Incorporating the Principles of Scientifically Based Child Interviews into Family Law Cases

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ABSTRACT. In recent years, scientific work has been directed toward the evaluation of suspected sexually abused children. While in many ways this remains a controversial area, sound evidence has emerged regarding how children should be interviewed in order to enhance their

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ability to report their experience and as to avoid contamination of their memory. In this article, the authors take the position that the science is now sufficiently evolved so that such interviewing techniques can be applied to interviewing children in child custody evaluations. *[Article copies available for a fee from The Haworth Document Delivery Service: 1-800-HAWORTH. E-mail address: <docdelivery@haworthpress.com> Website: <http://www. HaworthPress.com>* © *2004 by The Haworth Press, Inc. All rights reserved.]*

KEYWORDS. Child custody evaluation, forensic child interview

RATIONALE FOR INTERVIEWING CHILDREN

The purpose of a child custody evaluation (CCE) is to better understand a particular family's functioning and to assess the best interests of the children within the new family division. In analyzing "best interests," some custody evaluators have primarily focused on data from parent interviews and testing, review of documents, and information from collateral sources. Many custody evaluators have undervalued the rich and important information that children can provide.

Guidelines from professional organizations, such as the American Psychological Association (APA), and prominent custody experts identify child interviews as part of recommended procedures in CCEs (APA, 1994; Gould, 1998; Gould & Martindale, in press). Current controversy on this position has been spawned by Benjamin and Gollan's book (2003) in which the authors assert that preadolescents not be interviewed because of their suggestibility. The authors cite the suggestibility research as reviewed by Ceci and Bruck (1993) for an article in *Psychological Bulletin* as supporting their position. Ceci responded to this faulty conclusion with the following comments: "Benjamin and Gollan correctly cited our work as documenting the heightened vulnerability of very young children to suggestibility. However, these authors appear to move beyond the scientific literature by arguing that pre-adolescent children should not be interviewed. There is nothing in the scientific literature to justify such a blanket assertion" (cited in Martindale, 2003).

It is our position that, in the majority of custody cases, "best interests" cannot be fully understood unless information and perceptions are directly obtained from the child. However, in all forensic contexts, speaking to a child and collecting valid information is fraught with problems. We propose that custody evaluators approach this task with a solid knowledge of forensic child interview techniques in order to avoid contamination of a valuable source of information and obtain the most reliable information possible.

CHILDREN AS POTENTIAL INFORMANTS

Within the family, children are the silent observers of the day-to-day family interactions and dynamics that take place in their home. Children possess important information regarding the models their mother and father present for human relationships, their parents' styles of conflict resolution, the quality of the parent-child relationships both before and after the parental separation, and the identity of the person(s) with whom the child has his or her primary relationship(s). These issues of parent-child relationships are important to children's development, in that children learn how to interact with others by observing how their parents handle human relationships.

Children can provide information to assist the custody evaluator in understanding the quality of play, education, nurturance, and discipline provided by each parent. This information adds to what is learned from other sources of data in the evaluation process (i.e., incremental validity) and can provide an important source of validation (i.e., convergent validity) when the information provided by the child is consistent with the information obtained in other ways.

Children's participation in the custody evaluation may provide information that is helpful and relevant to the legal decision-making process. It is reasonable to hypothesize that when children believe the information they possess is valuable, the quantity and quality of their communicated information may be improved. Furthermore, because children's adjustment to family transitions (e.g., divorce, separation, stepfamilies) may be enhanced when they believe that their feelings, perceptions, and preferences are valued (Dunn, Davies, O'Connor, & Sturgess, 2001), children may independently benefit when provided with the opportunity to have a voice during the custody evaluation. Questioning children about their thoughts, observations, and hopes is not to be confused with placing children in a decision-making role, which may create emotional turmoil and feelings of guilt (Johnston & Roseby, 1997; Kelly, 2000; Roseby & Johnston, 1998).

Relevant Custody Issues

Information from the child interview should clarify a number of relevant custody issues, including the child's (1) reaction to the divorce; (2) perception of his or her role in the divorce; (3) view of his or her parents as they go through the divorce process; (4) perception of how the divorce has affected his or her relationships with parents, siblings, relatives, and friends; and (5) view of how he or she has been impacted by each parent's new social life (Sattler, 1998). The evaluator must also assess the child's emotional status and mastery of the developmental tasks and coping skills needed for successful adjustment. A primary goal of the child interview is to understand the goodness of fit between the child and each parent (Gould, 1998). "Goodness of fit" refers to the child's cognitive, social, and emotional needs and the ability of the parent to meet those needs.

Collection of Data and Consideration of Plausible Hypotheses

Child custody evaluators function in an objective investigative role for the court. In this role, they approach the child interview with a broad knowledge of the research literature, remain cognizant of the contextual issues underlying the custody conflict, and understand the potential impact of the custody issues on the interview process. Evaluators formulate and explore a number of hypotheses about data provided by children and consider a range of plausible interpretations of a child's statements, bearing in mind previous questioning of the child, the family dynamics, and the child's developmental abilities. Because litigating parents may expose children to inappropriate conflict and information, children's perceptions of events and statements to the evaluator may be affected or altered (Bruck, Ceci, & Francoeur, 1999; Ceci & Bruck, 1995; Pezdek, & Roe, 1996, 1997). For example, children may directly be provided with negative information by one parent about the other, exposed to parents' conflicts through overhearing telephone conversations, observe parental distress during custody transitions, or be subjected to anxious questioning by one parent about what occurs at the other parent's home (Kelly, 2000). All of these situations may affect children's perceptions and reports about the events in their lives.

During the child interview, the evaluator is interested in the child's presentation including: (1) nature, quality, and age appropriateness of the child's verbalizations; (2) predominant affect presented; (3) emotions associated with the child's behavior and verbalizations; (4) disparities between the child's behaviors and verbalizations after having been brought by parent A and those displayed after having been transported by parent B; and (5) how the child behaves toward and interacts with the evaluator (Gould, 1998). The evaluator has further interest in the child's protectiveness or disparagement of a parent and openness to the evaluator's questions. An imbalance of information provided by the child on the strengths and weaknesses of the parents may be attributable to several factors, including the child's developmental age, a stronger intimate relationship with one parent, an impaired relationship caused by the insensitive or harmful behavior of the negatively perceived parent, or the undermining of a parent-child relationship based on the other parent's interference. The custody evaluator treats information obtained from the child interview as a single source of data, to be verified and compared with other sources of information gathered during the child custody evaluation. The evaluator acts within a scientific role and never promises that he or she will achieve a particular outcome or keep a secret for the child.

The Provision of Information by Children of Different Ages

Although custody evaluators can collect rich data through the observation of toddlers and preschoolers interacting with their parents, the majority of children below the age of four or five are not good candidates for a verbal inter-

view (refer to section *Developmental Limitations*). However, older preschoolers can provide useful data when the evaluator has a firm understanding of the research on preschoolers' developmental strengths and limitations. While four- and five-year-old children are capable of providing information on their perceptions of relationships and the routines of their daily life, their cognitive immaturity will interfere in their production of detailed and chronologically ordered narratives (Saywitz, 1995). When children enter the early grade school years (6 to 8 years old) they become better candidates for the child interview because of the maturation of their language skills and their developing ability to provide the custody evaluator with potentially important insights. When interviewing children at this age, the evaluator may explore issues such as the child's (1) ability to separate from the parent; (2) understanding of "divorce"; (3) perception of and relationship with each parent; (4) emotional status; and (5) self-concept.

As children enter the later elementary school (9 to 12 years old) and middle school years, they are capable of providing a more comprehensive view of the family dynamics than their younger counterparts. During the child interview with these older children, the custody evaluator may explore areas such as: (1) how the child learned of the divorce; (2) information about the divorce provided to the child (e.g., blame for the divorce, emotional injuries caused to one parent by the other, information from court documents); (3) the child's perception of self-blame or blame of a specific parent, and the basis of the blame; (4) relationship and one-on-one time spent with each parent; (5) involvement of the parent in the child's school and extra-curricular activities; and (6) how the child is coping with the parental separation and other stressors associated with a broken family. The evaluator may also assess the child's internal characteristics, such as social and emotional development and self-identity. Due to more sophisticated reasoning skills, adolescents may be able to provide the custody evaluator with a broader spectrum of data on the family dynamics and relationships between different family member dyads compared to their younger counterparts.

NON-SUGGESTIVE AND DEVELOPMENTALLY BASED CHILD INTERVIEWS

"... skillful interviewers can make children into reliable and invaluable informants"

(Lamb, Sternberg, & Esplin, 1998, p. 815)

There has been a lack of focus on the utilization of scientifically based interview strategies (i.e., non-suggestive and developmentally based) for interviewing children in custody contexts, other than in custody cases when

allegations of child sexual abuse are investigated. However, the strategies for non-suggestive and developmentally based child interviews are not limited to child abuse cases but are relevant for all professionals who work with children and have reason to question children about their feelings and experiences (Poole & Lamb, 1998). Such interviews assist children in all forensic settings to relate their experiences accurately and completely, and fit nicely into the most exacting criteria required for data collection in custody cases. Custody evaluators who interview children without an understanding of these re-search-based strategies are at risk for asking developmentally inappropriate questions and misinterpreting children's responses. Doing so risks contaminating a potentially rich and valuable source of information.

Children's Language

The capacity of adults to elicit accurate information from children depends in large part on the degree to which children's limitations and abilities are understood. The quality of children's reports is a joint product of their cognitive and social maturity, their experiences outside formal interviews, and the interview context (Lamb et al., 1998). When the interview goal is to gather precise information, young children may not possess the cognitive skills to accurately answer many specific content-type questions. The less developed the child's language, the greater the risks that the child's statements will be misinterpreted or that the child will misinterpret the interviewer's questions (Saywitz, 1995). When interviewing does not match the developmental capabilities of the child, inaccurate responses are more likely to be given by the child, who may stretch to answer questions he or she does not fully understand.

Children as young as preschool-age are capable of accurately describing former experiences, although their use of past tense and their concept of time is not well developed, nor is their understanding of auxiliary verbs (e.g., have, can) (for a review, see Saywitz, 1995). Preschool children also cannot consistently answer why, when, or how questions. Prior to six- or seven-years-of-age, children who can count concrete items ("How many pieces of candy are on the table?"), and quantify concrete events ("How many times did you walk your dog today?"), lack an understanding of abstract quantifiers such as "often" ("How often do you walk your dog?") and will encounter particular difficulty in responding accurately to questions involving events that lack discrete boundaries ("How often does Daddy help you?"). Neither are they able to determine that something happened before or after something else.

Between the ages of five and ten, children gradually develop the ability to understand and use multi-syllabic words, longer sentences, more complex grammatical constructions, and implicit conversational rules (for a review, see Walker, 1994). However, before age ten, children have difficulty reporting events in chronological order and often require transitional comments to signal a change of topic (Saywitz, 1995). An example of a transition to a new topic

would be "We were talking about your mom, now I want to ask you some questions about your dad." In order to frame questions that match each child's idiosyncratic use of language, the evaluator must become familiar with the child's speaking style, language development, and labels for important events and people. This requires that the interviewer establish rapport with the child and engage in conversation about routine issues before interviewing the child about issues more central to the custody evaluation.

In designing a sound child interview the custody evaluator must also consider five central factors, which are found to strongly affect children's capacities as witnesses; these include: (1) children's tendency to be reticent and generally uncommunicative with unfamiliar adults; (2) children's familiarity with being tested by adults (e.g., What does this equal?) but lack of familiarity with adults treating them as a source of information that is unknown by the adult; and, compared to adults, (3) children's poorer linguistic skills; (4) children's poorer memory for events; and (5) children's tendency to forget information more quickly than adults (Lamb, Sternberg, & Esplin, 1994). Because of these factors, a child's developmental age will significantly influence the structure of the interview, the type of information sought, and the accuracy of the information obtained.

CHILDREN'S MEMORY

Memory researchers have shown that remembering almost always involves a constructive process based on a number of internal (e.g., knowledge) and external (e.g., prompts) factors (see Hyman & Loftus, 2002). Research findings consistently show that when certain conditions are met (e.g., neutral interviewer, open-ended questioning, absence of repeated suggestive interviewing, and no incentive for the child to make a false report), even very young preschool-age children's recall is highly accurate, although limited in the number of details (Baker-Ward, Gordon, Ornstein, Larus, & Clubb, 1993; Parker, Bahrick, Lundy, Fivush, & Levitt, 1999). Although young children can be accurate reporters, children's verbal reports must be understood in the context of their changing development, ability to understand the events they discuss, and their history of previous questioning. As is the case with adults, children understand more words than they are able to correctly use (Walker, 1994). As a result, the ability to understand others often exceeds the ability to make oneself understood.

Developmental Changes

There is little scientific evidence that memories from the first two years of life can be consciously recollected later in child- or adulthood as experiences that happened to oneself. Although currently there is no consensus about why

early memories are not recalled later in development, researchers are generally suspicious of memories reported by older children and adults that predate an individual's third birthday (Howe, 2000). Developmental theorists differ as to how memory is developed in a young child, but most agree that children do not have the capacity to accurately perceive, organize, and report memories until the early preschool years.

To remember information, the child must be able to process, retain, and retrieve information. Because of the developmental differences in these memory processes, children of varying ages who experience what is nominally the same event may provide dramatically different reports (Pipe & Salmon, 2002). For example, children may have comparable amounts of information available to them in their memory storage, but may differ considerably in their abilities to search their memories and to retrieve the information or provide detailed verbal accounts. Furthermore, children of different ages may focus on different aspects of an event and, as a result, end up with differing perceptions and memories of events. Memory research can serve as a guide for the custody evaluator, enabling him or her to avoid faulty conclusions about the accuracy of young child's communications when family members, especially siblings of different ages, provide disparate reports.

Research Designed to Examine Contamination of Memory

Because memory is a fluid process, the alteration of children's memories has been of interest and concern. Researchers have attempted to explore the alteration of children's memory and vulnerability to suggestibility through three primary classes of research (see Ceci, Crossman, Gilstrap, & Scullin, 1998). This research has been used primarily to address the problems in interviewing children alleged to have been sexually abused (see reviews Ceci & Friedman, 2000; Lyon, 1999). Because the subjects in these studies were presumably nonsexually abused children, these research findings are relevant to a wide spectrum of child interviews, including interviews with children in divorcing families.

The primary areas of study on children's memories, which are identified as having practical value, involve: (a) real or imagined personal experiences not involving body contact by another person; (b) events involving non-genital body contact; and (c) events involving genital and other body contact (see Ceci et al., 1998). Findings from studies designed to heighten children's suggestibility show that when children are repeatedly provided inaccurate information about an event, some children are at increased risk to report inaccurate information when interviewed (Baker-Ward et al., 1993; Ceci, Crotteau, Smith, & Loftus, 1994; Ceci, Loftus, Leichtman, & Bruck, 1994; Goodman, Hirschman, Hepps, & Rudy, 1991; Goodman, Quas, Batterman-Faunce, Riddlesberger, & Kuhn, 1997; Lyon, in press; Merritt, Ornstein, & Spicker, 1994). Some children are also found to respond to biased questioning, or to an interviewer with

a strong opinion or a biased agenda, by producing socially desirable responses that match the information that the adult appears to be seeking (Bruck, Ceci, & Hembrooke, 1998; Ceci & Bruck, 1995). This research further shows that prior to misleading interviews, when children are presented misinformation that negatively stereotypes or offers a negative opinion about an identified adult, children are at heightened risk to provide inaccurate information to misleading questioning about the identified individual (Leichtman & Ceci, 1995). Under these conditions, suggestive questioning may also lead children to change their perceptions of events they have experienced, such as common child care activities (Pezdek & Roe, 1996, 1997). Children may be particularly vulnerable to giving inaccurate reports when suggestive questions are combined with social pressures such as (a) positive consequences for making specific statements (e.g., giving praise or approval); (b) negative consequences for making a statement that did not match the interviewer's expectations (e.g., criticizing a child's statement); (c) repetitive questioning (e.g., repeating questions the child had already answered); and (d) inviting speculation (e.g., telling the child to speculate on what might have happened) (see Garven, Wood, Malpass, & Shaw, 1998, 2000). These dynamics are of particular concern in child custody cases, as children may be exposed to each parent's negative perceptions of the other parent and repeated questioning about what occurs in the other parent's home. This research should guide custody evaluators in their endeavors to avoid: (1) repeating questions the child has already answered; (2) giving the child praise or criticism for specific answers; or (3) asking the child to speculate about causes of events.

SUGGESTIBILITY

Suggestibility refers to a susceptibility to having one's perceptions and/or recollections influenced by external forces, whether exerted intentionally or unintentionally (Ceci & Bruck, 1993). There remains strong disagreement among experts concerning the degree to which young children's memories can be manipulated or influenced by external sources of information. Young children may have difficulty differentiating between events that they have personally experienced and events that they have merely thought about or heard discussed, a process referred to as source monitoring. Source monitoring has been identified as one process that is associated with children's vulnerability to suggestibility. Young children are more likely than older children and adults to have difficulty in determining whether they have obtained information from their own experiences or from other sources (Poole & Lindsay, 1995). Source monitoring is an important developmental process that the custody evaluator must consider when generating hypotheses regarding the information provided by the child during the interview.

Contextual Factors Influencing Suggestibility

Contextual interview factors, such as repetitious questioning (see Fivush & Schwartzmueller, 1995; Poole & White, 1995), the interviewer's style (Carter, Bottoms, & Levine, 1996; Goodman, Bottoms, Schwartz-Kenney, & Rudy, 1991; Lepore & Sesco, 1994) and bias (see Ceci & Bruck, 1995) are important interviewer behaviors and approaches that may increase children's suggestibility. Children's verbal reports are compromised when interviewers ask numerous specific questions, and when the format involves yes-no question pairs (i.e., a yes-no question followed by a request to describe the event: "Did Daddy . . . ?"; "Tell me about that") (Peterson & Bell, 1996; Peterson & Briggs, 1997; Poole & Lindsay, 1995, 1998). Repeating closed-ended or specific questions within the same interview also tends to elicit inconsistency and speculation by children (Poole & White, 1991, 1993). Research on interviewers' style has found that a non-intimidating and moderately supportive style leads to greater resistance to misleading questions (see Davis & Bottoms, 2002; Lyon & Saywitz, in press).

The custody evaluator can benefit from utilizing the research on children's suggestibility as a source for developing a format for interviewing children. The format created by the custody evaluator should address the interactive style of the evaluator and the type of questions formulated. In the interpretation of the child interview data, the evaluator must consider previous formal and informal interviews with the child, potential for source misattribution, and contextual factors such as parent and/or family pressure that encourage particular types of answers from the child. In custody cases, the evaluator may be challenged with unraveling the child's responses in order to determine if a parent has intentionally manipulated the child's statements, the child is presenting misinformation because of fear of displeasing a parent, the child's statements represent some combination of the child's independent experience and exposure to the external information and demands, or the statements accurately represent the child's independent experiences.

Child Factors Influencing Suggestibility

Although researchers have made progress in identifying contextual interview variables that are associated with children's suggestibility, less is understood about the internal characteristics of children that create individual differences in children's susceptibility to suggestibility (Bruck, Ceci, & Melnyk, 1997; Eisen, Goodman, Qin, & Davis, 1998). The most robust and best understood internal factor associated with suggestibility is the age and developmental level of the child. While young preschoolers (i.e., ages 3 and 4) are most vulnerable to suggestive interviewing, six and seven-year-old children show significant increases in resistance to misinformation (Ceci & Bruck, 1993). The age at which children reach adult levels of resistance is debated,

with some studies finding children as young as age 10 showing resistance (Saywitz & Dorado, 1998) and other research finding early adolescence as the marker (Warren & Lane, 1995).

Other internal child characteristics, which are not yet thoroughly understood, include constitutional (e.g., temperament), social (e.g., attachment), emotional (e.g., self confidence), and cognitive (e.g., language) factors. Significant correlations between measurements of temperament (i.e., adaptability) and the accuracy of children's memory for stressful medical procedures have been found (Ornstein, Shapiro, Clubb, Follmer, & Baker-Ward, 1997). Preliminary research further suggests a link between children's secure attachment (Elicker, Egland, & Sroufe, 1992), good parent-child communication (Clarke-Stewart, Thompson, & Lepore, 1989), and parents' emotional responsiveness to their children (Goodman et al., 1997; Quas et al., 1999) with resistance to suggestibility. Further, children's self-confidence is inversely related to suggestibility, with high confidence children showing greater resistance to suggestibility (Vrij & Bush, 1998).

Research has not addressed how children's internal characteristics may make them more vulnerable to the conflicts of their divorcing parents or impact their willingness to disclose their experiences. Although there is some evidence that not all children in divorced families are equally vulnerable to the undermining of a parent-child relationship by the other parent (Kelly & Johnston, 2001), the relationship between children's vulnerability to a parent's alienating behaviors and the child's temperament, self-confidence, attachment, or other characteristics unique to each individual child are poorly understood.

Research Designed to Identify Techniques to Reduce Suggestibility

Prior to the substantive part of the interview, the provision of instructions to children is found to be moderately successful in reducing, but not eliminating, children's suggestibility (for review see Saywitz & Lyon, 2002) and include instructions to: (a) tell only what happened; (b) admit lack of knowledge rather than to guess; (c) remember the interviewer was not present during the event of focus; (d) correct the interviewer when he/she misstates the facts; and (e) not think they made a mistake if the interviewer asks a question more than once (Reed, 1996). These instructions are designed to address common assumptions and social tendencies of children that may interfere in children's accurate reports of information. For example, children commonly assume that adults' dialogues are sincere and reliable and they perceive adults to be trustworthy conversational partners who would not intentionally deceive them. Children also consider adults to be highly credible sources of information who know more than they know. Furthermore, children may acquiesce to adults' leading questions in order to please, avoid anger, or protect themselves from humiliation (Saywitz & Moan-Hardie, 1994). Strategies for enhancing children's re-

sistance to suggestibility are less effective with preschool-age children, especially with children under the age of five (Saywitz, Geiselman, & Bornstein, 1992). While research findings support the usefulness of informing children of their obligation to tell the truth during their interview, this strategy is also less effective with very young children (Saywitz & Lyon, 2002).

STRUCTURING THE CHILD INTERVIEW

When structuring the child interview, and central to any forensic interview, the evaluator must consider a range of hypotheses in order to formulate opinions and assist the court in drawing scientifically sound conclusions (see Kuehnle, 1996). For example, if parent A alleges that the child is anxious about contact with parent B, the evaluator approaches the interview with a variety of possibilities in mind, including: (1) the child had a difficult or traumatic experience with parent B, which the child perceived correctly and remembered accurately; (2) the child experienced a distressing event with parent B and has also heard extensive adult discussion about the event from parent A; (3) parent A has suggested or communicated to the child that parent B is unsafe; (4) parent A exhibits emotional distress when the child has contact with parent B; or (6) parent B is less effective or responsive in parenting the child.

Conducting a child interview using a single hypothesis creates a risk that the information collected will be skewed or contaminated because of the interviewer's bias. For example, if the interviewer holds only one hypothesis about an event, and the hypothesis is correct, it can lead to high levels of accurate recall when young children are interviewed; however, if the hypothesis is incorrect, it can lead to high levels of inaccurate recall (Ceci, Leichtman, & White, 1995, cited in Ceci & Bruck, 1995). In custody cases, hypotheses held by the evaluator when interviewing the child include–the child's responses are (1) accurate representations of what occurs in the family; (2) not accurate representations of family dynamics because the child's perceptions are influenced by one or both parents; (3) not accurate representations of family dynamics because the child has misinterpreted the interactions of family members; or (4) some combination of the above.

Most research-based guidelines and recommendations that address child interviews in forensic contexts form a consensus for the structure and sequence of interview steps (American Professional Society on the Abuse of Children, 1996; Kuehnle, 1996; Lamb et al., 1994, 1996, 1998; Poole & Lamb, 1998; Raskin & Yuille, 1989; Sternberg, Lamb, Esplin, Orbach, & Hershkowitz, 2002). These steps include: (a) development of rapport; (b) assessment of the child's ability to answer questions and provide details; (c) identification of ground rules for the interview; (d) interview practice on non-essential questions; (e) introduction of the substantive topic beginning with open ended and moving to more directive questions; and (f) interview closure. As in any foren-

sic child interview, including child interviews conducted during custody evaluations, it is essential that children be informed their communications are not private dialogues with the evaluator.

CONCLUSIONS AND RECOMMENDATIONS

Interviews with children provide important information to a custody evaluation. Evaluators who ignore this important source of data may not fully appreciate the fit between parent and child, other important factors in a child's life, the child's developmental abilities, and what custody arrangement may be in the child's best interest. The complexities of child interviews require a high level of knowledge and skill, not unlike the skill level expected when custody evaluators assess the child's parents. Skilled interviewers of children will have a solid understanding of children's abilities, limitations, and memory processes, as well as the impact of development on each child's unique characteristics.

Child custody evaluators formulate interview questions based on an awareness of the individual family's situation and an understanding of the research literature regarding children's adjustment to divorce. While the factors influencing children's adjustment are complex, children psychologically benefit if they are (1) allowed to develop and maintain quality relationships with both parents, including regular contact; (2) protected from exposure to severe emotional disturbance in one or both parents; (3) not placed in the middle of the parental conflict; and (4) taught to use direct, active coping skills to resolve relationship problems. Children also demonstrate better adjustment to family changes (e.g., parental separation) when they have good communications with parents and supportive relationships with peers (Dunn et al., 2001). Child custody evaluators structure the child interview so that they have an opportunity to obtain information from each of these areas and formulate the best custody plan to support the child's long-term adjustment.

We believe that scientific knowledge has progressed to the point that it is appropriate to recommend that empirically based investigative techniques for interviewing children, originally developed for use in cases of child sexual abuse, be employed in CCEs. This recommendation is based on the fact that children can provide valuable information during a custody evaluation when empirically validated techniques are used and the interviewer considers differing interpretations and contributory factors for the child's statements. Furthermore, guidelines from professional organizations, such as the APA, and prominent custody experts identify child interviews as an important part of recommended procedures in CCEs (APA, 1994; Gould, 1998; Gould & Martindale, in press). Martindale (in press) has pointed out that "one cannot intelligently discuss the psychological characteristics of a child and the manner in which those

characteristics shed light on the question of which parent is more suitable as a primary custodian, unless one has met with the child."

However, some controversy has recently arisen regarding the extent to which children should participate in CCEs. A recent treatise (Benjamin & Gollan, 2003, p. 86) identifies concerns regarding the validity and reliability of information obtained from interviews with children and argues against conducting child interviews. We disagree with the Benjamin and Gollan position that data gathered from preadolescent children generally lack acceptable validity and reliability and can find no empirical data to support their position that the information provided by children is so unreliable as to outweigh potential benefits of including this information in the custody evaluation process. It is our contention children may have valuable information that, at least in some cases, cannot be obtained by any procedure other than a child interview. We believe that using empirically based investigative interviews provides a mechanism for including children in the CCE process in a manner that reduces the potential for harm. Furthermore, many children want to participate in the custody evaluation process so that their voices will be heard.

Finally, the area of CCE is still rather new. A literature is emerging and guidelines for professional practice remain in early stages of development. As these guidelines undergo further revision and refinement, we recommend that training in empirically based investigative interviewing of children be included as an integral part of what is considered necessary for competent practice in this area.

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