

Experts and Child Protection in the USA: Research on Child Interviewing

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Outline

- Child Protective Services (CPS) Now
- New Federal Law Governing CPS
- California CPS and Dependency Court
- Switch to Child Interviewing
- What Research Indicates that Children Can Tell us
- Research on Disclosure
- Research on Memory for Negative Events
- Interview Protocols
- The DCM
- Need for a Developmental Approach

National Statistics: 2021

National data collection and analysis program makes available state child abuse and neglect reporting information

- 4 million referrals alleging child maltreatment; 7 million children
- 52% screened
- 600,000 child victims (substantiated)
- 113,324 child victims received foster care services (about 60,000 in California)

- 76% Neglect
- 10% Sexual abuse
- 16% Physical abuse
- 6.4% Psychological abuse

Federal Definition

- Any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation; or an act or failure to act, which presents an imminent risk of serious harm.
- The Justice for Victims of Trafficking Act (P.L. 114–22) added the requirement to include sex trafficking victims in the definition of child abuse and neglect.
- Each State has its own definition of child abuse and neglect that are based on the above federal standards. Each state have its own rules, needs, and possibilities for expert evaluations/reports.

2018:Family First Prevention Services Act (FFPSA)

- **Limits congregate care.** FFPSA is to help children and youth remain at home and not use of congregate care placements.
- **Support prevention services (prevention of foster care, not of child abuse and neglect).**
- **Provide support for kinship (relative) caregivers and links relative caregivers to services and supports** to help children remain safely with them.
- Residential treatment programs. Establishes new requirements for youth being placed.

Social Workers

- Child Protective Services is typically run by social workers
 - Usually, social workers do the investigations, write the reports, and present the case to the courts
 - In especially difficult cases, they have PhD psychologists conduct an assessment and evaluation that becomes part of the report given to the court
 - The PhD psychologist will be called to testify
 - Rarely have an opposing expert

California's differential response approach

Path 1 Community response—Does not meet abuse and neglect, **no investigation**.

Path 2 CPS + Community response—meets definitions of abuse and neglect, child is safe, family has strengths, **investigation**. A case may or may not be opened.

Path 3 CPS response—the child is not safe and at risk for continuing abuse or neglect, serious allegations to the hotline, **investigated**, a CPS case is opened.

Path 3 families (a relatively small subset of them) are most likely to have an expert evaluation.

California: Juvenile Dependency Court

- **The goals of the Juvenile Court in dependency cases:**
- To protect children, provide due process to parents, monitor the actions of the CPS agency.
- Child has attorney, child may also have a CASA, each parent may have attorney(s), CPS has County Counsel/attorney, foster parents may have an attorney—lots of attorneys involved!

- **The juvenile court can make orders in dependency cases:**
- Remove children from their parents
- Send children to live with relatives (kinship), foster care, treatment facility
- Get services the children need
- Refer parents to agencies to get needed services
- Terminate a parent's rights
- Place the child for adoption or guardianship
- CPS make home safe for the child

Reunification

- In California, by law, reunification is a goal.
- Parent has a limited time (e.g., 18 months) to remedy their problems and prove to the court that the child will be safe with them.
- If child cannot be reunified due to parental problems, child can be put up for adoption
- It is difficult to have older children, minorities, etc. adopted
- Children may have multiple placements. They may have 20+ placements!

Research on Interviewing Children

- To investigate Child Maltreatment, CPS and Experts Typically need to Interview Children
- This can be especially important in child sexual abuse cases (CSA)
- But in any kind of case, it's important to take the child's needs, experiences, and wishes into account

What Can Children Tell You?



- UN Convention on the Rights of the Child Article 12: Children should be heard in cases that affect their lives
- Interviewing children about their wants and needs is essential for children's rights
- What are the forces on children to deny, delay disclosure, or not disclose?
- Can maltreated children tell an expert what the child has experienced?



DISCLOSURE

- What does research tell us about disclosure?

Research: Negative Influences on Disclosure

- Many children do not disclose in childhood:
- Researchers have identified a number of important influences on Disclosure of Abuse
- Age (e.g., young children less likely to be consistent) Keary & Fitzpatrick, 2004
- Family Factors (e.g., delayed disclosure of extrafamilial CSA, if family is emotionally abusive) Tashjian et al., 2014
- Gender and Type of Abuse (e.g., males less willing to disclose CSA) Hartman et al., in press
- Cultural Factors (trust in authorities) Hartman et al., in press
- And many other factors

Negative Influences on Disclosure

- **Perpetrator or Relative Tells them Not to Tell**
- Some children would not report about the abuse they were enduring because they were told not to tell. They denied the abuse as children (Hartman et al., in press)
- **Children do not like to describe sexual matters:**
- Older children (7 yrs old) were less likely to tell about genital touch than younger children (5 yrs olds) (Saywitz, Goodman et al., 1991)
- Leander et al. (2007, 2010): Documented sexual abuse victims: Children do not like to talk about the sexual acts. She called for repeated interviews of children
- **Children do not want to implicate themselves/Self blame:**
- Documented child sexual abuse victims (audio and video recordings found). 8 to 15 yrs old. Left out parts that were self implicating. (Bidrose & Goodman, 2000)

Rapport Building

- So far, the main issue research has identified that helps with Disclosure in forensic interviewing is Rapport Building
- What is Rapport? Similar to Supportiveness.
- It is designed to help create a comfortable and safe atmosphere, convey acceptance, understanding, and respect to the children; promote confidence and cooperation; and to create interpersonal trust.
- Herschkovich, Lamb et al. (2014) originally built rapport through Narrative Practice. The Revised the NICHD protocol includes more rapport building.
- Interactional rapport (e.g., attentiveness, coordination, positivity) was more likely than Narrative Practice to help children report transgressions and build rapport (Foster, Talwar, & Crossman, 2022).

Memory for Negative Events

- How well can children remember and recount negative events?
- Two broad categories of research (some interplay)

Two Lines of Child Memory Research

- Two streams of psychological research
- 1) When something traumatic or sexual happened
 - Documented child sexual or physical abuse
 - Analogue (e.g., medical examination) studies
 - Case studies
- 2) When nothing traumatic or sexual happened
 - Suggestibility
 - False reports
 - False memories
 - Often laboratory based

Bruce Ellis et al., 2022: Memory and Hidden Talents

- Evolutionary theory based on adaptation in the face of adversity.
- Children with a lot of adversity develop an adaptation-based “expertise” on anger cues, trauma, personal traumatic events.
- They do poorly on academic tasks, standardized tests, typical psychology experiments.
- But they do remember well their trauma experiences.
- “Hidden talents”: Focuses on identifying specific strengths caused by adversity and enhanced in stress-adapted children:

Maltreated Children Can Report Accurately about Negative Events

- Generally, memory is stronger for stressful personal experiences than neutral experiences (Goodman et al., 1991; McKinnon et al., 2015), perhaps more so with adverse childhood experiences (Ellis et al., 2022; Pollak & Tolley-Schell, 2003)
- Case studies: Children (e.g., 2- or 3-year-olds) can report negative events that really happened: Pediatrician CSA (Goodman et al., 2017); parental murder (McWilliams et al., 2013).
- 3 yr old children who were highly distressed in the Strange Situation Procedure were just as accurate and non-suggestible as 5 yr olds. Chae, Goodman, et al. (2018)
- Childhood amnesia can block the memory later (Gonzalves et al., 2022)
- Children were more accurate about abuse-related events if their fathers were harsh punishers compared to children whose fathers were not as punishing. Wu, Goodman et al. (2023)

More Evidence: Children's Reports of Negative Events

- Maltreated and control children (9- to 15 yrs old). **Trauma-related psychopathology** resulted in more commission errors to questions for positive but not negative events. McWilliams, Harris, & Goodman (2014)
- After 14-20 years, the stressful of the events and trauma-related psychopathology (e.g., depression, PTSD) predicted more accurate reporting by adults of childhood negative events (anogenital examination, abuse memory). Goldfarb et al., 2023
- Individual differences: Avoidant attachment was associated with trying not to think about severe CSA: Less complete reporting of severe CSA in adulthood/late adolescence for more avoidant individuals (Chae et al., 2014; Edelstein et al., 2005). Dissociation can also be problematic for memory reports (Eisen et al., 2007).
- Is it response bias? Does adversity make some people overinterpret neutral information as trauma-related? (Beck & Haight, 2014; Windmann & Krüger, 1998)

Criminal Court: Interview Protocols

- In California, for Criminal Cases of CSA, children under 14 yrs, must be interviewed at Children's Advocacy Centers (CACs):
- 10-Step Interview (Lyon): Recommended for use in California
 - Simple, 1 page
- NICHD Interview (Lamb): Recommended in Salt Lake City and internationally
 - Takes more training
- NCAN Interview (Newlin): Recommended in USA and internationally
 - Flexible (e.g., can use figure diagrams, props)
- Videotaped

CPS: Experts in California



- In especially difficult or complex cases, social workers or the juvenile court will reach out to the head of their panel of experts.
- The Panel head selects the expert.
- The experts usually have a doctoral degree in clinical psychology and background in assessment, child maltreatment, ACES, family dynamics, trauma, etc.
- Each expert would read investigation report, talk to collaterals, observe the child at school, and meet with the child and families.
- For the child and families, there are standardized tests (e.g., CBCL) and interviews.
- The expert would be trying to determine what the child wants and the child's best interest.
- Experts do “psychological evaluations,” not the same as a social worker's report.
- Judges often rely a lot on the social worker and expert's opinion.

Child Clinical Experts

- No standardized interview format
- Expert decides what to ask
- Not videotaped
- Notes would be taken after the interview(s)
- Psychological evaluation written to present to the social workers and court
- Expert could be called to testify to explain their report and recommendation



Child-Friendly Interviewing: Melinder, Magnusson, and Gilstrap (2021)

- Gamst & Langballe (2004): Dialogical Communicative Model (DCM)
 - A child-appropriate interview for young children and older children with intellectual challenges
 - Extended rapport building (e.g., drawing)
 - Use of facilitators to facilitate conversation and convey active listening (e.g., “Ok,” “Uh-huh,” “Mm”)
 - Ground rules (e.g., correct the interviewer, say DK if you do not understand, tell truth)
 - Explanation of the subpoena “I know you talked to your teacher about something that might have happened to you, and that is what we want to talk to you about today.”
 - Free recall, followed by open-ended probing about what the child recalled.
 - Then can end cautiously with wh-questions (e.g., what, when, who, where)
 - Allow breaks during an interview and more than one interview

Conducted a Sequential Analysis ($N = 33$) 3-15 yr olds

- Examines bidirectional nature of the interview
- More free recall questions asked
- Asked fewer option-posing and suggestive questions
- When predicting from interviewer to child behaviors
 - Open-ended questions (i.e., invitations, open cued recall, open directive recall, facilitators) were followed by more central details about the criminal allegation than expected by chance.
 - Closed questions (i.e., suggestive, option-posing, and y/n) were followed by more short answers (i.e., yes/no responses) than expected by chance.

Importance of a Developmental Approach

- Interview Protocols are based largely on research on elementary school ages and preschoolers but do not go down to 3-years of age
- Suggestibility can be an issue at any age, but is more of an issue with preschoolers and young children
- Adolescents are more capable to telling you what happened and resisting suggestion, but may be hesitant to tell
- There likely are different techniques and issues that arise as a function of development that need to be taken into account

App for CPS Expert Interviews

- An app could be useful for experts by specifying the techniques found to work well for the age/developmental level/gender/ethnicity of the child.
- Most child clinicians in the US are very familiar with interviewing children thus can ahead of time bone up on the DCM or a Tool Box via the App.
- Clinical psychologists in the US may feel you need a lot of flexibility to interview a child. Being truly available to listen and be trustworthy is viewed as key. Building that into the App is important.
- There are forms to fill out, and they are often are done after the interview so the writing does not get between the interviewer and the client.
- These forms also could be on an App. That could facilitate getting them standardized and facilitate data analysis.

The End

