Children’s Advocacy Center of York County

***Forensic Interview Structure and Protocol***

All forensic interviews conducted at the Children’s Advocacy Center of York County (CACYC) will be done in a legally sound, developmentally appropriate, child centered, non-duplicative, non-leading and neutral way. All multidisciplinary team (MDT) members conducting forensic interviews must have documentation of specialized training that includes the following elements:

* Minimum of 32 hours of instruction and practice.
* Evidence-supported interview protocol.
* Pre- and post-testing that reflects understanding of the principles of legally sound interviewing.
* Content that includes: child development, question design, implementation of protocol, dynamics of abuse, disclosure process, cultural competency, suggestibility.
* Practice component with a standardized review process.
* Required reading of current articles specific to the practice of forensic interviewing.
* Curriculum must be included on NCA’s approved list of nationally or state recognized forensic interview trainings or submitted with the accreditation application.

The forensic interview is a structured conversation with a child intended to elicit detailed information about a possible event or events that a child has experienced or witnessed. The purposes of the forensic interview include, but are not limited to: obtaining information from the child that may be instructive in a criminal investigation, assessing the safety of the child, and obtaining information to either corroborate or refute allegations of sexual abuse.

**Child First Doctrine:**

CACYC adheres to a child first doctrine that asserts that the child victim's needs are paramount to the needs of all other individuals and agencies involved in the investigation of a child abuse case.

**Privacy Policy:**

Protection of a child's privacy is an important goal of the CACYC and its MDT. The CACYC respects a child's right to privacy and makes every effort to prevent the unauthorized disclosure of confidential information. A child's parent or legal custodian shall provide consent before the CACYC discloses private information about a child.

**Consent and Information Sharing:**

Information about allegations and evidence will be shared, as permitted by applicable law, including but not limited to 22 M.R.S. § 4019(7)(C), Title 16 and the CACYC DVD consent form. All MDT members at Case Review are asked to share relevant information as long as it is not a violation of that individual agency’s confidentiality policy. MDT members are required to adhere to 22 M.R.S. § 4011-A, rules and protocols of DHHS, and the protocols of the York County District Attorney’s Office regarding dissemination of information in criminal investigations or criminal cases. The release of information signed by the non-offending parent or guardian at the time of the interview (DVD consent form) is inclusive of the following: the forensic interview, ongoing team communication, and case review.

**Interviewer Qualification:**

Forensic Interviews will only be conducted by MDT members and CAC staff who have documentation of satisfactory completion of a nationally recognized, research and evidence based training that includes a child development component and is approved by the National Children’s Alliance (NCA).

Interviewers will demonstrate respect for culture and diversity and an awareness of the potential influences that culture may have on an interview.

Interviewers must participate in a minimum of 8 contact hours of continuing education every two years.

**Criteria for Choosing an Appropriate Interviewer:**

The CAC Program Manager will choose the most appropriate interviewer for each case. That determination will be made based on the interviewer’s educational and professional background, skill set, and availability. When deemed appropriate, a senior interviewer can be requested for complex or challenging cases.

The CACYC partner mental health agencies understand the distinction between mental health treatment and forensic interviewing and will not engage in any interviewing of the child.

Forensic interviewers will not conduct a forensic interview of a child if they have a past, present, personal or professional relationship with that child or family.

**Case Acceptance Criteria:**

At this time, referrals will only come to CACYC from either the Department of Health and Human Services (DHHS), Law Enforcement (LE) or the District Attorney’s (DA) Office when there are concerns of sexual abuse.

CACYC will serve children from the ages of 3 through 18 and, when deemed appropriate by referring agencies, younger children or older individuals that align developmentally with this age group.

If the alleged perpetrator is a juvenile, and there is suspicion or concern of prior victimization of that child, the child may be interviewed at the CAC only in regards to their own potential victimization. This interview must be scheduled at a time when no other child victims are present.

**Forensic Interview Observers:**

The forensic interview may be witnessed by MDT members relevant to the case which may include: DHHS, law enforcement and prosecution. Witnesses to the forensic interview should be as limited as possible. Non-offending parents/caregivers or other interested parties on behalf of the child will not be allowed to witness the forensic interview as it takes place at the CAC. The only instance in which a non-MDT partner can observe an interview is for the purposes of training or peer review. Before a non-MDT partner can observe, the Family Advocate will ask the family for their permission and they will have to sign a confidentiality form.

Language or American Sign Language interpreters will also be permitted to be present for the interview if such services are needed for the child to successfully participate in the forensic interview.

A law enforcement officer should be present for every interview even if the referral is from the Department of Health and Human Services (DHHS). Only in the event that Law Enforcement has been contacted and does not see a need for their involvement can a forensic interview be conducted without law enforcement present. If the assigned law enforcement or child protective worker is not able to attend the interview, they may send an appropriate representative in their place.

**Preparation/Information Sharing with the Forensic Interviewer:**

Pre-interview preparation will vary depending on the nature of the allegations, the number of disciplines involved, and the amount of time before an interview is conducted. Background information is gathered for every case at the time of intake and may include; name, age, gender, relevant developmental or cultural and developmental considerations, guardian information, and nature of allegations. All forensic interviewers will review this information prior to the interview. The forensic interviewer will also set up the interview environment with consideration of the developmental needs of the child (i.e, removing distracting materials or having appropriately sized chairs).

**Pre – Interview:**

Prior to the child interview, there will be a brief pre-interview meeting in which all MDT partners involved in the case participate when possible. The purpose of the pre-interview meeting is to inform partners, including the forensic interviewer, about information relevant to the case. The information shared may include, but is not limited to: relevant history with MDT partners, nature of disclosure, special considerations (including interpreter services and cultural and developmental considerations) for the child and non-offending caregivers, and an exploration of alternative hypotheses. This is also an opportunity for the MDT partners to inform the forensic interviewer about other concerns that they would like addressed during the interview in order to minimize the likelihood that the child will have to be interviewed again.

Prior to the child interview, the non-offending caregiver will be invited to meet with the MDT members and to see the CAC space. The meeting with the MDT members is an opportunity for the non-offending caregiver to ask questions about the process and for the MDT members to gather additional information that may be helpful for the interview and/or investigation. The additional information may include: developmental status, preferred language, medications, and disabilities. Taking into account the best interest of the child, this meeting will be brief.

**CONDUCTING THE INTERVIEW:**

**Interview Room:**

Forensic interviews shall be conducted at the Child Advocacy Center whenever possible. When appropriate, other suitable arrangements will be made as needed by the MDT. In all situations, the facility will be physically safe, appropriately supervised, and reflect cultural and physical diversity.

Sometimes it will be necessary for a parent or guardian to escort a child to the interview room to decrease anxiety in the child. However, only the forensic interviewer, an interpreter if indicated, and the child will be present in the interview room during the interview. If the child will not separate from his/her caregiver, the forensic interviewer in conjunction with the MDT will agree upon the best plan for proceeding.

Children will be told that the interview is being recorded. Children will also be told that others are watching the interview and that the interviewer may check in with observing MDT members.

The investigative team members will view the forensic interview "live" on a closed circuit screen in another room. Once the forensic interviewer has completed their portion of the interview, they will request that the MDT members observing the interview provide them with additional questions related to their specific disciplines. The interviewer will inform the child in an age appropriate fashion that he/she is checking with the team. If the child is too young to stay in the interview room alone, they will be escorted out to the CAC waiting room where they will wait with the Family Advocate. The additional questions will be communicated verbally to the forensic interviewer by the team members observing the interview.

Non-investigative personnel, including family members, are not permitted in the observation room. Prior to and at the conclusion of the interview, the lead investigating officer may discuss the interview with family members. Other observers shall treat the contents of the interview as highly confidential information.

It is strongly recommended that law enforcement representatives not appear at the CACYC in full uniform. Additionally, firearms should be secured or concealed. Law enforcement personnel who are in uniform should arrange it so that they do not come in contact with the child who is to be interviewed.

**Interview Process:**

The forensic interview is not considered mental health diagnosis or treatment.

The interviewer must adopt a hypotheses-testing approach and maintain objectivity throughout the interview.

The interviewers are trained in the National Children’s Advocacy Center Child Forensic Interview Structure. The following steps may be included during a forensic interview, however, considering that each child and each interview are different; the interviewer must be flexible and adjust the steps according to each individual child.

* + STAGE 1
		- Introduction
		- Early Engagement
		- Interview Instructions
		- Narrative Practice (about a non-abuse related topic)
		- Family
	+ STAGE 2
		- Transition to concern
		- Narrative description (if child discloses)
		- Follow-up Questions
		- Clarification
		- Closure

All questions will follow guidelines for age appropriate interviews. Each child's capacity will vary depending on the child's unique circumstances and developmental level. The interviewer, when possible, will use general, open-ended questions to initiate information gathering. These are questions geared to elicit the child's spontaneous narrative statements and descriptions of abuse.

**Interview Aids:**

Interviewers may use body drawings (CornerHouse) as an illustrative aid after the child makes a disclosure. If an anatomically correct drawing is used, it will be given to the lead investigator after the interview. Anatomical dolls will not be used at any time at the CACYC.

When additional details are needed and the child is having difficulty providing a verbal account, the interviewer may ask the child to write down their responses or explain by drawing a picture. Open ended questions should be used to ask the child to explain what he/she has drawn or written. Any illustrative drawings or written responses will be provided to the lead investigator. Additionally, any notes created by the interviewer during the interview will be given to the lead investigator.

**Number of Interviews:**

The use of multiple interviews should be minimized. However, more than one meeting may be necessary in some instances to elicit a full disclosure from a child. If more than one meeting is necessary, it should be with the same interviewer. In some instances, an extended interview may be considered and agreed upon by the MDT.

**Presenting Evidence:**

Any decision to show a child photographic or physical evidence during the forensic interview must be discussed by the MDT and the forensic interviewer. The decision must weigh the risk of traumatization as well as the child’s current safety. If it is decided that evidence will be presented to the child, all efforts must be made to present the minimal amount of evidence deemed necessary and minimize the traumatic impact of that exposure.

**Use of Interpreters**:

The Children’s Advocacy Center of York County will provide interpretation services to children and families that are non-English speaking and/or deaf or hard of hearing. If this need is identified at the time of intake, the Family Advocate will select an interpreter from alist of approved service providers utilized by the referent. The referent is responsible for paying for the interpreter services.

* Pre- Interview preparation will occur with the forensic interviewer, detective, CPS worker, prosecutor, and interpreter. This preparation will include a review of interpreting preferences, how the interviewer and interpreter will communicate the need for clarification, and at what point to pause and allow the interpreter to translate.
* The interpreter guideline handout will be given to the interpreter to ensure that he/she understands the forensic context of the interview. If the forensic interviewer and/or the MDT believe that the interpretation is being provided in a manner that compromises the integrity of the forensic interview or the investigation, the team should create a plan which might include stopping the interview and rescheduling with a different interpreter. Examples of potential barriers might include, but are not limited to: families knowing the interpreter, the interpreter being uncomfortable with the subject matter, or the interpreter not following the guidelines. The interviewer will allow the interpreter an opportunity to provide any feedback on potential cultural issues that might be pertinent to the child or family after the interview.

**Post-Interview:**

Immediately following the forensic interview, the MDT will meet to discuss follow up actions. The MDT will decide what information will be shared with the non-offending caregiver, taking into consideration the safety of the child and the integrity of the investigation. All children seen at the CAC will be recommended for a medical evaluation with a board certified child abuse pediatrician through the Spurwink Child Abuse Clinic.

Following the MDT post-interview meeting, the non-offending caregiver will join the meeting and the MDT will provide them with the agreed upon information. The MDT may solicit additional information relevant to the case.

**Recording and/or Documentation of the Interview:**

All forensic interviews conducted at the CACYC will be DVD recorded for the purposes of documentation. The non-offending caregiver will be fully informed of this practice and will sign the consent to record form. If the non-offending caregiver refuses to provide consent for recording, the team must make a collaborative decision about how to proceed. The DVD will be finalized and a copy will be given to the DHHS worker and Law Enforcement investigator. The date of interview, CAC and location of interview, CAC case number, name of the forensic interviewer, DO NOT REMOVE and DO NOT TAMPER will be written on DVD.

DHHS and Law Enforcement will be responsible for generating their own report that includes documentation of the pre and post interview as well as the child interview. The forensic interviewer at the CACYC does not generate any written report of the forensic interview.

**Release of Information:**

The CACYC is not authorized to release any information regarding interviews. Any requests for information by parents or others will be referred to the lead investigator or the York County District Attorney’s Office.

**Peer Review:**

All team members who conduct Forensic Interviews at the CAC will participate in quarterly peer review. Peer Review will be conducted in a manner that is collegial, supportive, and non- judgmental. The goal of peer review is to improve the skills of forensic interviewers. All forensic interviewers will also have opportunities for ongoing professional development that may include, but are not limited to: workshops or conferences, reading current research and literature on forensic interviewing, interviewing children about non-abuse related topics, observation of interviews, and ongoing supervision.