Child Development and Child Interviewing Techniques 101

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Child Development 101

- Introduction to psychological perspective on development
- Age group differences

Child Interviewing Techniques

- Factors to consider
- Best Practices

How to respond to unexpected and difficult scenarios

- How to identify and what to do in an emergency
Some Factors Affecting Communication

- Age
- Education level
- Not miniature adults
- Dialects
- Legalese
- Timelines/Chronology
- Kinship terms
- Cultural differences
• Difference between you and the client
• Difference between you and the parent/spONSor
• Differences in gender between you and the client
• Differences between clients
• Obvious?
• These are myriad
• Please define trauma Justice Stewart. See, Jacobellis v. Ohio.

• Every meeting is different

• Mental disabilities include both mental health problems and intellectual disabilities.

• Bright line, age-based delineations don’t always work

• Mental disabilities include both mental health problems and intellectual disabilities.

• Day to day changes

• Age not determinative

• Bright line, age-based delineations don’t always work
Best Practices for Child Interviews

- Rapport
- Physical Setting
- Questions and Answers
Physical Setting

- Comfortable and Private
- “Physically and psychologically safe” i.e. non-threatening
- Timing
A project of the American Bar Association funded by the Vera Institute of Justice and the Texas Access to Justice Foundation.
QUESTIONS

How do you phrase the questions?

ANSWERS

How do you interpret the answers?
Questions

First off, Remind them again it's ok to say “I don’t know” or even “I don’t want to talk about that.”

Give context/reasoning behind why you are asking certain questions.

Watch out for rote descriptions/phrasing on your part - make the effort to tailor the question.

Think about the words you use.

Don’t use compound questions - “Do you remember...?”

Get comfortable with long pauses.

Always ask something like: “Is there anything else I need to know?” or “Anything else you want to tell me?”
Be alert for miscommunication / lack of understanding

Watch your facial expressions

If the answer seems inconsistent with prior answers, think about the way the question was phrased. Was there a literal interpretation on the part of the child?

If you sense the child shutting down (blank stares, disassociating)

“Better to give the impression of having understood the child and change the subject and then come back to it later in some other way than to leave the child with the impression that he can’t get his point across however hard he tries.”
Did I tell the child the purpose of our talk, and why it is important, and what will happen afterwards?

Did I avoid legal words and phrases?

Did I assume that because a child uses a word, he or she understands the concept it represents?

Was I as redundant as possible?

- Select Questions from “checklist for interviewing/questioning children” developed by Anne Graffam Walker, Ph.D. and taken from: Handbook on Questioning children; a linguistic perspective
How to respond to the difficult, uncomfortable, or unexpected admissions a child client may make

You don't have to be crazy to work here. We'll train you.
How to respond to the difficult, uncomfortable, or unexpected admissions a child client may make

Signs of suicidal ideations

- Talk about dying
- Change in personality/behavior
- Change in Sleep Patterns and/or eating habits
- Fear of losing control
How to respond to the difficult, uncomfortable, or unexpected admissions a child client may make

Suicidal ideations: How to respond

• **It's best practice to address it head on** - you’re not going to make it worse. Usually, people want to talk about it, especially kids.
  • “Do you feel suicidal?” - “What’s that like?” and “Is there a plan?”
  • Suicide is usually not impulsive. Ask open ended Q’s: “How would you do it?”

• **Assess the risk** - Is this an emergency?
  • Gauge the immediacy: “Do you have a knife/gun/pills?”

• **Put a safety plan in place**
  • “Have you talked about your feelings with anyone else?” OR “Who could you talk about this with within your family?”
  • Explain your role and tell them you can help them get help if they want it

• **Direct them to resources:**
  • National Suicide Prevention Lifeline: **1(800) 273-8255**
  • Texassuicideprevention.org
How to respond to the difficult, uncomfortable, or unexpected admissions a child client may make

<table>
<thead>
<tr>
<th>Admissions of rape and sexual abuse</th>
<th>Admissions of drug use and/or addiction</th>
<th>I’m Pregnant!</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Stay steady.</td>
<td>• Remind them how drug convictions can have serious consequences on their immigration case.</td>
<td>• Calm response.</td>
</tr>
<tr>
<td>• Ask open-ended non-leading questions.</td>
<td>• Ask if they think they have a problem?</td>
<td>• Watch the facial expressions!</td>
</tr>
<tr>
<td>• Don’t say “I’m sorry that happened to you.”</td>
<td>• Do they want help?</td>
<td>• Ask who else knows.</td>
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<tr>
<td>• Give affirmation: “You’re very strong for having gone through that. Thank you for sharing that with me because it may be very important to helping you with your immigration case.”</td>
<td>• Draw the line with parents as to your role – stick to the negative consequences re: immigration so that you’re not seen as taking sides between parent and kids.</td>
<td>• Ask if they have/need pre-natal care?</td>
</tr>
<tr>
<td>• Connect them with resources.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SOURCES CITED AND OTHER RESOURCES FOR CHILD INTERVIEWING TECHNIQUES AND BEST PRACTICES

- Deportation by Default: Mental Disability, Unfair Hearings, and Indefinite Detention in the U.S. Immigration System; Human Rights Watch and ACLU (July 2010). Available at: https://www.aclu.org/files/assets/usdeportation0710_0.pdf (Last visited 03/30/2016).
- Working with Children: Ethical Issues and Standards of Practice; VERA Institute of Justice, Unaccompanied Children Program (January 2015).
- Advocating for Very Young Children in Dependency Proceedings: The Hallmarks of Effective, Ethical Representation; Candice L. Maze, Center on Children and the Law (ABA, 2010).
- Representing Detained Immigration Respondents of Diminished Capacity: Ethical Challenges and Best Practices; ABA Commission on Immigration (July 2015).
- Recognizing and Responding to Suicidal Persons: What Lawyers Need to Know; Boston Bar Association (November 2013).
- National Suicide Prevention Lifeline; Anthony in Upstate New York on 03/29/2016. Website: http://www.suicidepreventionlifeline.org/
Children’s development and Child interviewing techniques for lawyers

April 1, 2016

Dr. Luis Zayas
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