

Not Another Bite at the Apple

Individualizing the Forensic Interview Process to Meet the Child's Needs

By Rita Farrell¹

Introduction

The many pressures of child abuse investigations can make for a sense that forensic interviewers stand at an assembly line of broken children. As burnout and high turnover² create a need for constant training of new forensic interviewers, the focus remains: that while there is no such thing as a perfect interview, a properly performed process accomplishes multidisciplinary team (MDT) goals without risking a judicial challenge or, even worse, retraumatizing the child. That outcome begins with a careful, thoughtful process that prioritizes the child's immediate and long-term best interests in a creative, holistic approach to securing the child's cooperation.³

Although the child's disclosure is a central point of the interview, it is not the crux of the entire case.⁴ It functions as just one piece of an investigation and/or prosecution. (Moreover, providing the child a purposeful and legally defensible opportunity to tell what they have experienced allows the child to begin to heal and pave the way for a stable, functional adulthood.) As any other piece of evidence, the child's disclosure and associated memories must be preserved and their statement must be corroborated.

This guide explores the different types of interviews, focusing on one specific format to consider: the follow-up interview.

¹ Rita Farrell, BS, is Director of ChildFirst® of the Zero Abuse Project. She has been in the field for more than 23 years, and she manages the national and international ChildFirst® Forensic Interview Training Program and the development of advanced training courses and programs for forensic interviewers.

² Fansher, A., Zedaker, S., and Brady, P, 2019. Burnout Among Forensic Interviewers, How They Cope, and What Agencies Can Do to Help. *Child Maltreatment*, 25(1), pp. 117–128. <https://doi.org/10.1177/1077559519843596>

³ Everson, M., 2021. Do Ethical Standards Apply to Forensic Interviewers? *APSAC Advisor*, 33(1).

http://www.apsaclibrary.org/publications_all.php?dir=2021%20Number%201#

⁴ Everson, *Id.*

What is (and isn't) a follow-up interview?

The forensic interview process is the first and best means for the MDT to preserve the evidence in the child's memory in a way that is best for the child, which is precisely the logic behind nationally recognized forensic interview models such as ChildFirst®.⁵ Although the various models differ somewhat in how and when an interviewer transitions throughout the process, all models follow best practices⁶ by relying on clearly identified processes/phases.⁷

The traditional forensic interview process has long been considered a singular interaction. However, a new analysis by Dr. Mark Everson challenges the field of forensic interviewing by suggesting it is unethical to not provide the child an opportunity to fully narrate their experiences, which often means returning for additional interviews. Everson further calls on the field to consider multiple approaches for different situations;⁸ a single comprehensive interview may not work for all children, and there may be a purposeful reason to speak further.

The ChildFirst® model identifies and defines three different types of interviews:

- A **forensic interview** is a neutral, information-gathering interaction conducted by a specially trained interviewer using a multidisciplinary approach in response to allegations of alleged maltreatment. Most commonly, this interview is conducted at a child advocacy center (CAC) in one single, comprehensive session utilizing best practices.⁹ Everson argues, however, that

⁵ Farrell, R., and Vieth, V., 2020. ChildFirst® Forensic Interview Training Program. *APSAC Advisor*, 32(2), pp. 56–63. <http://apsaclibrary.org/publications/2020%20Number%202/10566.pdf>

⁶ Newlin, C., et al., 2015. Child Forensic Interviewing: Best Practices." Office of Juvenile Justice and Delinquency Prevention (OJJDP) Juvenile Justice Bulletin.

<https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/248749.pdf>

⁷ American Professional Society on the Abuse of Children (APSAC), 2012. Practice Guidelines: Forensic Interviewing in

Cases of Suspected Child Abuse.

<https://depts.washington.edu/uwhatc/PDF/guidelines/Forensic%20Interviewing%20in%20Cases%20of%20Suspected%20Child%20Abuse.pdf>

⁸ Everson (Do Ethical Standards Apply to Forensic Interviewers?, 2021. *APSAC Advisor*, 33(1).) differentiates between "multiple-session" and "extended session" formats based on the number of times the interviewer and child meet and, crucially, if the interview is clinical/evaluative or treatment-oriented in nature. He writes: "A single-session-only interview is defined as one in which the interviewer has no option or intention to conduct a follow-up interview or to refer the child for extended interviewing. A variable-session interview is one in which the interviewer has the option, as needed, to conduct one or more follow-up sessions or to refer the child for extended interviewing. A multiple-session interview is one in which the interviewer plans to conduct more than one interview session regardless of the outcome of the initial session. An extended session interview, defined as four or more interview sessions, is typically reserved for cases in which the initial interview session(s) failed to resolve the abuse concerns." For practical rather than clinical reasons, forensic interviewers should strive to minimize the number of sessions needed.

⁹ Farrell and Vieth, *Id.*

the single-session interview fails to meet ethical guidelines in the “best interest of the child” standard of conduct.¹⁰

- An **expanded (also known as an extended, “single-session optional,” or multi-session¹¹) interview** is best described as a phased approach to a forensic interview. It is still a single interview, but some circumstance (such as a linguistic challenge or a previously unknown disability) exists that requires more than one session. The MDT either plans this process in advance, or the challenge presents early in the interview. As a result, the MDT must move forward with an “on the fly,” non-duplicative, flexible, and child-centered expanded interview.
- A **follow-up interview** occurs when something after the initial forensic interview—new information or evidence that has emerged, including recantation—requires the child to return. Unlike the expanded interview, the follow-up interview is not planned in advance and is not a response to challenges that present during the initial interview. However, it is also non-duplicative and just as purposeful as its counterparts.¹² A follow-up interview falls under the variable-session format.¹³

Each of these three types of interviews are performed by a trained forensic interviewer in a controlled environment and supported by the MDT to mitigate a number of consequences.

The interviewer needs to ensure the following:

- The room designed for these interviews contains video recording equipment and comfortable furnishings. The best practice is to interview the child at a CAC.
- The forensic interviewer's role is neutral and non-leading.
- Interviews are planned and scheduled in advance to optimize the child's comfort and therefore their recall. The MDT should have a pre-meeting and the interviewer should receive all information about the child to best individualize the process to meet the child's needs.
- The child is allowed to shape the interview through their own sequential memories, so that the interview process reduces the risk that their describing their abuse will retraumatize the child.

¹⁰ Everson, *Id.*

¹¹ Everson, *Id.*

¹² Everson, *Id.*

¹³ Everson, *Id.*

The controlled setting and thoughtful approach allow the interviewer to gather evidence for the MDT to corroborate and/or refute to support the safety of the child, including the evaluation of whether emergency removal is needed.

Interviewers must remember that sometimes the consequences of not following a forensic interview model are more than just legal or psychological. In one case, a teacher failed to follow mandated reporter guidelines when a 6-year-old child made an outcry about her father's abuse. The teacher contaminated the investigative process by involving multiple other adults in the disclosure: the school guidance counselor, school nurse, principal, vice principal, a police officer, and a child protective services worker. The more these adults attempted to interview the child, the less willing she became to answer questions. By the time a forensic interviewer sat down with her, she did not disclose the abuse. Without the child's statement, the investigative professionals had to send the child home. That night, her alleged offender, feeling exposed and threatened, killed both the child and her mother.

Thus, it is important to clarify that a follow-up interview is not "another bite at the apple" or a second try to duplicate the conversation during the first interview. Instead, a follow-up interview enables the MDT to gather additional information needed by investigators through a process that meets the needs of the child. Aligning with Everson's position, The American Professional Society on the Abuse of Children (APSAC) states in its guidelines that limiting a child's opportunity to one interview in which to tell what they know is not best practice:

A policy that limits the investigative or fact-finding process to a single interview is not recommended. Professionals should attempt to share information so as to minimize unnecessary multiple interviews. The number¹⁴ of interviews should be governed by the number necessary to elicit complete and accurate information from the child. One interview is sometimes sufficient, but multiple interviews may produce additional relevant information, as long as they are open-ended and non-leading. When further investigation or subsequent disclosures indicate there may be additional abusive incidents or offenders, additional interviews are usually appropriate. In order to minimize the child's distress as well as the risk of acquiescence to presumed interviewer expectations, careful consideration should be given to who should conduct subsequent interviews. A referral for an extended forensic

¹⁴ The ChildFirst® forensic interview protocol recommends a process that is individualized to the child and their needs, rather than a set number of interviews. The MDT must determine whether the child can be successful in a single interview, and if not, what they need to be prepared to do to create conditions for the child's success.

assessment may be appropriate in situations where the child has not disclosed during a routine forensic interview but there is significant reason to suspect abuse.¹⁵

Expanded versus follow-up forensic interviews

Taking a closer look at both expanded and follow-up interviews helps to differentiate them more clearly.

Importantly, **an expanded interview is planned**. Planning can be either in advance or "on the fly" if any of the following factors are present:

- The child has a physical, sensory (such as hearing), intellectual, or cognitive disability that makes a lengthy single interview unreasonable.
- The child has linguistic or cultural challenges that cannot easily be solved by access to an interpreter or bilingual interviewer. For instance, they may have a speech-language delay and/or speak English as a second language.
- The child is known to be a victim of human trafficking or commercial sexual exploitation and has experienced multiple victimizations over a period of time.
- The child is very young.¹⁶
- The child shows significant symptoms of psychological trauma, such as dissociation; demonstrates severe anxiety, fear, or distress in the interview or as reported by caregivers; or has significant challenges in the interviewer's rapport-building stage, with paying attention to the interview, or with separation from their caregivers.
- Significant barriers to disclosure have been reported or are suspected. For instance, the perpetrator may be a close family member or other trusted adult in a position of power.

An expanded interview takes place in two situations:

1. Before the initial interview begins, the MDT identifies one of the above challenges as likely to affect the process and an expanded interview is planned. In these interviews, the interviewer clearly communicates expectations about the process to the child, including telling the child

¹⁵ APSAC, *Id.*

¹⁶ With any type of forensic interview (single, expanded, or follow-up), interviewers should ask questions in an age and developmentally appropriate manner. Special considerations should be made for very young children, for whom an expanded forensic interview should always be considered.

at the onset that they will come back to the CAC to be interviewed more than one time. At the end of the interview, the child is reminded that they will return for a second session. In the second session, the interviewer does not rehash what was talked about in the prior interview; instead, they move forward in the model, making the expanded interview non-duplicative.

2. During the initial interview, it is decided “on the fly” that an expanded interview is needed because an issue arises that suggests the process is unlikely to proceed effectively. For example, the child has a language or speech challenge that was not known by the MDT and could not have been planned for. The interview must stop prematurely, but the interviewer communicates to the child that they will return at a later time to continue the conversation. The MDT then meets to decide how to manage the challenge moving forward.

In contrast, the follow-up interview is not technically an expanded interview because there were no factors that required advanced planning, nor did any challenges present during the initial comprehensive interview to stop it prematurely. Instead, a single comprehensive interview is completed according to the model, and then following its closure, the investigation reveals new information that necessitates an additional conversation with the child.

Circumstances that necessitate follow-up interviews may include:

- The emergence of external evidence or corroboration
- New information shared by the child — for instance, a different form of abuse or another abuser
- The child initially did not or could not talk but later indicates they want to return for additional conversation
- The child has recanted their original statement

Still, forensic interviewers are cautioned to avoid using language that invites the child to return for additional conversations. Doing so eliminates the forensic interviewer’s neutrality and can even be construed as coercive. An additional interview is always possible, but the interviewer and other MDT members need not communicate that to the child.

Even in a case of nondisclosure, the MDT should not consider the interview a “failure” that needs to be rectified with a second interview. Instead, the MDT should determine whether any external factors may have created barriers for the child’s disclosure and take steps to remove those barriers. For instance, the child may need therapy in order to feel safe to disclose or a psychosocial assessment to identify any clinical issues that may have resulted in nondisclosure. In the meantime, the

investigation should continue. It may reveal new information or another development that could result in a follow-up interview, but the MDT should not use the singular fact of nondisclosure to decide that a follow-up interview is needed.

Preparing for the follow-up interview

Interviewer preparation is key to ensuring the forensic interview process is conducted in a way that benefits the child.

There is a misconception that interviewer preparation will “taint” the process, and that interviewers should not seek extensive background information beforehand. This belief conflates the two distinct ideas of *case context* and *child context*. In fact, an ill-prepared interviewer lacking child context and background information sets both the interviewer and the child up to fail.

Thorough preparation also allows the MDT to determine early in the interview process if an expanded or follow-up interview will be needed, recognizing them as options but not necessities. The MDT must take care to evaluate both if a follow-up interview would have a purpose and how best to reduce the risks of contamination.

Because a follow-up interview is done in response to an unpredictable situation, it cannot be planned. However, when the MDT believes a follow-up interview may be necessary, planning for it consists of discussing the circumstances. The MDT should include the prosecutor and entire team in the discussion and decision, keeping in mind that, again, the follow-up interview is non-duplicative and not “another bite at the apple.”

For example, the child may recant their disclosure, and the prosecutor may need additional information about the recantation before going to trial. This information could be gathered in a follow-up interview. The interviewer would prepare by:

- Evaluating the initial interview before the child comes in for the follow-up interview.
- Discussing the recantation with MDT members and investigators, including:
 - To whom the child made the recantation and if someone on the investigative team spoke to that individual
 - The circumstances around the recantation
 - Any potential dynamics in the recantation interaction, including if the child could have been pressured to recant

How to conduct a follow-up interview

Importantly, the follow-up interview is purposeful and serves to clarify or gather additional information about what has come out in the previously mentioned circumstances.

In the follow-up interview, best practices dictate that the child return to the same interview location, the same room within that location, and if possible, the same interviewer. The interviewer should remind the child of the previous conversation (initial interview), the MDT members working with the interviewer, that the interview will be recorded, and the reason for the second conversation.

The interviewer should then transition to the topic of concern or the purpose of the interview, following best practices for open-ended, non-suggestive prompts, based on the child's language. For instance, when speaking with a child who recanted their disclosure to their mother, the interviewer may say, "Tell me everything about talking to your mom last night." A child who disclosed to their therapist after initially refusing to disclose in a forensic interview might be prompted with, "Tell me everything you told your therapist." The child's episodic memory retrieval will allow them to walk through their narrative from beginning to end.

An alternative way to approach the transition to discussing the concern is for the interviewer to use time segmenting. Instead of introducing information to the child, the interviewer walks them through a block of time in which the information or recantation happened. The interviewer could say, "Tell me everything about last night from the time you got home until the time you went to bed" or "Tell me everything that's happened since we last talked."

In these ways, the interviewer does not repeat the same questions as in the initial interview, and the child's memory guides the interview process. Even if the child says something that relates back to what they said in the initial interview or says that they do not recall what they said previously, the interviewer should never summarize, rehash, or point blank ask a child "Do you remember?"-type questions. Doing so can taint the interview process.

Everson's criteria for follow-up interviews include:¹⁷

- The child has young chronological or developmental age
- There are concerns about external influences on the child (e.g., coaching, threats, or perpetrator with access)
- The child has not made a disclosure despite the presence of a credible prior disclosure or other substantive evidence of abuse
- The child's account is vague, incomplete, inconsistent, or contradictory
- There are significant discrepancies in the child's current account versus their prior account or other substantive evidence
- There is a complex case history (e.g., poly-victimization or counter-accusations in a custody dispute)
- Additional perpetrator(s) or multiple events are likely

Case Example

A ten-year-old child was brought to a CAC with an allegation of sexual abuse against her stepfather. During the forensic interview, the child disclosed and discussed the abusive event, providing sensory details and corroborating evidence. However, as the prosecutor prepared the child for trial nine months later, the child recanted. She told the prosecutor that the previous night when she had dinner with her grandma and grandpa, they talked about her stepfather, and she then understood that she should not have said that about her stepfather.

The prosecutor gathered the MDT. Questions for discussion included:

- When did the recantation occur?
- Under what circumstances did the recantation take place?
- Who was present at dinner?
- What did the child say?
- Who called the investigator about the recantation?
- What did that person tell the investigator?

¹⁷ Everson, *Id.*

After discussing these factors, the prosecutor asked for a follow-up interview to be done with the child. The follow-up interview took place the following day with the same interviewer and in the same room. Below is sample language that could be used in the follow-up interview, which only focused on asking the child about the recantation rather than being a full interview.

Sample Language:

- The interviewer introduces themselves and the setting: "Susie, I want to remind you that my name is Rita, and we talked a few weeks ago. I also want to remind you about my room and the people I work with. The people I work with can see us (points to team and camera), and so I don't have to take a bunch of notes, I record our time."
- The interviewer runs through the interview instructions, the promise to tell the truth, and/or a truth-lie exercise as appropriate per jurisdiction requirements.
- The interviewer transitions to the topic of concern: "Susie, tell me everything that happened last night from the time you sat down at dinner to the time you went to bed."
- The interviewer follows-up with all narrative the child discusses. The interviewer explores people, locations, sensory details, and things other people said: "Tell me everything grandpa and grandma said" or "Tell me everything you talked about with...."

The best advice for forensic interviewers to elicit narrative responses from a child is to make their next question based on what the child just stated. The interviewer's questions must be purposeful, and as a result, the child's statements are more sequential. This more natural flow of communication allows the interviewer and child to better communicate.

Put the child's needs first

As stated earlier, a forensic interview's purpose is not to elicit a disclosure or position the child to "help" the investigation. An interviewer asking a child to "help me understand" or even "help me put the bad guy away" places a tremendous burden on the child's shoulders. By making these requests, the interviewer elevates theirs or the MDT's needs above a child's physical and emotional safety – and thus can add to the trauma the child has already experienced. Therefore, MDTs should not set a disclosure as a goal, hoping that if not today, maybe the child will "disclose" tomorrow.

Children's reasons for not disclosing are good reasons. For example, the "bad guy" is usually someone they know and love, and they may feel conflicted or afraid of something bad happening to someone they care about. A family member may express fear of a negative outcome should the alleged offender be sentenced to jail. For many children, a non-disclosure does not mean that abuse is not occurring; it simply means it is not the right time for the child's disclosure. Further services may be needed and should be offered in parallel with the investigative process. Additionally, an investigation should not "stop" if the child does not disclose.

Instead, forensic interviewers, supported by the MDT, should prioritize the child's comfort and sense of safety. MDTs should focus on providing an environment where the child will willingly choose to open up to the interviewer. This environment includes flexibility with interview modalities. MDTs must intentionally individualize the process and questions, keeping in mind that each child that presents for a forensic interview has differing needs and abilities. Interviewers should maintain awareness of culture, age, developmental abilities, and alternative hypotheses throughout the process.

For information about training on follow-up interviews, including dates and locations, please visit www.zeroabuseproject.org

