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**CENTRE FOR  
INVESTIGATIVE  
INTERVIEWING**

**Interviewing Children for Decision-Making Purposes in  
the Family Law Context**

June 8, 2021

# Before we start....





What happened/what's  
What's your goal?  
happening?

What's *their* story?



# Interviewing in Family Law



- In recent years, child development and memory experts have recommended that children be asked *not to make decisions about their own best interests* but rather *as a means of gaining more information about their lives to aid others in making decisions about their best interests.*

Prof Judy Cashmore



Prof Martine Powell

Dr Karen Saywitz



David Geffen  
School of Medicine



# Bi-directional influences in interviews

## Interviewee (Child) Brings

- Experiences (direct/indirect)
- History and knowledge
- Motivations/expectations
- Unique perspective
- Varying levels of ability to remember and communicate

## Interviewer Brings

- Structure / questioning skills
- Listening / support skills
- Systems needs
- Investment in outcome



# Essential Skills for Interviewing Children

- Some familiarity with child development
- Rapport/supportive behaviours
- Good questioning skills
- Some understanding of memory
- A set of interview guidelines?

# Interview Prompts (Question types)



# Main Categories



- Tap recall memory
- Encourage elaboration
- Don't dictate content of response



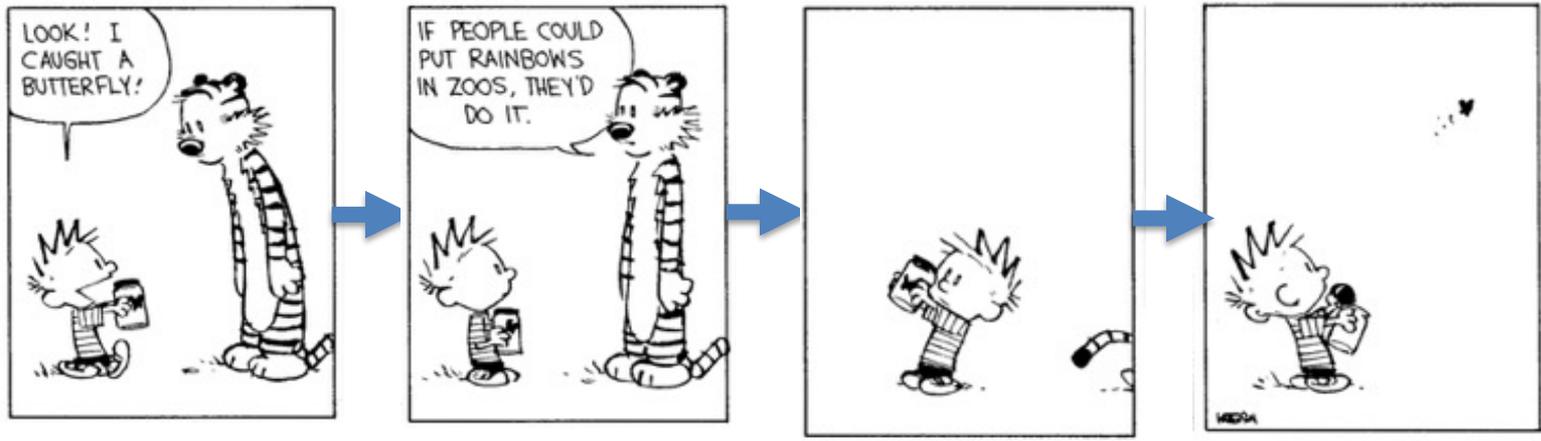
- Tap recognition memory
- Don't encourage elaboration
- Dictate content of response



# Question Types

- First/Initial invitation
  - Tell me everything you can remember from the very beginning to the very end

- Breadth prompt/General invitation



- Remember to use variety!

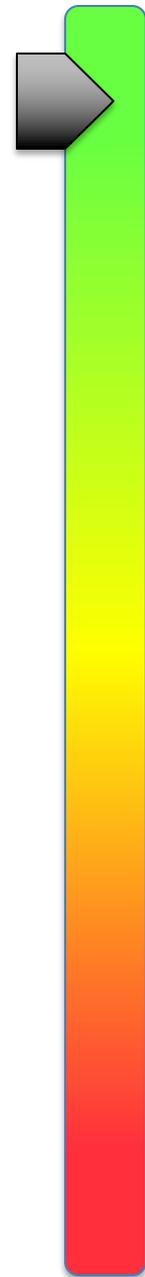


# Question Types

- First/Initial invitation
  - Tell me everything you can remember from the very beginning to the very end
- Depth prompt/Cued invitation



- Remember to use variety!





# Question Types

- Time segmenting
  - Tell me everything that happened from *the time when* (or *the part where*) he sat down on the bed until he left
  - Tell me everything that happened from the time you got up this morning until you came to see me today



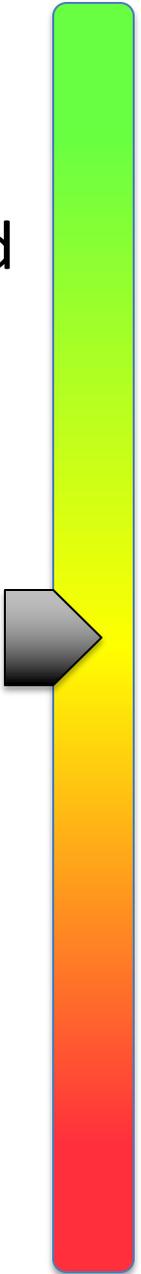
# Question Types: Non-questions

- SILENCE (“Wait time”)
- Minimal Encouragers/Facilitators
  - Uh-huh, Mmm-hmm, K, Mmm, Yep, Nodding
- Paraphrases/Summaries?
  - Who decided what was important?
  - Can disrupt child’s narrative
  - Puts the ‘conversational ball’ back on your side of the field



# Question Types: Directives

- Wh- (**Who, Where**, When, Why, How/How Come) and sometimes **What**
  - Who is Joe?
  - Where did he put his hand?
- **Who, where, and what develop earliest.**
- What (narrow) vs What (broad)
  - What colour was the car on the outside?
  - What did you have for breakfast?
  - **What happened next? → Open-ended**



# Directives – Recommendations?

- Less desirable than open-ended questions but better than closed questions
- May be helpful for younger children
- But stick to *who, where, what*, and follow up with open-ended
  - Where were you in Nana’s house?
    - Okay, tell me what happened in the closet
  - Children are less suggestible (more likely to say DK) in response to directive than closed questions (up next!)

# Question Types: Closed

- Yes-No
  - Did Gary do something bad?
  - “Can you...” questions considered YN – child may or may not interpret the polite request
- Other Forced Choice (2+ options)
  - Were your pants on or off?
  - Was it spring, summer, fall or winter?
- “Or something else?”
  - Use to ensure question is not leading
  - Were your pants on, off, or some other way?



# Closed – Recommendations?

- Avoid closed questions as much as possible
  - children do guess
  - Inhibits narrative
- Ok to ask for verification
  - *Mom said you were upset about something, **Were you upset?***
- “Something else” option is not that helpful

# Leading

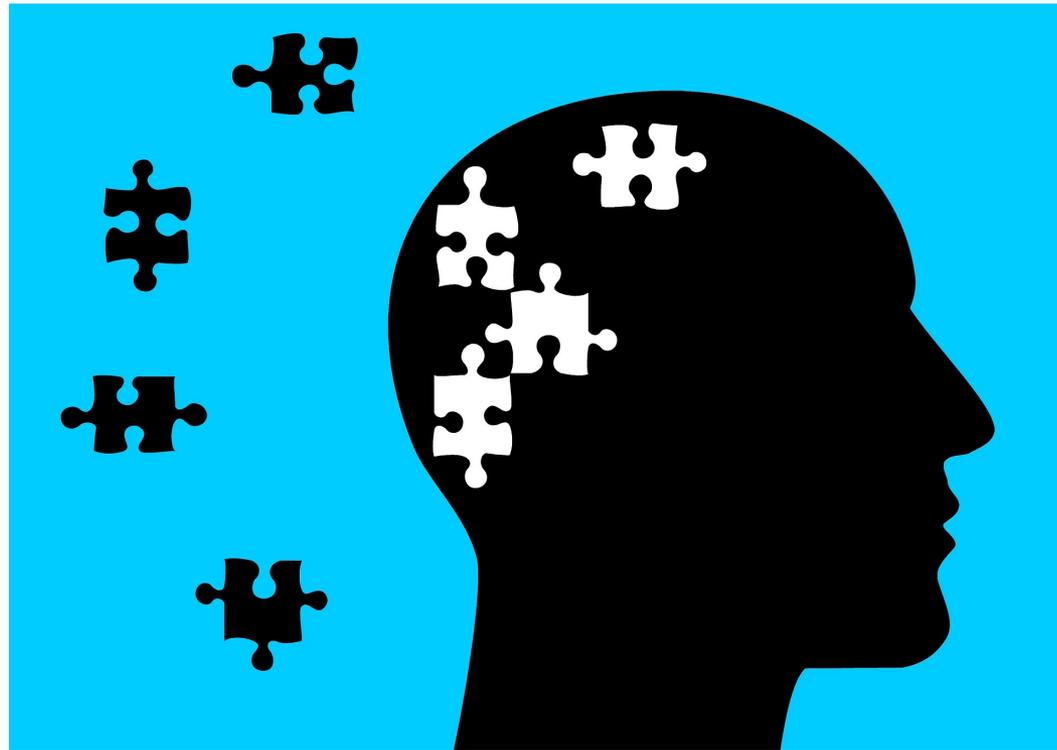


- Prompts that introduce information not mentioned by the child or imply that a specific response is expected.

Consider the following brief scenario:

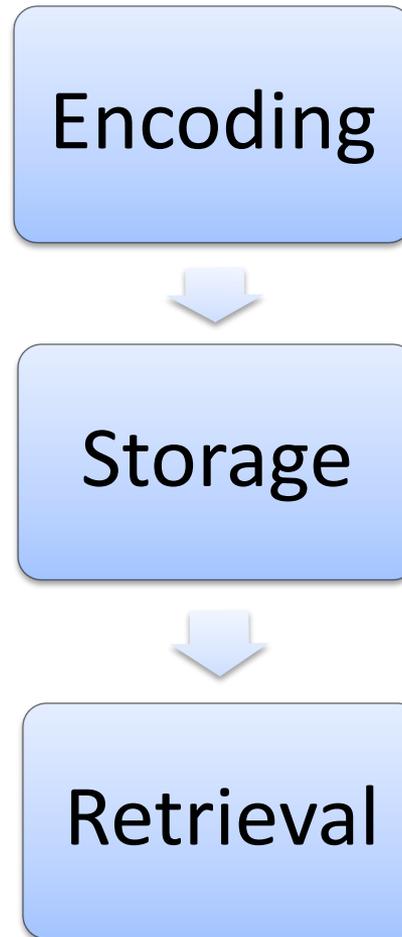
Jaymee reported staying with her Dad on the weekend. She said they baked and decorated some snacks, then they watched a gross movie with naked people and Dad put a blanket over his legs and did something weird and then when it was bath time, he wanted to help wash her. Which of the following prompts is *leading*?

- ① “Dad was watching porn, wasn’t he?” (Yes-no)
- ② “Tell me about the part where Dad washed you” (Open)
- ③ “What did he say during the movie?” (Directive)
- ④ “Did he do anything weird while you made snacks?” (Yes-no)
- ⑤ “Were his pants on or off under the blanket? (Forced choice)
- ⑥ “So you said your Dad is gross” (Simple paraphrase)



# Memory: General Principles

# Stages of Memory



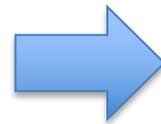
# Encoding

- Information selected for storage in memory
  - Younger children typically encode less than adults – can't attend to as many details in a given situation.
  - Children can encode more about events they understand.



# Storage

- Information that has been encoded is stored in memory, but it is prone to changing
  - Stored information is compared to previously learned information
  - Children have less storage space and are less efficient at storing information



# Retrieval

- Accessing encoded and stored information.
  - Children have more difficulties than adults retrieving memories
  - This is the stage where interviewer influence is important!





# Memory & Suggestibility

- Suggestibility
  - The degree to which external influences (experiences or information) change or distort memories
  - Either the retelling of the memory is altered or the memory itself can be altered due to suggestibility.



# Coercive Approaches that Increase Risk of Error

Approach	Example
Leading questions	<i>Answer embedded in question</i>
Pressure	“Other people told me...” or “He was sleeping, wasn’t he?”
Bribery	“If you can remember one more thing, you can have a cookie...”
Criticism in response to silence	“Hurry up! We don’t have all day!”
Disputing what interviewee says	“There’s no way that could have happened.”
Asking if the interviewee is sure	“Are you sure your Mom really went to work?”
Selective reinforcement	“You’re doing a great job,” only when child has given a desired or expected response.
Inviting speculation	“Imagine how it might have felt, if you could remember it.”
Repeated suggestions	<i>Presenting suggested information multiple times</i>

# Memories for Repeated Experiences

- With increasing experience:
- Central details tend to remain memorable while peripheral details fade.
- It becomes:
  - *Easier* to recall what usually happens
  - *Harder* to recall details of specific occurrences

# Scripts

- Organized structures
- Makes experience predictable
- Contain slots for alternatives
- E.g., restaurant script



# Episodes versus Scripts



## Episodic language:

“We sang ‘Happy Birthday’ and ate chocolate cake”

Generic language (timeless present): “You sing songs, you eat cake”

## Event-specific details:

“We played pin the tail on the donkey”

## Generalized knowledge:

“You can play games”

“I got a treat bag *with stars on it* to take home”

Conditionals: “*If you were good, you might* get a treat bag”

Specific sequences: “*At the end, I* opened my presents”

Optionals: “You can open presents before you eat cake or after”

# ASKING ABOUT EPISODES VS SCRIPTS

Episode	Script
“Tell me everything you did with Mom this past weekend.”	“Tell me what you usually do with Mom on the weekends.”
“Then what happened?”	“Then what happens?”
“You said she yells. Tell me about the [last] time she yelled.”	“You said she yells. Tell me about the yelling.”
“Tell me about one time when Dad got angry”	“What happens when Dad’s angry?”

# Interview content

- ***Wide range of topics that contribute to decision making***
  - ✓ Regular routines (school, after school, weekends)
  - ✓ Parenting arrangements & impact of separation
  - ✓ Family relationships (child-parent, sibling, parent-parent)
  - ✓ Discipline, conflict
  - ✓ Home environment, activities
  - ✓ Atypical events
- **Episodic & generic questions**  
(Brubacher, Earhart, Turoy-Smith, & Powell, 2018)

# ROUTINES

Episode	Script
“Tell me everything you did with Mom this past weekend.”	“Tell me what you usually do with Mom on the weekends.”
“What happened yesterday morning before school?”	“What usually happens in the morning before school?”

# SUPERVISION

When Mom/Dad is not home, who cares for you?"

Episode	Script
Tell me about a time when Mom and Dad had to work late.  What happened?	What usually happens when Mom and Dad have to work late?

# CONFLICT

“How do people in your family solve problems when they don’t agree?”

Episode	Script
“You said she yells. Tell me about the [last] time she yelled.”	“You said she yells. Tell me about the yelling.”
“Tell me about one time when Dad got angry.”	“What happens when Dad’s angry?”

# HELP / SAFETY

Episode	Script
Tell me about a time that Mom/Dad helped you (with homework)	What usually happens when you need help (with homework)?

Do Mom and Dad talk to you about ways to keep safe? What do they say?

Was there ever a time you didn't feel safe?

Episode	Script
Tell me about a time you didn't feel safe	What do you usually do when you don't feel safe?

# DISCIPLINE

“What are some rules in your home?”

Episode	Script
Tell me about a time when you didn't follow the rules. What happened?	What usually happens when children in your family do not follow the rules?

“..children’s informativeness in such conversations is profoundly shaped by their adult interlocutors.”

- Brown & Lamb (2013)



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**Interviewing of Children  
and Young People**  
for decision-making purposes in Family Law