harm. The odd juxtaposition of "loves" and "overprotective" caused the judge to ask a clarifying question, and a potentially significant misunderstanding was cleared up. But if there are no linguistic oddities, no overt clues, the clarifying questions can go unasked. When a five-year-old boy responds appropriately, "Before," to a judge's question, "When did it happen: before Christmas or after Christmas?" it is easy to take for granted that the child's "before" is the same as ours. And if we know that "after" is the correct answer, it is tempting to suspect the child's memory or competence rather than to investigate his stage of language development since "before" is such an "easy" word. In this case, which hinged on the child's identification of the exact date, the outcome was fortunately different. After several more questions about when the incident happened, the judge discovered the source of confusion when he asked: "Listen carefully now. What number comes *before* the number five?" and the child answered, "Six."

Studies by researchers of evidentiary interviews with children show us that we also take for granted that when children demonstrate for us their command over the easy words we use to count, name colors, recite the days of the week and months of the year, tell time, and talk about "Aunt Mary," their use of these words is evidence that they understand them as we do (e.g., Brennan & Brennan, 1988; Saywitz & Snyder, 1993; Walker, 1993). This assumption generates such questions as: "You counted for me, so you know

about numbers. So how many times did he do this to you?" And when the children give us answers that sound fantastical ("A hundred"), we can be led to discount their reports rather than to investigate the meaning attached to the words.

Taking words for granted is never a safe step in interviewing children. Preschool children are particularly vulnerable to misunderstandings. Their command of language is far from complete, and their ability to give a reliable interpretation to certain prepositions (e.g., "in front of/behind"), adjectives (e.g., "more/less"), adverbs (e.g., "before/after"; "-ly" forms), pronouns (e.g., "this/that"), verbs (e.g., "ask/tell"; "know/think/guess"), and nouns (distinctions between "lie" and "mistake") is limited. Even older children, up to about the age of 10 or 11, can experience difficulty with many of these words (see Gleason, 1993, for a review).

There is a flip side to the assumption that ties use to understanding - and that is that we adults expect our hearers to understand the words we use. On an intellectual level, of course, we do not really believe that children will understand such words as "perpetrator" or "prior to" or "differentiate," yet we use them nonetheless. And while we might catch ourselves now and then ("Oh: 'testify'; that's not a word a child would understand"), words like "court," "case," and "swear" give us no pause at all. Yet studies of children's knowledge of words like these (e.g., Saywitz, Jaenicke, & Campara, 1990; Warren-Leubecker, Tate, Hinton, & Ozbek, 1989) show us that when we say "court," and mean a place where disputes are settled, a child might well be seeing a place where games are played, such as a basketball court. When we talk about a "case," meaning a particular set of circumstances that we are involved in handling, the child might be thinking of something to carry papers in. And "swear" has a far more earthy meaning in everyday life, even for children, than it does in the law.

Everyday life is, after all, the sole source of our original fund of words. Experience is the source of meaning, and what we need to keep in mind when we talk to children is that mutual experience cannot be assumed. Not with life, and not with words.

2. We Assume That If We Can Ask a Complex Question, the Hearer Can Process It

A five-year-old girl was asked, "What was the name of the street on which you pointed out the house where one of the people lived who hurt Doug?" She answered, "I said 'down the street'." Obviously, the response does not match the question, but that is not surprising. To respond accurately, to give the name of the street, the child had to work her way through three relative clauses (beginning with "which," "where," "who"); remember a past action ("pointed out the house"); tackle an indefinite pronoun in an indefinite phrase ("one of the people"); leapfrog over one verb ("lived") to connect "people" with the verb "hurt"; and recognize "hurt" as the adult's euphemism for "killed." She had to, in effect, collapse five propositions (represented by five verbs) into one thought, and remember from beginning to end that the answer to the question should be a street name. Adults would have little difficulty with this task; for a five-year-old, it was impossible. She could not process it because, as is typical of children her age, she was unable to pay attention to that many ideas at once, and her answer focused on the idea that was the most salient to her: her original action in pointing out the house (Walker, 1993).

This example illustrates, then, two critical factors that create linguistic complexity: the inclusion of more than two central ideas (represented by more than two verbs), and the inclusion within a sentence of other potential sentences (the relative clauses). Some other signs of complexity are the use of the passive voice ("Was he kissed by you?," which a child might interpret as, "Did he kiss you?"); complex negation, as in double negatives ("You were *not* unhappy, were you?"); and left-branching sentences, in which one or

more clauses come in front of the main subject and verb ("*In the days and weeks that followed your becoming aware that Doug got hurt*, you talked to policemen a lot of different times, didn't you?"). (For a thorough discussion of linguistic complexity, see Davison & Green, 1988.) Utterances that have false starts and changes of directions are also very difficult for children to follow, as are questions that begin "Do you remember" followed by more than one proposition: "And do you remember being asked at about 5 o'clock p.m. by a Detective S _____ or others to look at six boys who were standing in what's called a lineup?" The five-year-old's answer to that question - complex in many ways was "Yes" (Walker, 1993). But we have no real way of knowing to what part of the question the "Yes" referred. Questions without reliable answers are not useful in interviews, and worse yet, responses that are misinterpreted as answers can lead us seriously astray.

The examples just provided are of interviews with a young child, not yet in school. But complexity of syntax continues to present processing problems for children well into their middle and sometimes teen years. Full use and comprehension of passives, for instance, can come as late as age 13 (Romaine, 1984); older children continue to be confused by long, involved questions (Brennan & Brennan, 1988); and problems in processing complex negation continue on into adulthood. If adults want clear, reliable answers to their questions, then they must rid themselves of the assumption that if they can ask a complex question, children can answer it. Simple questions that are couched in the active voice, that are as free of negatives as possible, and that express as few ideas as possible will generate better answers, and, therefore, better information from children.

3. We Assume That If the Hearer Doesn't Understand Something We've Said, He or She Will Tell Us So (and Why, in Some Cases)

As the previous examples indicate, children sometimes answer questions that they probably have not understood, and yet they rarely ask us to repeat or rephrase our questions. Young children, especially, give us few explicit cues as to whether they do or do not understand us (Gleason, 1977). Instead, they tend to respond to any adult question or statement with an answer or an action, whether or not the adult intended for the child to respond. For example, if a child is drawing and an adult comments, "My crayon is white," the child may hand the adult his or her own crayon, having interpreted the comment as a request for action (Ervin-Tripp, Strage, Lampert, & Bell, 1987). The tendency to respond first and ask later is especially common when the adult speaker is an authority figure. When an authority figure asks a nonsensical or ambiguous question, such as whether milk is bigger than water, children are more likely simply to answer "Yes" or "No" than to ask for clarification (Hughes & Grieve, 1980). Why don't children tell us when they can't understand us?

First, children have a difficult time in judging the adequacy of someone else's speech. Because children are relatively new to the conversational process, they may not have enough resources to listen, to speak, and to monitor what they are hearing and saying all at the same time (Warren & McCloskey, 1993). In one recent study (Perry, Claycomb, Tam, McAuliff, Dostal, & Flanagan, 1993), children were asked to judge how well they understood questions that were asked in "lawyeresque." Kindergarten-age children were wrong about their comprehension of the questions most of the time, saying that they understood the questions, but then answering them incorrectly.

Second, children may not give us feedback about our unclear and inappropriate questions because children sometimes make unwarranted assumptions too: they assume that adults are always right. They assume that adult speakers are following certain conversational principles correctly; that, among other things, adult speakers are being informative, clear, cooperative, and honest (Bonitatibus, Godshall, Kelley,

Levering, & Lynch, 1988). Thus children may be reluctant to question what an all-knowing adult authority is saying, regardless of how ambiguous it may be.

Third, children are used to the adults in their everyday lives taking responsibility for their comprehension. In natural conversations between parents and children, parents look for signals of misunderstanding (e.g., failures to respond to requests or to answer questions, incorrect answers to questions, hesitations, and confused facial expressions), and rely on these sometimes subtle signals to keep their speech in line with their children's level of understanding. Children do not have to provide explicit verbal cues of noncomprehension (e.g., "What?") during natural conversations in order for adults to tailor their speech to the child's level (a good review of this "finetuning" literature may be found in Snow & Ferguson, 1977). So why can't sensitive adult interviewers accomplish this same feat? Perhaps it is due to the fact that an interview rarely resembles a natural conversation. It is a question/answer session, with the adult in total control. Further, interviewers are faced with many demands, and in the course of making sure that they remember to ask all the important evidence-gathering questions, they may forget to make sure that the children have understood the questions.

Because children do not often give us explicit feedback of comprehension or lack of comprehension, and because children are not very good at determining when they do not understand a complex question, it is our responsibility to monitor children's comprehension for them. We should give them "permission" to ask us to repeat and clarify, and to correct our mistakes when they do detect them. We should tell them that we do not know what has happened, and, therefore, may not know the right way to ask questions. We should also closely watch their behavior for subtle signals of misunderstanding. In short, we should not assume that children understand us.

4. We Assume That If We Ask Someone, "What Happened?" He or She Can Tell Us, If He or She Knows

In the course of investigating suspected sex abuse, a detective goes over some details with the five-year-old child involved:

Q: I see. And then you went in the shower?

A: Yes, and then I got out and then after it was all over and then I got a ride to, to Sunnyville.

A seven-year-old victim of sex abuse answers questions during a preliminary hearing:

Q: Can you tell me what he did the other time?

A: He pulled me inside my house and then, and then I fell asleep on my couch.

Q: And what happened?

A: [Silence]

Q: M..... did something happen?

A: No.

Experience tells us, and research verifies (e.g., Todd & Perlmutter, 1980), that even children as young as two and a half or three can give accurate, if incomplete, reports of something that happened to them. As the responses given by the two children above demonstrate, this "accurate but incomplete" characteristic can follow children on into their early school years. In each of those cases, the critical knowledge needed by the adult interviewers - all of the detail in the middle - was missing.

Adults have high standards for "telling what happened," for giving, in other words, a personal narrative of some past event. The model we hold for a satisfactory narrative includes a setting that introduces both place and players, initiating action, central action, goals of the people involved, and consequences (Labov, 1972; Stein & Glenn, 1979). We expect to be alerted if events are not related chronologically, and we expect to be given a clear picture as the events unfold of who is involved in what. In order to produce a satisfactory narrative of a personal past event, then, the teller must have, at a minimum, a great deal of organizational skill, must be able to give clear descriptions, must provide appropriate pronoun reference, and, critically, must *know what knowledge is important to share with the listener*. These are not skills that children can be relied upon to possess, independently, until, in some cases, the mid-teens (Labov, 1972; Whitehurst, 1976). Even then, children who face unfamiliar questioning circumstances, such as evidentiary interviews of any kind, are handicapped in their ability to give a complete narrative, or report, of past events.

Easing the handicap is our job. That means, among other things, that we must provide an appropriate context for the open-ended questions that we ask. Rather than expecting the child to provide the setting that helps a story to make sense, we need to be prepared to provide it for that child. That means that we take the responsibility for naming the topic, as in, "Now let's talk about -," and for providing the chronological scaffold that holds the topics together. In the examples above, that could have been done by asking: "So you got out of the shower. What happened just before you got out of the shower?" Or, "Oh. He pulled you inside your house. What was the very next thing that happened?"

Helping a child to build a coherent story also means that we listen to the implications of our own questions. Had the attorney in the preliminary hearing above done so, he might have understood the silence that followed his question, "And what happened?" From the child's perspective, nothing did. Her story was done ("I fell asleep on the couch"). From the adult perspective, however, the child's response that nothing happened could be, and was, interpreted as a denial that any abuse had occurred on that occasion. It was an interpretation that could have been avoided, had the adults not assumed that the child could tell "what happened" on her own.

CONCLUSION

Just as we need to assume that other drivers know how to operate their machines and obey the rules of the road, we need to assume that other speakers operate with the same machinery and rules that we do. Otherwise, we would never make it out of the house, and never attempt a conversation. But the assumptions that enable us to work smoothly as adults in everyday life can work against us when we talk to children. As this chapter has outlined, the essential linguistic assumption that we adults need to discard is that children use and process language in the same way as we do. We need to reexamine our notions that tie the use of a word to the understanding of a concept. We need to rethink children's reception of our complicated utterances. We need to drop our adult belief that children will tell us if they don't understand us; indeed, we need to realize that children often don't even know that they don't understand. And finally, we need to recognize that children do not report events in the framework that we typically expect.

These suggestions are more easily "said" than they are "done" in the demanding context of the child abuse interview. However, we believe that it is critically important for interviewers continually to rethink their expectations and to review their own performance. Only through such practice and feedback can they improve their abilities to relate to children from different backgrounds and with widely varying language abilities.

Recommendations

1. THAT the child be given an opportunity to talk about a neutral subject before we approach the subject at hand. If successful, this accomplishes two objectives: it helps the child to relax, and it gives us a sample of the child's language.
2. THAT we adapt our language to the child. We can make it a habit to use basic words and clear sentences. We can be alert to simple words that have unusual meanings.
3. THAT periodic checks be conducted to see if the child is understanding us and we are understanding the child.
4. THAT the child be provided with a framework for reporting what has happened. We can direct the child's attention to the topic under discussion at the moment, and inform her when topics have changed. We can also provide the chronological structure for the child's report.

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Checklist For Interviewing/Questioning Children
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I. Framing the Event

1. Did I tell the child my name and what my job is -- in non-technical words?
2. Did I help the child become familiar with the surroundings of the interview?
3. Did I tell the child the purpose of our talk, and why it is important, and what will happen afterward?
4. Did I give the child a chance to ask me questions about this talk? Did I try to establish a common vocabulary for the things we talk about? Was I listening to the kind of words and sentences that the child used?

II. Using Clear Language

5. Did I use easy words instead of hard ones? (Do I know what a "hard" word is?)
6. Did I avoid legal words and phrases?
7. Did I use words that mean one thing in everyday life, but another thing in law (such as "court")?
8. Did I assume that because a child uses a word, he or she understands the concept it represents?
9. Was I as redundant as possible? That is, did I use specific names and places instead of pronouns (like "he" and "we") and vague referents (like "it", "that", and "there")?

III. Asking the Questions

10. Did I keep my questions and sentences simple? Did I try for one main (new) thought per utterance?
11. Did I avoid asking "DUR-X" questions? [Questions that begin, "Do you remember", followed by one or more full propositions. Ex. with propositions underlined: Do you remember telling me that somebody hurt you?]
12. When I shifted topics, and when I moved from the present to the past or vice versa, did I alert the child that I was going to do so?
13. Did I give the child the necessary help in organizing his or her story?
14. Did I avoid asking the child about abstract concepts, such as, "What is the difference between truth and lies?" Did I choose instead to give the child everyday, concrete examples and let him or her demonstrate, rather than articulate knowledge of truth and lies, right and wrong?
15. Did I use as few negatives as possible in the questions I asked?

Checklist For Interviewing/Questioning Children (cont'd)

IV. Listening to the Answers

16. Were the child's RESPONSES to my questions, ANSWERS to my questions?
Am I sure?
17. If the child's answers were inconsistent, did I ask myself if:
 - a. *I had looked first at the language of the question, or the child's response, to find a possible reason for inconsistency?*
 - b. I, or someone else, had asked the same question repeatedly?
 - c. I had changed the wording of a question I had asked before?
 - d. I was forgetting that children can be very literal in their interpretation of language?
 - e. The child's processing of language might not be as mature as mine?

V. Global Checks

18. Did I stay in the child's world by framing my questions in terms of the child's experience?
19. Did I take the child's understanding of language for granted?.
20. Was I listening to my OWN language, my OWN questions?
21. [If applicable] Did I ask myself before I began: Am I gathering information, doing therapy, or perhaps conducting an interrogation?

Coping With Young Children's Beliefs About Adults

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The beliefs that young children - the 6-and-under set usually, but they can be older have about adults can and do interfere with getting accurate, reliable information from them. In a nutshell, those beliefs are:

1. Adults tend to know what they themselves know.

(Understandable in many cases, when children have told more than one person about an event. The knowledge is out there, so surely you must have it too...)

2. Children usually believe that adults are:

- < right (Parents know everything...for a while)
- < sincere (Sarcasm, irony, wryness escape them)
- < wouldn't trick them (Children don't expect adults to lie to them, put false words in their mouths, or twist meaning. Even if they recognize that something is wrong with what an adult says, they rarely have the linguistic, cognitive, or conversational tools to fix it.)

Coping with these early beliefs is impossible unless adults realize that they exist. Three ways to help children help you overcome the problem are to use the following statements when you interview children. These statements are useful with all children, ages 2 1/2 to 18.

Three Useful Statements in Interviewing Children

1. I wasn't there, so . . . (fill in the blank appropriately for your situation)
2. Even if you think I know it, tell me anyway
3. Even if you think it doesn't matter, tell me anyway

(It is not children's job to know what kind of details you need. What is salient to them may not matter to you, but what is perfectly usual, normal for them, may not be worth mentioning as far as they are concerned. It is vital that you let them know what kinds of details you are interested in).

Ex: I wonder what color that room was... (given that a room has been mentioned).

Where was Mom?

What did you have on? and so on...

First Steps in Maximizing Children's Ability to Give a More Complete, Accurate Report

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After introducing self to child (if necessary), and telling what your job is:

1. ALWAYS begin interview with rapport building, open-ended invitations to talk about neutral subjects.
Exs: AI=d like to get to know you a little bit@, followed by: ALike, what you do in the morning at your house?@ or AWhat do you do that=s fun?@ or ATell me whatever you want to, just about you.@
Advantage: interviews that begin with rapport-building by using open-ended questions or invitations (tell me about) get more details about the target event (alleged incident), even with 3-4 year olds.
2. INCLUDE an invitation to talk that gives the child a chance to provide a chronological narrative.
Ex: ASo what did you do just before you came here? Please tell me everything you can remember, from the beginning to the end.@
Advantage: Although this is NOT reliable (maybe what you are asking about is unimportant to the child, so there is no motivation to respond with a lot of details), you may get a sense of how well (by adult standards) the child can report an event.
3. PAY ATTENTION to the child's language capabilities as you and she/he talk. Is child very verbal? Have good vocabulary? Does the child use lots of nouns, or does he/she rely mostly on pronouns? Are the pronouns correct? Are sentences short, long? If they are long, how are they put together: with Aand@, Aand then@, Abecause@ (incorrectly); or does the child include connectives such as Awhile@, Aduring@, Ausually@, Abecause@ (correctly), Aso@, Aif@? The latter uses indicate a much more advanced capability to produce complex utterances. Caution still must be taken, however, in YOUR using complex questions and statements.
Advantage: Gives you an idea about how you should adjust your way of talking so that you and the child can communicate more accurately.
4. PRACTICE with child on ways to help YOU get things right: telling you that you made a mistake, saying I don=t know (if true), telling you he/she doesn=t understand what you said/asked.
Advantage: Increases accuracy of responses; reduces suggestibility.
5. MOVE INTO the central event with another open-ended question. Some interviewers use something like, AWell, ____, why do you think you are here today?@ Others (very successfully), use: AI understand something may have happened to you (yesterday, a while ago). Please tell me about that.@
Advantage: Avoids a leading introduction to the event.
6. NEVER move quickly from one question to the other, especially if you have paraphrased a response. Paraphrases can be incorrect (using Ain@ for Aon@, Aprivates@ for Aprivate@), and without a chance to absorb what you have said, the opportunity for a child to correct you is lost.
Advantage: Decreases the chance of mis-communication between you and the child, and your incorporation of incorrect details during later questioning, or in your reports.

Critical Questions in Evaluating Scientific Studies
[or those claiming to be such]

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1. Who authored the study?
 - < Qualifications in field of study
 - < Reputation in the field
 - < Other studies done?
 - < Known biases?
2. Where was it published?
 - < Nationally/internationally recognized peer-reviewed journal
 - < Self-published journal
 - < Peer-reviewed book (rare)
 - < Edited book (who were the editors?)
 - < Single-author book
 - < Publisher?
3. Was the population of the study relevant to the purpose for which the study is being offered?
 - < Is a study of white, middle-class children being applied to a mixed-race (for example) child from the Inner City?
 - < Is a study of native English speakers being used to measure a speaker or speakers of English as a Second Language?
 - < Is a study of 6-and-under year-old children being generalized to a child or children who are 7 or older?
 - < How was the population chosen B i.e., children of friends, neighbors, colleagues, the author=s own; selected by naturally occurring grouping (e.g., an entire first-grade class), or through random choice from the target age group (with parental permission)?
 - < Were the children in the study tested beforehand for comprehension of the language used in the study?
4. What were the numbers of participants: single/double/triple/quadruple digits?
5. Over what period of time was the study conducted?
6. Is the published study accompanied by the protocol (actual questions/directions) used in that study? If not, what assurance is given that the children understood the questions/directions involved?
7. Has the study been replicated, using the same population, same numbers? If so, by whom?
- 8.

Selected Facts About Children's Suggestibility*

Taken from

Memory and Suggestibility Research:

Does the Surreal World of the Laboratory Apply to the Real World?

by

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1. Children, even very young children, can lie. Most parents know this already, but a number of studies confirm it. See Ceci & Bruck, *Suggestibility of the Child Witness: A Historical Review and Synthesis*, 113 PSYCHOLOGICAL BULLETIN 403, 425-427 (1993).
2. Younger children are more suggestible than older children. In general, once children reach the age of ten, they are no more suggestible than adults. John E.B. Myers, Gail S. Goodman, Karen Saywitz, *Psychological Research on Children as Witnesses: Practical Implications for Forensic Interviewers and Courtroom Testimony*, 27 PACIFIC LAW JOURNAL 1, 26 (1996).
3. Though relevant, the new wave research is less applicable to the majority of interviews of abused children. Consider this:
 - a. The average age of alleged victims in sexual assault cases is 10 years old, as opposed to the pre-schoolers in the new wave re-search. See Thomas D. Lyon, *False Allegations and False Denials in Child Sexual Abuse*, 1 PSYCHOLOGY, PUBLIC POLICY AND LAW 429 (1995)
 - b. Most investigative interviews occur shortly after the report of abuse and do not involve the long delays between the target events and suggestive questions used by new wave researchers. Lyon, *supra*, at 433.
 - c. Most real world victims are abused by close family members. Closeness between the victim and the offender increases the child's resistance to falsely reporting abuse. Lyon, *supra*, at 433.
 - d. Most real world cases involve one victim, not the multiple victims in cases such as *Michaels*.

Walker Handout: Facts re Suggestibility
Selected from Vieth, *Memory and Suggestibility Research*, 1995

- e. Although many abused children are interviewed as many as 11 times, these interviews are of children who have *revealed abuse*. In contrast, the interviews in the new wave research involve multiple interviews of children who have *denied* an event. The new wave researchers then repeatedly interview the kids to get them to adopt the intentionally false statement of the interviewer. See Lyon, *supra* at 434.
- f. Although coercive or misleading questioning may result in a false *report*, it does not necessarily produce a false memory. When researchers "gently challenge" a child's false report, such reports are reduced 50%. Lyon, *supra*, at 435.
- g. Keep in mind that even though most real world interviews involve elements different from the new wave researchers, even the coercive practices employed in this research produced only a *minority* of false reports.

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A FEW FACTS ABOUT CHILDREN'S LANGUAGE SKILLS

Revised October 2000

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In general:

By the age of 3, most children of normal development can string words together in generally correct order, and can use language in a conversationally appropriate way. Their vocabulary can range from about 500 to 3,000 words. They can identify over five parts of their own bodies.

By age 5-6, the basic language structures of most children are well established, although far from fully mature. They can define SOME simple words. They can accurately name 3-4 colors. With a receptive vocabulary generally estimated at around 14,000 words, their language sounds on the surface much like an adult's.

This misleading surface similarity of language does not mean, however, that these children have achieved mastery of their language. Later acquisitions include (but are not limited to) the ability to handle 1) complex sentences containing relative (e.g., who, which, that) or adverbial (e.g., when, before, after, while) clauses; 2) some critical verb structures like many passives; 3) complex negation, and 4) complex structural distinctions such as those between ask and tell, know and think, easy to (see/please/etc) and eager to (see, etc) and some syntactic aspects of the verb "promise"-- that is, the way we use the word (not the concept of) "promise" in a sentence.

Nor does the apparent similarity mean that children this age have mastered all those concepts expressed in language, such as age, time, speed, size, duration and number: (How old is she? When did it happen?, How fast was the car going?, How big was the knife?, How long did it last? How many times did it happen?) They do not fully understand the family relationships expressed by kinship terms such as parents, aunt, grandfather, cousin. While recent empirical research with abused children indicates an understanding of the concepts of truth/lie by at least age 5, the ability to express or define that knowledge (What is truth?) develops much later.

By age 10-11, most children of normal development have acquired the ability to use most of these relational words in an adult fashion.

What follows is a list of a few features of language that children acquire from about the age of 2 to 10. Keep in mind that all of these data are for native speakers of English. Children (and adults too) who have English as a second language may lag far behind the acquisition ranges given here, so special care must be taken in talking with, and listening to them. There is one other caveat to add: not all studies of children's acquisition are comparable. Some follow only a few children over a long period of time, others observe larger groups of children in shorter bursts of time. Most studies to date are of white, middle-class children. The result is that scholars often disagree as to actual acquisition ages. There is, however, a middle ground, and that is what is represented on the next two pages.

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A Few Facts about Children's Language Skills (cont'd)

Specific lexical skills:

<u>Feature</u>	<u>Age*</u>
Adjectives	
Comparatives (e.g., more, bigger, but <u>not</u> deeper, wider, earlier, later)	4 - 5
Superlatives (e.g., most, biggest)	3 - 6
Ability to make complex comparisons in response to Q's (e.g., Which box is taller than it is fat?)	6 - 8
Articles	
<u>Full</u> mastery of contrast between 'the' and 'a'	about 8
Adverbs	
<u>Reliable</u> distinction between 'before'/'after' (which are also prepositions/conjunctions) 'Frontwards', 'sideways', 'backwards'	7+ about 7
Prepositions	
In, on (generally the first two acquired)	1-1/2 to 2-1/2 2 to 3
Off, out (of), away (from)	3 to 3-1/2
Toward, up	3-1/2 to 4
In front of, next to, around	4 to 4-1/2
Beside	4-1/2 to 5
Down	4-1/2 to 5-1/2
Ahead of, behind	
Pronouns	
Possessives:	
My, your, mine, his by age	3-1/2
Their, her(s), his, its, our(s)	3 - 5
Deictic ("Pointing") pronouns "this" v. "that" (when no fixed referent is available)	7+
Reliable matching of a pronoun to a <u>following</u> noun (e.g., he...John)	about 10
Verb contrast between come-go; bring-take	7 - 8+
between tell-ask	7 - 8
WH questions (WHat, WHere, WHo, WHy, How, WHen)	
Appear in child's speech (in approximately above order)	from 2-1/2 to 4-1/2
Appropriate <u>grammatical</u> response to WH Q's acquired by age	5-1/2
Appropriate <u>cognitive</u> response to WHy, How, WHen	by about age 10
<u>Syntactic Skills:</u>	
Passives: with action verbs (e.g., hit, push: Were you hit)	5+
with all verbs, including non-action (e.g., Were you liked by)	7 - 13+
(earliest form of passive is the agentless "Get" passives (e.g., I got hit)	
"Tag" questions (e.g., Xxx, <u>isn't it?</u> tag underlined), produced at about age	4+
Combined with negatives in the assertion, (e.g., That's <u>not</u> what she said; isn't that so?/is that not so?) is confusing on into adulthood.	

A Few Facts about Children's Language Skills (cont'd)

<u>Feature</u>	<u>Age*</u>
Conversational skills:	
Turn-taking: from first use to mastery	
Asking contingent questions: (Contingent questions relate to the immediately prior utterance; e.g., questions which indicate that something just said is not fully understood, such as "What did you say?")	before age 2 to 6+ by age 3
Ability to report the <u>basic elements</u> of typical events (such as what happens at a birthday party)	3
Ability to describe, narrate, and inform in adult-satisfactory way	May still be developing in Jr and Sr High School years

*The ages given here represent approximations only of the time when each feature is fully and reliably acquired -- meaning that the child can both comprehend and produce the feature. Children reach different stages, of course, at individual times that can vary widely. Some research indicates that acquisition of these features is also apparently retarded by as much as 12-18 months if child has been abused.

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A Few Suggestions For Questioning Children

Revised September 1999

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General precepts:

1. Reduce the processing load that children must carry. Aim for simplicity and clarity in your questions. If the child uses simple words and short sentences, so should you.
2. Be alert for possible mis-communication. If a child's answer seems inconsistent with prior answers, or doesn't make sense to you, check out the possibility that there is some problem 1) with the way the question was phrased or ordered, 2) with a literal interpretation on the part of the child, or 3) with assumptions the question makes about the child's linguistic/cognitive development or knowledge of the adult world.

Some specifics:

1. Break long sentences/questions into shorter ones that have one main idea each.
2. Choose easy words over hard ones: use Anglo-Saxon expressions like "show," "tell me about," or "said" instead of the Latinate words "depict," "describe," or "indicated."
3. Avoid legal jargon, and "frozels" (my term for frozen legalisms) like "What if anything," "Did there come a time."
4. It is important that you and the children use words to mean the same thing so run a check now and then on what a word means to each child. Although children generally are not good at definitions, you can still ask something like, "Tell me what you think a ____ is," or "What do you do with a ____/What does a ____ do?" Don't expect an adult-like answer, however, even if the word is well-known. The inability to define, for example, "wind" does not mean that the person does not know what the wind is. Definitions require a linguistic skill.
5. Avoid asking children directly about abstract concepts like what constitutes truth or what the difference is between the truth and a lie. In seeking to judge a young (under 9 or 10) child's knowledge of truth and lies, ask simple, concrete questions that make use of a child's experience. Ex: I forgot: how old are you? (Pause) So if someone said you are ____, is that the truth, or a lie? [Young children equate truth with fact, lies with non-fact.]
6. Avoid the question of belief entirely (Do you believe that to be true?).
7. Avoid using the word "story." (Tell me your story in your own words.) "Story" means both "narrative account of a happening" and "fiction." Adults listening to adults take both meanings into consideration. Adults listening to children, however, might well hear "story" as only the latter. "Story" is not only an ambiguous concept, it can be prejudicial.

A Few Suggestions For Questioning Children (cont'd)

8. With children, redundancy in questions is a useful thing. Repeat names and places often instead of using strings of (often ambiguous) pronouns. Avoid unanchored "that"'s, and "there"'s. Give verbs all of their appropriate nouns (subjects and objects), as in "[I want you to] Promise *me* that *you* will tell *me* the truth," instead of "Promise me to tell the truth." AWill@ is an important word in that instruction, since many young children regard Awill@ as placing a stronger obligation on them than Apromise.@ So use both together.
9. Watch your pronouns carefully (including "that"). Be sure they refer either to something you can physically point at, or to something in the very immediate (spoken) past, such as in the same sentence, or in the last few seconds.
10. In a related caution, be very careful about words whose meanings depend on their relation to the speaker and the immediate situation, such as personal pronouns (I, you, we), locatives (here, there), objects (this, that), and verbs of motion (come/go; bring/take).
11. Avoid tag questions (e.g., "You did it, didn't you?"). They are confusing to children. Avoid, too, Yes/No questions that are packed with lots of propositions. (Example of a bad simple-sounding question, with propositions numbered: "[1] Do you remember [2] when Mary asked you [3] if you knew [4] what color Mark's shirt was, and [5] you said, [6] 'Blue'?" What would a "Yes" or "No" answer tell you here?) It does not help the factfinder to rely on an answer if it's not clear what the question was.
12. See that the child stays firmly grounded in the appropriate questioning situation. If you are asking about the past, be sure the child understands that. If you shift to the present, make that clear too. If it's necessary to have the child recall a specific time/date/place in which an event occurred, keep reminding the child of the context of the questions. And avoid phrases like, "Let me direct your attention to." Try instead, "I want you to think about/I'm going to ask you some questions about...."
13. Explain to children why they are being asked the same questions more than once by more than one person. Repeated questioning is often interpreted (by adults as well as by children) to mean that the first answer was the wrong answer, or wasn't the answer that was desired.
14. Be alert to the tendency of young children to be very literal and concrete in their language. "Did you have your clothes on?" might get a "No" answer; "Did you have your p.j.'s on?" might get a "Yes."
15. Don't expect children under about age 9 or 10 to give "reliable" estimates of time, speed, distance, size, height, weight, color, or to have mastered any relational concept, including kinship. (Adults' ability to give many of these estimates is vastly overrated.)
16. Do not tell a child, "Just answer my question(s) yes or no." With their literal view of language, children can interpret this to mean that only a Yes or a No answer (or even "Yes or No"!) is permitted -- period, whether or not such answers are appropriate. Under such an interpretation, children might think that answers like "I don't know/remember," and lawfully permitted explanations would be forbidden.

Some Basic Sentence-building Principles For Talking to Children

Revised March 1999

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1. Vocabulary

- Use words that are short (1-2 syllables) and common.
Ex: "house" instead of "residence"
- Translate difficult words into easy phrases.
Ex: "what happened to you" instead of "what you experienced"
- Use proper names and places instead of pronouns.
Ex: "what did Marcy" do? instead of "what did she do?"; "in the house" instead of "in there"
- Use concrete, visualizable nouns ("back yard") instead of abstract ones ("area").
- Use verbs that are action-oriented.
Ex: "point to," "tell me about," instead of "describe"
- Substitute simple, short verb forms for multi-word phrases when possible.
Ex: "if you *went*" instead of "if you *were to have gone*"
- Use active voice for verbs instead of the passive.
Ex: "Did you see a doctor?" instead of "Were you seen by a doctor?"
[Note: One exception: the passive "get" ("Did you get hurt?"), which children acquire very early, and is easier to process than "Were you hurt?"]

2. Putting the words together

- Aim for one main idea per question/sentence.
- When combining ideas, introduce no more than one new idea at a time.
- Avoid interrupting an idea with a descriptive phrase. Put the phrase (known as a relative clause) at the end of the idea instead.
Ex: "Please tell me about the man who had the red hat on."
instead of "The man who had the red hat on is the one I'd like you to tell me about."
- Avoid difficult-to-process connectives like "while" and "during."
- Avoid negatives whenever possible.
- Avoid questions that give a child only 2 choices. Add an open-end choice at the end. Ex: "Was the hat red, or blue, or some other color? "

BOTTOM LINE: SHORT AND SIMPLE IS GOOD.

Coping With Young Children's Beliefs About Adults

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The beliefs that young children - the 6-and-under set usually, but they can be older have about adults can and do interfere with getting accurate, reliable information from them. In a nutshell, those beliefs are:

1. Adults tend to know what they themselves know.
(Understandable in many cases, when children have told more than one person about an event. The knowledge is out there, so surely you must have it too...)
2. Children usually believe that adults are:
 - < right (Parents know everything...for a while)
 - < sincere (Sarcasm, irony, wryness escape them)
 - < wouldn't trick them (Children don't expect adults to lie to them, put false words in their mouths, or twist meaning. Even if they recognize that something is wrong with what an adult says, they rarely have the linguistic, cognitive, or conversational tools to fix it.)

Coping with these early beliefs is impossible unless adults realize that they exist. Three ways to help children help you overcome the problem are to use the following statements when you interview children. These statements are useful with all children, ages 2 1/2 to 18.

Three Useful Statements in Interviewing Children

1. I wasn't there, so . . . (fill in the blank appropriately for your situation)
2. Even if you think I know it, tell me anyway
3. Even if you think it doesn't matter, tell me anyway

(It is not children's job to know what kind of details you need. What is salient to them may not matter to you, but what is perfectly usual, normal for them, may not be worth mentioning as far as they are concerned. It is vital that you let them know what kinds of details you are interested in).

Ex: I wonder what color that room was... (given that a room has been mentioned).
Where was Mom?
What did you have on? and so on...

First Steps in Maximizing Children's Ability to Give a More Complete, Accurate Report

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After introducing self to child (if necessary), and telling what your job is:

1. ALWAYS begin interview with rapport building, open-ended invitations to talk about neutral subjects.
Exs: AI=d like to get to know you a little bit@, followed by: ALike, what you do in the morning at your house?@ or AWhat do you do that=s fun?@ or ATell me whatever you want to, just about you.@
Advantage: interviews that begin with rapport-building by using open-ended questions or invitations (tell me about) get more details about the target event (alleged incident), even with 3-4 year olds.
2. INCLUDE an invitation to talk that gives the child a chance to provide a chronological narrative.
Ex: ASo what did you do just before you came here? Please tell me everything you can remember, from the beginning to the end.@
Advantage: Although this is NOT reliable (maybe what you are asking about is unimportant to the child, so there is no motivation to respond with a lot of details), you may get a sense of how well (by adult standards) the child can report an event.
3. PAY ATTENTION to the child's language capabilities as you and she/he talk. Is child very verbal? Have good vocabulary? Does the child use lots of nouns, or does he/she rely mostly on pronouns? Are the pronouns correct? Are sentences short, long? If they are long, how are they put together: with Aand@, Aand then@, Abecause@ (incorrectly); or does the child include connectives such as Awhile@, Aduring@, Ausually@, Abecause@ (correctly), Aso@, Aif@? The latter uses indicate a much more advanced capability to produce complex utterances. Caution still must be taken, however, in YOUR using complex questions and statements.
Advantage: Gives you an idea about how you should adjust your way of talking so that you and the child can communicate more accurately.
4. PRACTICE with child on ways to help YOU get things right: telling you that you made a mistake, saying I don=t know (if true), telling you he/she doesn=t understand what you said/asked.
Advantage: Increases accuracy of responses; reduces suggestibility.
5. MOVE INTO the central event with another open-ended question. Some interviewers use something like, AWell, ___, why do you think you are here today?@ Others (very successfully), use: AI understand something may have happened to you (yesterday, a while ago). Please tell me about that.@
Advantage: Avoids a leading introduction to the event.
6. NEVER move quickly from one question to the other, especially if you have paraphrased a response. Paraphrases can be incorrect (using Ain@ for Aon@, Aprivates@ for Aprivate@), and without a chance to absorb what you have said, the opportunity for a child to correct you is lost.
Advantage: Decreases the chance of mis-communication between you and the child, and your incorporation of incorrect details during later questioning, or in your reports.

Selected Bibliography on Preparation and Testimonial Aspects of Child Witnesses

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Things To Remember

Revised March 2001

Developed by

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1. **LISTEN**
to the child's language.
Try to make your language fit his or hers.
2. **KEEP IN MIND**
that experience shapes language use and understanding.
That means that each child is unique.
3. **REMEMBER**
that language is acquired gradually,
and in uneven steps.
4. **BE ALERT**
to the fact that young children both use and interpret language
very literally.
5. **DON'T TAKE FOR GRANTED**
that you know what the child means, or
that the child knows what you mean.
6. **SPEAK CLEARLY; SLOW DOWN**
Children need more time to process than adults do;
your way of speaking may be unfamiliar.
7. **SILENCE IS OKAY.**
Wait quietly after you've asked a question.
Try 10 seconds.
You may get information you would have missed.
8. **AFTER A QUESTION, ASK YOURSELF:**
"Is this a response I'm hearing, or an answer?"
9. **IN GENERAL,**
keep whatever you ask or say,

SHORT AND SIMPLE.

Guidelines for Age-Appropriate Interview Questions

	C-O-N-C-R-E-T-E ● →					A-B-S-T-R-A-C-T		
Age	Who	What	Where	1x / >1x	How	Sequencing	When	# Times
3								
4								
5-6								
7-9								
10-12								
13+								

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

Background Questions for a Therapist

The child in your case may be receiving therapy. With an appointment order and/or release signed by the legal custodian, you should be able to speak with a child's therapist to get greater insight into her emotional well-being. (You should consider, however, whether speaking with the therapist will interfere with the therapeutic relationship.)

There is background information about the provider and the service being provided that may help give a fuller picture of the therapy and the weight that the provider's opinions should be given. This document has some question relating to that background information. As always, feel free to discuss with your CLC mentor.

Qualifications

- Are you licensed? What license do you have?
 - [Verify license status in DC here:
<https://app.hpla.doh.dc.gov/Weblookup/>]
- How long have you been practicing as therapist?
- What treatment modalities are you trained in?
- What treatment modalities are you actively using?
- What are the presenting behaviors/concerns of the population you normally work with? My client?
- How often do you receive supervision?
 - What is your supervisor's licensure?
- What ongoing training do you receive?

Treatment Planning

- How do you develop treatment plans?
- Do you use any screening tools? (such as Child Behavior Checklist)
- Do you do any collateral contacts?
- Do you obtain assessments and evaluations done by other agencies?
- At what stage do you develop the treatment plan? (before first session, after one session, etc.)

Treatment Process

- What are your current treatment goals?
- How often do you review treatment plans/goals?
 - Do you ever revise diagnosis and treatment goals?
- Do you write monthly/quarterly/etc. reports?
 - Request to review reports
- Where do you meet with my client (office, home, school, other)
 - How do you decide where to meet?
 - Do you ever change locations? If so, how do you decide?
- How often do you involve caregivers?
 - What does this look like?
 - Legal custodians and/or biological parents?
 - Check-ins by phone?
- What agencies do you refer to for additional services/supports?
 - Does my client need any additional supports?
- Is your treatment time-limited?
- What is my client's prognosis?
- How do you work with psychiatrists, or other providers?
- Are you able to attend treatment team meetings?
- Have you ever testified?
 - Are you open/able to testify?
 - Request current resume or CV

Termination

- Do you/your agency have a policy for terminating due to non-attendance?
- How do you decide when to terminate?
- What does your termination process look like?
 - How long does the process of terminating take? How do you decide?
 - How do you decide which referrals to make?

Recognizing and Managing Conflict

No meaningful change takes place without some conflict - the goal is not to make it go away, but to make it constructive. Use this guide to help identify and manage conflict when it arises in your case work.

Conflict Escalation

Escalation refers to an increase in the intensity of the conflict and an increase in the severity of the tactics. Consider this context to evaluate and understand the conflict in your cases.

Nonverbal and verbal signs of escalation

- Sudden change in body language or tone
- Pacing, restless, or repetitive movements
- Clenched jaws or fists
- Exaggerated or violent gestures
- Shallow, rapid breathing
- An increase in disruptive behavior
- A change in the type of eye contact

Note: It is important to remain culturally humble in assessing individuals' behaviors. The biggest indicator of escalation is often a sudden change in behavior.

What happens when conflict escalates¹

Five things can happen when conflict escalates:

- Parties transition from promises and persuasive arguments to threats and sometimes violence.
- More issues and more energy focused on conflict.
- Issue(s) change from specific to general, and the relationship deteriorates. Parties may dehumanize each other.
- More people become involved.
- Parties' goals shift to winning and hurting each other.



¹ "Making Sense of Conflict/ Escalation & De-escalation," Irish Traveller Movement Conflict, accessed July 3, 2018.

<http://itmconflictmgmt.com/making-sense-of-conflict/escalation-de-escalation/>

Conflict De-escalation

These strategies can be useful in managing and redirecting conflict to be more productive.



Know yourself

- Understand your own reaction to conflict. Where in your body do you experience conflict?
- Consider coping skills you can use in the moment to ease your own natural response, such as breathing deeply or counting to 10 silently.

Use active listening

- Reflection and validation can increase productivity.
 - "I really appreciate your willingness to discuss this difficult issue."
 - "What I hear you saying is ____"
- Ask open-ended questions to allow individuals to frame their own narrative.
- If someone is repeating themselves, they do not feel heard. Pause and ask what would help.

Break it down

- Tackle one area of conflict at a time. Pause to make a list.

Reframe

- Model neutral language. Reframe critical or harsh language.
- Neutralize a concern to be about the issue rather than the person. For example, if one party identifies the other party's lateness to visits as an issue, reframe it as "scheduling" rather than "their lateness."

Encourage fairness

- Ensure each party has uninterrupted time to speak.
- Encourage parties to utilize "I" statements and focus on issues, not on the other's personality.

Consider strengths

- Was there a time the parties were able to work together to solve a problem?
- Acknowledge that they both feel passionately about their child(ren).

Focus on interests and values

- Identify the underlying interests or values driving positions and look for commonalities
 - "It sounds like ____ is important to you."
 - "I think I heard you say you are looking for _____. So is that about _____(value) for you?"

Look to the future

- Conversations about the past usually lead to more arguing.
- Focus on "What do you want to see happen in the future?"

Take a break

- Take a 10 minute breather or come back another day.