



WITNESS ASSISTANCE SERVICE

GUIDE TO PROOFING CHILD VICTIMS AND WITNESSES

PRACTICAL CONSIDERATIONS

- Coming into the ODPP office is an intimidating experience for children who have had no experience of the legal system and do not know what to expect.
- Children who are sexually abused often face multiple disadvantage - family breakdown, poverty, other abuse, guilt, etc.
- Children are egocentric and so often blame themselves and feel responsible for what has happened.
- The child may have feelings of 'love' for the accused as well as anger and hurt - be aware that the child may not 'hate' the accused or want to see them 'punished'.
- **DO NOT** assume that the parent or carer is aware (or wants to be aware) of the details of the allegations. It is also common for children and adolescents to not want parents to know the details of the alleged offending.
- **BE MINDFUL** that children are often under a lot of pressure from family to either proceed or not proceed.
- It may be appropriate to check with the child if they are feeling pressured to proceed.
- Where child victims do not want to go ahead with a matter it is important to reassure them that this is okay.

CHILD DEVELOPMENT

- Be mindful of the developmental age and ability of the child or young person.
- **REMEMBER** that children are 'works in progress' and children of the same ages mature at very different rates.
- **ALWAYS** adapt your approach and questions to suit the developmental age and maturity of the child.
- Consult with parents or carers beforehand about the child's ability to understand.
- **BE AWARE** that young children may say they understand when they actually don't.
- Whilst a child may appear to comprehend, their level of understanding may be limited due to age, maturity and life experience.
- By age five, child's language can sound like an adult but this does not mean that they have achieved mastery of language.
- **ALWAYS BE MINDFUL OF LITERACY and DEVELOPMENTAL ISSUES** - abuse and family dysfunction can often impact on children's ability to learn.

PREPARING TO PROOF A CHILD

- **BE ORGANISED** - have a structure for the proofing.
- Know what you need to get out of the proofing.
- **BE CLEAR** about the information you will provide to the victim and carers at the proofing meeting.
- **CONSULT** with the IO and WAS about your proposed plan and how you intend to approach the meeting.
- Allow adequate time for the proofing and include time for introductions, discussion, questions and breaks.
- Plan to conduct the proofing earlier in the day rather than later (children are commonly tired at the end of the day)
- **IT IS ESSENTIAL** that the child be given an opportunity to watch their recorded interview or read their statement prior to the proofing.
- **NOTE** that you may be required to read (all or parts) of the child's Record of Interview out aloud to them.

CHILD INTERVIEWS and WITNESS STATEMENTS

- **NEVER** assume that parents are aware of the detail of the alleged offences involving the child.
- Although the child has a right to a copy of his or her statement, there may be issues of privacy (or safety) for the child if these are taken home.
- In some situations parents will request (or demand!) a copy of the child's statement. Even if the parent is not a witness, this **SHOULD NOT** be provided without the agreement and 'freely given' consent of the child.
- Disclosing offence details to parents may further traumatise the child or result in the parent or carer experiencing shock, distress, anger or disbelief.

HELPFUL PROOFING TIPS

- Children are often under significant pressure from family to either proceed or not proceed. It may be appropriate to check with the child if they are feeling pressured to proceed.
- Gain the **TRUST** of the child prior to commencing the proofing. It is important to reassure the child or adolescent that we are used to hearing sensitive information, and while we understand they may be embarrassed, they can feel comfortable in your presence.
- Children and adolescents may feel embarrassed about their cooperation with the offender – **ALWAYS** reassure the child that they did nothing wrong.
- Children often feel pressured to mediate their responses to avoid upsetting parents.
- **ALWAYS** check how the child would prefer you to refer to the accused. Use the name or term that the child feels comfortable using.
- **ALWAYS** explain to the child that they are not responsible for what happens or the outcome. All that they can do is come along and say what happened.
- Explain to the child that if they do not understand a question it is important for them to say so - 'normalise' not understanding a question.
- Be extremely sensitive when asking a child questions such **why they did not tell anyone about the abuse** and **EXPLAIN WHY** you need to do this.

DURING THE PROOFING

REMEMBER:

- Ensure the proofing meeting is private, informal and free from other distractions.
- Be mindful of seating arrangements - try to sit to the side of the child instead of opposite (*side-on is collaborative, front-on is confrontational*).
- Try to avoid having too many people being present at the proofing (*children and adolescents will find it hard to say 'no' to an extra person being present if you ask, especially when asked in front of the 'extra' person*).
- Consider proofing over two (2) meetings if the child appears to be finding the process difficult.
- **IT IS APPROPRIATE** for a child to be wary and cautious of discussing intimate details of their lives with strangers - particularly in light of their experience.
- **NOTE:** Young children will often avoid or stray from a question when they feel embarrassed or uncomfortable. Always go with a change in subject, and then gently bring the child back to your question.

STEPS FOR YOU TO FOLLOW DURING THE PROOFING INCLUDE:

- Make sure the child is comfortable - check if the child needs a drink, toilet, etc.
- **TAKE TIME** to get to know the child a little first and to build some rapport.
- **ALWAYS** check how the child feels about being here.
- Introduce yourself - say what you do in simple and plain language.
- Provide the WAO an opportunity to talk about their role, or alternatively, where the WAO already has a relationship and rapport with the child, let the WAO introduce you and explain your role.
- **ALWAYS** provide the child with a 'road map' - advise them what you are about to do and how long it will take.
- When a parent or caregiver has been asked to leave the room, confirm the plan about where the parent is, when they will return. Check that the child is okay with this.
- Allow the child an opportunity to ask questions before you start proofing them.
- Before 'launching-in' **ASK** the child if it is okay to talk now.

QUESTIONING DO'S & DON'T'S

DO

- ✓ **ALWAYS** use short, simple sentences and simple language.
- ✓ Talk slowly and ask one question at a time.
- ✓ Always clarify the child's terms and use their language (i.e. use their names for their body parts, not yours).
- ✓ Always check how the child wants to refer to accused.
- ✓ Keep the pace slow and even - firing multiple questions at the child will only confuse and overwhelm them.
- ✓ **LISTEN** carefully to what the child is actually saying.
- ✓ Bring the child back to that topic when you want to clarify an aspect of what the child is saying - e.g. "*I want to ask you about what happened in the bedroom the day you said it was raining*". 'Chopping and changing' or moving back and forth between topics will only confuse the child.
- ✓ Use open ended questions - e.g. "tell me about that".
- ✓ Be alive to the non verbal cues.
- ✓ **ALWAYS** monitor non-verbal cues or actions (these are often stronger than verbal cues).
- ✓ Remain calm / non-judgmental.

QUESTIONING DO'S & DON'TS Continued

DON'T

- X Don't use difficult or complex words - check your cheat sheet for some reminders as it can be hard to bring your language down from the familiar professional language and terminology.
- X Don't use 'double barrelled' or multiple questions. These will only confuse the child.
- X Avoid moving too quickly from question to question.
- X Be careful not to use the term "you" - e.g. "When you touched his penis" - it is better to depersonalise the offending - e.g. "when the touching happened"
- X **ALWAYS** avoid touching the child or young person.
- X Avoid comments like - "*you poor thing*" or "*that is the worst story I have ever heard*" - the child may feel isolated and different rather than supported.
- X **AVOID** the word or phrase "story" as it implies that what the child is telling you is made up.

INTERVIEW 'PITFALLS'

COMMON INTERVIEW 'PITFALLS' INCLUDE THE FOLLOWING:

- Rushing or overwhelming the child.
- Not 'settling' or 'preparing' the child adequately.
- Multiple choice questions - presents the child with a number of alternatives.
- Multiple Yes and No questions - can lead to the child feeling pressured.
- Directed questions - information not previously disclosed.
- Presumptive questions - takes for granted that something happened, then asks the child to affirm.
- Misleading questions - assumes a fact that is NOT true.
- Coercion - use of inappropriate inducements to get cooperation or information.
- Assuming the child understands language in the same way as an adult.
- Missing narrative and non-verbal cues.

BE VERY CAREFUL WITH:

- Suggestiveness - introducing information rather than encouraging the child to say what happened.
- Influence - telling child what others disclosed.
- Reinforcement - promised or implied punishment or reward.
- Removal from direct experience - inviting child to guess or pretend - e.g. '*Why do you think he did that?*'

CLOSING THE PROOFING

- Check your proofing plan to make sure you have covered the points, areas or topics that you intended to cover (requiring the child to come back for questions you forgot is likely to be distressing for the child).
- **AVOID** using phrases such as "*good job ... I'm really proud of you ...*". Although easy to do, praise of this type is not encouraged.
- Ask the child if there is anything else that they want to say or tell you about.
- Check if the child if they have any questions.
- Having completed the proofing **ALWAYS** inform the child or parent(s) about what will happen next.
- Encourage the child and carer to contact either WAS or you if they do have further questions or concerns.
- **ALWAYS** thank the child for talking to you.

AFTER THE PROOFING

- Take time to debrief with WAO and IO (particularly where the proofing has been difficult or challenging).
- Review your notes taken during the proofing meeting.
- **ALWAYS** check your interpretation of the child's behaviour during the proofing. It is likely that those present may read or interpret events in the proofing very differently.
- Be clear about the things you have agreed to follow up with the child or family.
- Keep the WAO updated and informed (it is common for parents to continue regular contact after the proofing).
- **ALWAYS** give the WAO plenty of notice where charges are to be changed, nollied or we make a decision to not proceed.

INVOLVING WAS

- **ALWAYS** refer to WAS where a child is involved (this policy requirement of the office).
- Always advise the allocated WAS when you intend to proof a child.
- Remember to consult the allocated WAO's diary and availability prior to booking a proofing time with a child victim or witness. Where rapport has already been established, swapping the WAO will be disruptive and distressing to the child.
- Consult with the allocated WAS prior to the proofing about the purpose of the proofing meeting and your intended approach.
- Seek the advice and support of WAS where you feel unsure, concerned or have questions about conducting the proofing.
- Where a rapport has already been established with the child or parent(s), the allocated WAO will provide you with relevant background information and recommendations about meeting with and engaging the child.
- **BE REMINDED** that WAS will provide support to the child (and parent or guardian) before, during and after the proofing.
- Choosing not to utilise or provide WAS support to the child during a proofing may be detrimental to the child (particularly where the child is upset, distressed or affected by the meeting).
- Always keep WAS involved and updated. The allocated WAO will be able to spend the time talking with victims and families that you may not.
- **REMEMBER that involving WAS will ultimately save you time !!!**

PRACTICES THAT WILL ASSIST CHILDREN and YOUNG PEOPLE

- ✓ Good preparation and planning.
- ✓ Consultation and Teamwork (with the WAO, IO, etc).
- ✓ Awareness of the stages of child development
- ✓ The use of appropriate language, terms, questions and techniques for interviewing children.
- ✓ Consideration of the child and his or her individual needs.
- ✓ Consideration of the role and involvement (or influence) of parents and carers.
- ✓ Being mindful of the responses and reactions of the child (both verbal and non verbal).
- ✓ Avoiding interviewer pitfalls.
- ✓ Prior consideration of the environment and setting for conducting the proofing.
- ✓ Always being mindful of the potential impact of meeting you!

RESOURCES

- **K.C. Faller (2007)** – '*Interviewing Children About Sexual Abuse*'. Oxford University Press.
- **C. Wilson & M. Powell (2001)** – '*A Guide to Interviewing Children: Essential skills for Counsellors, Police, Lawyers and Social Workers*'. Allen & Unwin
- **G.M. Davies & Helen L. Westcott (1999)** - '*Interviewing Child Witnesses Under the Memorandum of Good Practice: A Research Review*'. Police Research Series paper 115. London . UK.
- **Bekerian, D.A. and Dennett, J . (1995)** *The Child's Account. Evidential Interviews with Children: Observations and Recommendations on Video Procedures and Interview Techniques*. Cambridge: Cambridgeshire County Council.
- **Aldridge, J. and Freshwater, K. (1993)** '*The preparation of child witnesses*'. *Tolley's Journal of Child Law*, 5, 25-28.
- **Goodman, G.S., Taub, E.P ., Jones, D.P.H., England, P ., Port, L.K., Rudy, L. and Prado, L . (1992)** '*Testifying in criminal court: Emotional effects on child sexual assault victims.*' *Monographs of the Society for Research in Child Development*, 57(5), serial no. 229.
- **Boggs, S.R. and Eyberg, S.E. (1990)** '*Interview techniques and establishing rapport.*' In A.M. La Greca (Ed), *Through the Eyes of the Child: Obtaining Self-Reports from Children and Adolescents*. Boston: Allyn and Bac