

It's Time to Swim: A Proposal for Developing a Multi-Tiered Approach To the Credentialing of Forensic Interviewers

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“One can attempt to learn to swim by reading books about the techniques involved in swimming, but at some point one simply has to get wet to find out what swimming is really about.”

--David J. Monge¹

ABSTRACT. The author examines the critical role of the forensic interviewer in obtaining legally defensible statements from maltreated children and provides an overview of existing and proposed standards or credentials for those conducting these interviews. In examining these existing and proposed standards, it appears that a multi-tiered process for credentialing forensic interviewers may be emerging. In recognition of this trend, and using the National Advocate Credentialing Program as a Guide, the author proposes a four-tiered credentialing process for forensic interviewers (basic, intermediate, advanced, and diplomate) with an additional category for “inactive” forensic interviewers.

KEYWORDS. Forensic interviews, credentials, certification

It is clear that the forensic interview is critical in empowering a child to disclose maltreatment in a legally defensible manner. It is equally clear that there *is* a national consensus on nearly all issues concerning the forensic interviewing of maltreated children. Accordingly, it is not surprising that a number of organizations have promulgated national guidelines for conducting a forensic interview as well as basic standards for the training and supervision of interviewers.

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This paper examines the critical role of the forensic interviewer in the investigative process and provides an overview of existing and proposed standards or credentials for those conducting a forensic interview. In examining these existing and proposed standards, it appears that a multi-tiered process for credentialing forensic interviewers may be emerging. In recognition of this trend, and using the multi-tiered credentialing process of the National Advocate Credentialing program as a guide, this paper will offer a credentialing model which not only maintains the basic standards currently in place but provides a framework for recognizing the credentials of those interviewers whose experience and training far exceeds basic standards.

The paper is not met to cover in detail every aspect of the current or future credentialing of forensic interviewers. Instead, this paper is designed to outline where the nation currently is on this issue, the organizations which are suggesting the need to do more, and offer a proposal which protects the already existing infrastructure while allowing forensic interviewers an opportunity to grow as a profession and to be recognized for having achieved standards that exceed those currently in place. The need for forensic interviewers themselves to take a greater role in developing basic, intermediate, advanced or even specialized credentials, as well as ethical guidelines for this emerging profession will also be discussed.

THE ROLE OF BASIC STANDARDS FOR FORENSIC INTERVIEWERS IN OBTAINING LEGALLY DEFENSIBLE STATEMENTS FROM MALTREATED CHILDREN

In all cases of child maltreatment, the taking of a child's statement may be an important part of the government's evidence. In cases of physical abuse or neglect, however, the child's statement may not be critical. This is because cases of physical abuse or neglect often involve

significant physical evidence which, by itself, may be sufficient to prove the crime. This evidence includes broken bones, blood spatter, or the existence of a meth lab in a child's home.

In instances of child sexual abuse, however, the taking of the child's statement is often vital. Although there is corroborating evidence in every case of child sexual abuse,² the evidence typically supports, but does not replace the importance of the child's statements. For this reason, the forensic interview has been called the "DNA" of a case of child sexual abuse.³ According to the National Children's Alliance:

Forensic interviews are typically the cornerstone of a child abuse investigation, effective child protection and subsequent prosecution, and may be the beginning of the road toward healing for many children and families. The manner in which a child is treated during the initial forensic interview may significantly impact the child's understanding of, and ability to respond to the intervention process and/or criminal justice system. Quality interviewing involves: an appropriate, neutral setting; effective communication among MDT members; employment of legally sound interviewing techniques; and the selection, training and supervision of interviewers.⁴

There is a significant "consensus among researchers and practitioners on the underlying principles that should guide interviews with children who might have been a victim or a witness to a crime."⁵ Although better practices are not always adhered to⁶, it is clear that a competently conducted forensic interview will assist maltreated children in disclosing their experiences. For example, a number of studies have found that "interviewer supportiveness has a positive effect on the amount of information provided."⁷ Even on issues that continue to be debated, the evidence is heavily weighted on one side or the other. For example, although some experts continue to express concerns about videotaping forensic interviews⁸, the available research supports this widespread practice.⁹ Similarly, although some experts continue to question the utility of anatomical dolls, the majority of studies supports their usage¹⁰ with the few studies

expressing concerns being best read as a caution against the *inappropriate* usage of dolls and the need for interviewer training prior to using the dolls.¹¹

With respect to the forensic interview as a whole, researchers have concluded “child abuse investigators and evaluators should have confidence that they can assist most child victims to disclose sexual abuse *under the right conditions.*”(emphasis added).¹² This is not to say, of course, that the interviewer’s conduct is a foolproof determinant of obtaining a disclosure, much less an accurate disclosure. Some abused children will never disclose, no matter how skilled the forensic interviewer,¹³ and children who were interviewed by an interviewer with no skills may nonetheless be entirely accurate in describing maltreatment.¹⁴ Nonetheless, the conduct of the forensic interviewer may impact the child’s statement and this possibility is often a consideration for judges and juries.¹⁵

All of this, though, is contingent on high quality training and ongoing support for forensic interviewers in the field. Although well-trained interviewers can and do make errors,¹⁶ interviewers who receive no basic or advanced training on forensic interviewing and are not participating in peer review are less likely to empower children to share their experiences or to conduct an interview that is legally defensible.¹⁷ To the extent this is true, the establishing of basic, intermediate and advanced standards for forensic interviewers is not simply a good idea, it is critical for the improvement of the child protection system and well-being of children.

AN OVERVIEW OF EXISTING AND PROPOSED STANDARDS FOR CONDUCTING A FORENSIC INTERVIEW AND THE BASIC CREDENTIALS OF FORENSIC INTERVIEWERS

Given the clear consensus on most issues surrounding the forensic interview, a number of organizations have developed standards for the conducting of forensic interviews and the basic training and other credentials of those conducting these interviews. Other organizations are proposing additional credentials, even the “certification” of forensic interviews. Moreover, appellate courts have begun to weigh in on this issue by outlining the minimal standards for a forensic interviewer to be accepted as an expert witness.

Consider, for example, the following five developments. First, the American Professional Society on the Abuse of Children (APSAC) has promulgated “guidelines” for forensic or investigative interviewing¹⁸ as well as separate guidelines for the usage of anatomical dolls,¹⁹ and has held meetings to discuss the development of certification standards or perhaps “diplomat” status for professionals in the field.²⁰

Second, there is at least one organization proposing the actual certification of forensic interviewers and outlining a process for developing these standards.²¹ Specifically, the National Association of Certified Child Forensic Interviewers (NACCFI) proposes to “protect the public interest by adopting standards for educational preparation, supervised experience, training, competency testing, ethical and professional conduct for those who seek to represent themselves to the public as Certified Child Forensic Interviewers.”²²

Third, a Texas association of forensic interviewers, complete with ethical guidelines, has emerged.²³

Fourth, appellate courts in at least ten different states have addressed the issue of who is “qualified” to testify as an expert witness on forensic interviewing issues.²⁴

Fifth, the National Children's Alliance, the federally funded entity that accredits Children's Advocacy Centers²⁵ has developed accreditation standards that include standards for basic training of forensic interviewers as well as ongoing training and the participation in peer review.²⁶

Establishing basic standards: the forensic interviewing standards of the National Children's Alliance (NCA)

Of these various initiatives, the National Children's Alliance has gone the furthest. In promulgating accreditation standards that include the forensic interview, the NCA has gone beyond the promulgation of guidelines to setting standards which, if not met, could result in a children's advocacy center losing its accreditation. Accordingly, the NCA's basic standards pertaining to the forensic interview and the forensic interviewer warrant closer review.

There are five "essential components" necessary to meet the NCA's standard of a "legally sound" forensic interview as well as three items of "rated criteria." These essential components and rated criteria include:

Specialized Training. The NCA requires the individual conducting the forensic interview to have received "specialized training in conducting forensic interviews." To this end, each CAC "must demonstrate" that its forensic interviewer(s) meet at least one of the following criteria:

1. "Documentation of satisfactory completion of competency-based child abuse forensic interview training that includes child development"
2. "Documentation of 40 hours of nationally or state recognized forensic interview training that includes child development"

Written documentation describing the “general forensic interview process”. A CAC must have written guidelines or agreements for selecting a forensic interviewer for a particular case, for the sharing of information, and for the presence of various team members at the interview

Legally sound. NCA requires its accredited members to conduct forensic interviews that are “legally sound, non-duplicative, non-leading and neutral.” To this end, the standard encourages the use of “research-based” guidelines.

Presence of MDT members at the forensic interview. NCA requires core MDT team members to be “routinely present for the forensic interview” to “fulfill their professional role” and ensure “their respective informational needs are met.”

Child-friendly. NCA requires forensic interviews to be “routinely conducted at the CAC.”

Ongoing training and peer review. NCA requires forensic interviewers to receive “ongoing education in the field of child maltreatment and/or forensic interviewing consisting of a minimum of 3 hours per every 2 years of CEU/CME credits” and “participation in a formalized peer review process for forensic interviews.”²⁷

Analyzing whether forensic interviews and the interviewers who meet the NCA minimal standards are more likely to empower a child to share their experiences is a difficult process. In a study of 987 cases of child sexual abuse, researchers found that, with respect to the disclosure rate, “there was no difference associated with having a CAC.”²⁸ This study, however, did not compare the backgrounds or training of the forensic interviews outside of the CAC. If these interviewers had similar training or adhered to similar standards (peer review, MDT participation, child friendly environment) there should *not* be significant differences in the rates of disclosure.

Moreover, as noted at the outset, there *is* a clear consensus on conducting forensic interviews with children with national training courses and models largely teaching similar approaches based on the same research.²⁹

In requiring “legally sound”, “research-based” forensic interviews and recognizing the value of “nationally or state recognized forensic interview training programs”, the NCA standards can be fairly assumed to model national standards for the conducting of forensic interviews.

These standards, though, are admittedly “minimal standards.” For example, NCA gives forensic interviewers the training option of attending one of the state or nationally recognized forensic interviewing courses *or* documentation the interviewer has completed “competency based” training. Since all of the major forensic interview training programs are “competency based” and rooted in research, the “competency based” option in the NCA standards appropriately reflects the fact that, in many states, interviewers simply don’t have the option of attending a rigorous, five day course. Accordingly, many interviewers attend one or two day courses that do not involve all of the features of the national courses, much less have the ongoing support system of some of the national models.³⁰

Moreover, because the NCA standards are not developed exclusively by forensic interviewers they do not, and probably cannot, address broader issues such as a code of ethics for those conducting investigative interviews. For example, the NCA standards recognize the importance of having key team members, including the prosecutor, present for the forensic interview. What happens if there is a disagreement among the team as to whether or not to ask a child a particular question? For example, if the forensic interviewer decides that a particular question is developmentally or linguistically inappropriate, does the interviewer have the right, or even obligation to decline a request from a law enforcement officer or the prosecutor to have

the question posed to the child? Issues such as these probably cannot be resolved until forensic interviewers organize themselves and ultimately determine not only the standards for this emerging profession but ultimately the ethical code that will govern this work.

Establishing intermediate standards: the proposed standards of the National Association of Certified Child Forensic Interviewers (NACCFI)

The National Association of Certified Child Forensic Interviewers (NACCFI) proposes a certification process for forensic interviewers. Though similar, the proposed standards of the NACCFI are slightly more rigorous than the standards currently in place for forensic interviewers functioning as part of an accredited CAC. For this reason, this paper refers to the NACCFI standards as “intermediate.” For example, 40 hours of training through a state or nationally recognized course would suffice to meet the initial training requirements of a forensic interviewer working in an accredited CAC. However, NACCFI proposes a minimum of 40 hours of basic forensic interview training *and* an additional 40 hours of “advanced” forensic interview training. The NCA requires a minimum of three hours of continuing education every two years on the subject of “forensic interviewing” or “child maltreatment” in general. The NACCFI requires 40 hours of continuing education every three years and this training must be specifically related to forensic interviewing. Although both the NCA and NACCFI require forensic interviewers to be engaged in ongoing peer review, the NACCFI requires this to be done on a quarterly basis and requires that the peer review be of “videotaped” interviews. NACCFI also requires its members to be actively engaged in the practice of forensic interviewing, to adhere to a code of “professional ethics” (yet to be developed), to have conducted a minimum of 20 forensic interviews, and to pass a “competency examination.”³¹

***THE CREDENTIALING OF FORENSIC INTERVIEWERS:
THREE OVERRIDING PRINCIPLES***

As the United States continues to progress in establishing credentialing or even certification standards for forensic interviewers, there are three overriding principles that should govern the discussion. Operating within these overriding principles, it is possible to outline a strategy for the development of a multi-tiered approach to the credentialing of forensic interviewers.

Credentialing of forensic interviewers should not go into effect without an infrastructure in place allowing frontline professionals to meet the standards

It is harmful to maltreated children, and to the professionals who serve them, to promulgate credentialing standards that cannot be met in many, if not most parts of the country. Most states, for example, do not have forensic interviewing courses, much less advanced courses or continuing education programs to grow the knowledge and skills of interviewers. At the same time, professionals who deliberately choose to avoid better practices in forensic interviewing should not be rewarded for purposeful incompetence. To assist those professionals seeking to bring their work up to national standards, and to compel the recalcitrant few unwilling to change unless mandated, credentialing or certification standards should be developed and disseminated. However, the actual credentialing or certification should not go into effect until there is a clear infrastructure in place to meet these standards. This will give frontline professionals as well as national or state organizations and governments the time necessary to develop the infrastructure that will allow any credentialing or certification standards to be met.

Forensic interviewers should be credentialed or certified by forensic interviewers

If credentialing is to be accepted by forensic interviewers, it is imperative that the body providing the credentialing consists primarily, if not exclusively, of forensic interviewers. Lawyers, doctors, psychologists, social workers, nurses and other child protection professionals provide various certifications for their respective professions. Forensic interviewers must follow suit. Although the NACCFI may develop into such a body, there is not yet a national organization consisting only of forensic interviewers. Accordingly, it may be necessary for another organization, such as APSAC, to take the initiative. However, APSAC, or any other organization that chooses to take the lead, may need to make clear that the credentialing standards are being promulgated by a forensic interviewing subsection of the organization—a subsection that consists primarily of practicing forensic interviewers. The importance of practitioners taking the lead in developing credentialing or certification standards cannot be overstated. Although academics and other professionals may research issues pertaining to interviewing, they are *not* forensic interviewers. Without having practiced in the field, without having worked with a multidisciplinary team to conduct a forensic interview that meets the needs of the entire team, and without having presented evidence in court, it is impossible to adequately judge the quality of an interview. For example, an academic may analyze the suggestibility of a given question but, unless s/he is well versed on *all* the factors that go into a forensic interview, s/he cannot judge its appropriateness. As another example, someone who is not a practitioner may understand, to the same extent as a forensic interviewer, the importance of conducting the interview in a child-friendly environment. Only a practitioner, though, will fully appreciate the necessity of transgressing this standard if an emergency interview of a child is necessary in order to prevent immediate harm or death. A forensic interviewer will also need to be cognizant of

applicable civil and criminal codes and the rules of evidence as s/he conducts what is an “investigative” interview. The numerous factors that go into the conducting of a forensic interview can be fully appreciated *only* by those who are active practitioners. Accordingly, these are the professionals who should ultimately determine and enforce credentialing or certification standards.

Although relevant, a forensic interviewer’s undergraduate and graduate training should not be determinative of qualifications for certification or other credentialing

Standards dictating a master’s degree or higher would force many outstanding forensic interviewers to either leave the field or be attacked in court as “uncertified” or otherwise lacking in credentials. Many police officers conducting forensic interviews have two year associate arts degrees and many child protection workers conducting interviews have only a bachelor’s degree. Moreover, since an undergraduate or graduate degree in forensic interviewing does not presently exist, it is questionable what, if any, undergraduate or graduate degree would suffice. Unless the undergraduate or graduate degree specifically pertains to one or more aspects of the forensic interviewing process, the point can be made that a degree in psychology is not much more helpful than a degree in chemistry.³² Accordingly, any standards setting forth minimum undergraduate and graduate training would unfairly weaken the credibility of forensic interviewers who appear in court without these credentials and would ultimately harm the children for whom this is all about. Since the present training of forensic interviewers is largely conducted *outside* of higher education, we will have to look to current training programs as the starting point for considering the certification of these professionals. This may not always be the case. As undergraduate and graduate programs reform, this standard will likely change. At that

point, those meeting the original standards will likely need to be grandfathered in with a new standard becoming applicable to future professionals.

THE ESSENTIAL COMPONENTS OF A MULTI-TIERED APPROACH TO THE CREDENTIALING OF FORENSIC INTERVIEWERS

If the NCA has, indeed, established a base for the credentialing of forensic interviewers, and if the NACCFI is appropriately viewed as proposing an intermediate level for the credentialing or certification of forensic interviewers, there still leaves room for the accreditation of those forensic interviewers who are the most experienced or have otherwise established extraordinary expertise in the field. In discussing a credentialing process, some members of APSAC have proposed the designation of a “diplomate” status.

In reviewing the existing NCA standards, the proposed NACCFI standards, and keeping in mind the possibility of a “diplomate” designation, there appears the emergence of a multi-tiered credentialing or certification process for forensic interviewers. If so, this development would not be without precedent. In the field of victim advocacy, for example, there is a national, multi-tiered process for the credentialing of victim advocates.³³

Moreover, with over twenty years of progress in the field of forensic interviewing and with hundreds of published research studies, there is an emerging infrastructure that will enable forensic interviewers to meet basic standards and to attain advanced standards as well. For example, there are a number of national and state organizations that offer quality forensic interview training including the American Professional Society on the Abuse of Children (APSAC),³⁴ the National CAC Academy in Huntsville,³⁵ CornerHouse,³⁶ the Cincinnati Children’s Hospital Medical Center,³⁷ and First Witness.³⁸ As part of a national movement called *ChildFirst* or *Finding Words*, seventeen states have developed courses utilizing the protocol

developed by CornerHouse.³⁹ Many of these programs also provide advanced forensic interview training, including online training.⁴⁰

In addition to training, many of these forensic interviewing programs provide ongoing technical assistance, publications and bulletin boards in which forensic interviewers throughout the United States can discuss developments in the field.⁴¹ Moreover, as a direct result of these forensic interview training programs, there is an emerging *practice* that a forensic interviewer should meet certain qualifications. The existing NCA standards for forensic interviewing, as well as the proposed NACCFI standards, largely reflect the actual practice of front line forensic interviewers. As these emerging practices continue to evolve into credentialing or certification standards, the standards will likely include the following core components:

Basic training

A forensic interviewer must have a minimum of five days of basic training in the art and science of forensic interviewing. This training must include demonstration of skills and the completion of an examination, and must expose the student to leading research on memory and suggestibility, child development, linguistics, the legal rules and statutory guidelines impacting the work of a forensic interviewer, and the critical need to use the forensic interview as a basis to obtain corroborating evidence.⁴²

Ongoing training

Although the precise number of hours will have to be determined by a credentialing body, it is imperative that a forensic interviewer receive continuing education *specifically pertaining to forensic interviewing*. There will need to be a body of state and/or national forensic interviewing associations that approve the seminars or courses. It will also be essential to develop on-line

courses that are affordable and accessible to every interviewer in the country. In this way, everyone who wants to access continuing education on this subject matter will be able to do so.

Peer review

A forensic interviewer must actively participate in peer review of his/her forensic interviews, as well as the interviews of others. The frequency of peer review meetings must take into account factors including geography. For example, smaller, rural communities may have a high rate of child abuse and yet still have a small number of cases.⁴³ As a practical matter, then, peer review might not occur as frequently in a jurisdiction facing this obstacle. National and state organizations may be able to assist smaller communities in providing on-line peer review opportunities or otherwise develop resources to review interviews and provide feedback to interviewers in geographically isolated communities. However it is accomplished, the importance of peer review cannot be over-stated. As noted by Michael Lamb, “interviewers continue to maintain or improve their skills *only* when they regularly review their own and others’ interviews closely, discussing their strategies, successes and mistakes with other interviewers”⁴⁴ (emphasis added).

Remaining current on literature pertaining to forensic interviewing

A forensic interviewer needs to stay abreast of developments in the field pertaining to forensic interviewing. A number of organizations can, and do, assist practitioners in this process. For example, the National Children’s Advocacy Center in Huntsville, Alabama has an on-line child abuse library to assist some members of the field in accessing literature.⁴⁵ These and other efforts to make research available to the field must continue and expand. For example,

organizations which provide forensic interview training must provide their graduates with annual workshops and written materials that summarize the large volume of research published each year and otherwise provide ongoing assistance to their graduates in staying abreast of developments in the field. The researchers themselves must make greater effort to put their work into the hands of front line professionals. Without compromising peer review standards, researchers should prioritize publishing their work in on-line journals that do not charge readers a fee. This practice is widespread in the legal community where most law reviews, including such prestigious journals as the Harvard Law Review, allow anyone with access to the Internet to read and download law review articles without any cost.⁴⁶ Researchers must routinely provide executive summaries and additional formats for their research that will assist practitioners in understanding the relevant aspects of a particular study. In addition to making their research more accessible and understandable, researchers need to be pro-active in *listening* to the needs of practitioners. An active dialogue between researchers and practitioners is essential to ensure research is relevant to the field.

Ongoing work as a practitioner

Although the exact number is debatable and may need to vary based on the size of a jurisdiction and the opportunity to conduct forensic interviews, it is nonetheless imperative that a forensic interviewer regularly be conducting forensic interviews in order to receive and maintain any sort of credential. At the outset of this paper, there is a quote from Monge asserting that books, classes and research can teach us a great deal about the art and science of swimming, but the lesson is never fully learned until a student actually swims. Moreover, the lesson is not fully mastered until the student swims a lot. There is simply no substitute for actual and significant

experience. For this reason, it is essential that forensic interviewing certification be for *practitioners*, and not for observers or students of the process. If professors, researchers or other child protection professionals not actively engaged in forensic interviewing seek certification in this discipline, let them first become a forensic interviewer. Otherwise, they should seek a certification that recognizes their expertise in one or more subjects that may impact on the forensic interviewing process—but they should not hold themselves out to be what they cannot be without significant, ongoing experience.

Acceptance in court

The definition of the word “forensic” is “of, or pertaining to, or used in a court of law, now esp. in relation to the detection of crime.”⁴⁷ Accordingly, it is essential that a forensic interviewer, and his or her work be accepted in a court of law. Although jurisdictions vary as to how far a forensic interviewer can go while testifying, it will be difficult for the field as a whole, and a forensic interviewer in particular, to hold themselves out as an expert if their work is not accepted by a court of law. In recognition of the fact that some interviewers may go years without one of their cases coming to trial, it may be sufficient for the interviewer to document that he or she was placed periodically on the government’s list as a witness concerning the forensic interview but the cases settled out of court. There must, though, be evidence that some aspect of the legal system, even if it is the prosecutor’s office, recognizes the validity of the model for court purposes.

Ethical guidelines

A forensic interviewer must adhere to ethical guidelines specifically pertaining to the field of forensic interviewing. These guidelines will have to be developed by the field itself but must address the obligations the interviewer has to the child, as well as to the various professionals served by the forensic interview. The guidelines must also address the role of the forensic interviewer when testifying in court.

DEVELOPING AN INFRASTRUCTURE FOR A MULTI-TIERED CREDENTIALING PROCESS FOR FORENSIC INTERVIEWERS: UTILIZING THE NATIONAL ADVOCATE CREDENTIALING PROGRAM AS A GUIDE

The National Organization of Victim Assistance (NOVA) is a private, non-profit organization of victim assistance programs and practitioners.⁴⁸ One of the many services NOVA provides is to serve as “secretariat” for the National Advocate Credentialing Program (NACP). This program provides a multi-tiered process by which crime victim advocates can receive formal accreditation or credentialing for their work in one or more areas of victim advocacy.⁴⁹ Although participation is voluntary, there is little doubt NACP has contributed positively to the profession of victim advocacy.

The Four-Tiered Credentialing Process of NACP

The NACP has developed a multi-tiered process for credentialing advocates. Specifically, NACP has the following four tiers of credentialing:

Provisional Advocate Credential. A professional is eligible to receive this credential if he/she successfully completes 40 hours of pre-approved training “obtained through local, state, national training programs....no experience in the field required.”⁵⁰

Basic Advocate Credential. In addition to the 40 hours of pre-approved training, this credential requires an additional 20 hours for each specialty area the advocate is seeking recognition for (i.e. child abuse intervention specialist, domestic violence intervention specialist, etc). In addition, this credential requires a minimum of 3,900 hours (2 years) experience and observation of 3 or more interventions.

Intermediate Advocate Credential. In addition to the minimum 60 hours of training for the basic advocate, the intermediate credential requires an additional 10 hours of advanced training for each specialty area claimed. This credential requires a minimum of 7,800 hours (4 years) experience and observation of 3 or more observations of case interventions.

Advanced Advocate Credential. In addition to the criteria set forth above, this credential requires a minimum of 20 hours of advanced training in each specialty category for which the applicant seeks recognition. This credential requires a minimum of 15,600 hours (8 years) experience and observation of 3 or more case interventions.

Developing a Four-Tiered Credentialing Process for Forensic Interviewers with an additional category for “inactive” forensic interviewers

In using the NACP as a guide, something similar could easily be developed for the credentialing of forensic interviewers. There would, of course, need to be a national organization willing to serve as “secretariat” for the credentialing of forensic interviewers in the way NOVA serves in this capacity. The leadership shown by APSAC may make them the logical organization to assume this role. Since there is not yet a national organization of forensic interviewers, the next best thing may be to form a working group of national and state forensic interview training programs to agree upon a list of approved basic and advanced courses and other standards that would allow an interviewer to be credentialed. These interview training

programs could appoint a representative to a standing committee, under the administration of APSAC or another appropriate organization, to finalize and continually fine-tune the credentialing standards. As a starting point for the discussion, a multi-tiered process for credentialing forensic interviewers might look something like this:

Basic forensic interviewing credential. Completion of a 40 hour course on forensic interviewing that is pre-approved. The list of approved courses would certainly include the APSAC course, the NCAC course at Huntsville, the Children's Trust course in Cincinnati, First Witness in Duluth, CornerHouse in Minneapolis, and the ChildFirst programs operating in 17 states. Although the courses should include mock interviews with *trained* actors⁵¹ no actual front line experience will be required for this credential. The students must sign a form acknowledging their understanding of and agreement to adhere to ethical guidelines pertaining to their work as a forensic interviewer. These guidelines must include a commitment to stay abreast of research and other developments in the field of forensic interviewing and to participate in peer review by other forensic interviewers who have met at least the basic forensic interviewing credential.

Intermediate forensic interviewing credential. In addition to the basic 40 hours, the applicant must complete an additional 40 hours of pre-approved advanced course work on forensic interviewing, have conducted at least 25 forensic interviews, and participated in at least one peer review process in which one or more of the applicant's interviews were critiqued. The forensic interviewer must be able to provide the names of the peer reviewers and the reviewers themselves must meet at least the basic standard for forensic interviewers. The applicant must again sign an acknowledgment of ethical guidelines pertaining to this work and their agreement to abide by these guidelines. Finally, the interviewer must take and complete a nationally

accepted examination documenting the interviewer has acquired basic knowledge relevant to forensic interviewing. If accepted in the field, the examination proposed by NACCFI may serve this purpose.

Advanced forensic interviewing credential. In addition to the basic 40 hours, the applicant must have completed a minimum of 80 hours of pre-approved advanced course work on forensic interviewing, must have conducted at least 100 forensic interviews and participate in a quarterly peer review process in which the forensic interviews of the applicants are among those critiqued. The applicant must again document the names of the peer reviewers and the reviewers themselves must meet at least the basic credential for forensic interviewers. The applicant must have been called as a witness in a civil or criminal trial in which their testimony involved the presentation of evidence pertaining to the forensic interview. In the alternative, the applicant must submit an affidavit that they have been listed at least once as a witness in a civil or criminal trial in which their anticipated testimony was to present evidence pertaining to their forensic interview. The applicant must again sign the acknowledgment pertaining to ethical standards.

Diplomate in forensic interviewing. In addition to the basic 40 hours, the applicant must have completed a minimum of 160 hours of pre-approved advanced training on forensic interviewing. The applicant must have conducted a minimum of 1,000 forensic interviews. The applicant must document continued participation in a quarterly peer review process in which the applicant's interviews are among those critiqued by peer reviewers who meet at least the basic credential for forensic interviewing. The applicant must continue to acknowledge an understanding of and adherence to ethical guidelines. The applicant must have been qualified as an expert witness and testified at least once in a civil or criminal case concerning a forensic interview. Finally, and most importantly, the applicant must submit three transcripts or videotapes of forensic interviews

conducted in at least three different years, for blind review by an expert panel. The panel, appointed by the body overseeing the credentialing process, must consist of practicing forensic interviewers who have conducted a minimum of 1,000 forensic interviews and who utilize different forensic interviewing protocols. The reason for a panel of experts utilizing different protocols is to avoid a process which endorses primarily one model over another but instead focuses on acceptable practices in the field of forensic interviewing. The reason that the three transcripts or videotapes be from different years is to provide some evidence that the applicant has maintained excellence over an extended period of time.

Inactive status. A forensic interviewer who is no longer a practitioner will be deemed “inactive” at whatever level of credentialing they had obtained. For example, a diplomate who is no longer a practitioner would be classified as “diplomate in forensic interviewing inactive.” Should the interviewer resume work as a practitioner, the “inactive” label would be removed. Because ongoing work as a practitioner is an essential, if not the best way to stay abreast of myriad changes in the field of child protection, it is misleading to a court of law or to the public not to make clear when someone is no longer a practitioner.

LONG-TERM CONSIDERATIONS THAT WILL EVENTUALLY IMPACT THE CREDENTIALING OF FORENSIC INTERVIEWERS

Driven largely by the growth of national and state forensic interviewing courses, and the infrastructure surrounding these courses, the credentialing standards promulgated above could easily be achieved in the next three-five years. Any movement, though, that plans only for the next 3-5 years is destined for stagnation or death. Accordingly, it is essential to recognize not only the possibilities for the foreseeable future, but the long-term future.

There are at least two dramatic changes in the child protection movement that will almost certainly impact the credentialing of forensic interviewers long term. The first is remarkably improved training at the undergraduate level and the second is the specialization of the profession.

The likely impact of improved training at the undergraduate and graduate level

As mentioned at the outset, undergraduate and graduate programs have largely failed to properly prepare child protection professionals. Although criminal justice, social work, psychology, nursing and other programs may peripherally address child maltreatment, numerous research studies document that undergraduate and graduate programs are woefully lacking in this area.⁵² With at least two notable exceptions⁵³, undergraduate and graduate programs do not have a course, much less a concentration in forensic interviewing. All of this, though, is about to change.

In 2009, twenty universities began the process of implementing a child protection minor that includes intensive instruction in forensic interviewing.⁵⁴ This federally funded initiative is part of a much larger proposal to significantly reduce, if not eliminate child abuse in the United States within three generations.⁵⁵ If the movement to reform the undergraduate and graduate training of child protection professionals continues to spread, it is likely the standards for future forensic interviewers will become more intense. Ten years from now, the certification standards for forensic interviewers may very well include a minimum of a university minor in child protection, which includes a concentration in forensic interviewing. Accordingly, it is essential that forensic interviewing coalitions, and other interested parties, take a leading role in shaping the reform of child protection education at the undergraduate and graduate level. These will be the graduates that, a generation from now, will be dictating to us the standards for our field.

The likelihood of specialization

Although forensic interviewing is rooted in the need to interview sexually abused children, and many courses are still focused on cases of sexual abuse, it is clear the profession is expanding. In the future, there may be forensic interview specialists whose training and experience uniquely qualify them to interview children exposed to domestic violence or a homicide; children who are emotionally maltreated; or children who have been trafficked or solicited on-line. Just as the NACP recognizes specialty credentialing for victim advocates, the credentialing of forensic interviewers may one day include specialty credentialing.

CONCLUSION

It bears repeating that the definition of the word “forensic” is “of, or pertaining to, or used in a court of law, now esp. in relation to the detection of crime.”⁵⁶ Given this definition, it is not surprising that the evolution of the concept of “forensic interviewing” has taken place, at least to some extent, in courts of law.⁵⁷ To date, the case law recognizing the expertise of forensic interviewers is rooted largely in the infrastructure surrounding many of the nation’s leading forensic interviewing courses. With so many courts recognizing the validity of this structure for accepting forensic interviewing as a discipline and allowing these interviewers to serve as experts on interviewing issues, it is logical to use the infrastructure surrounding these courses as the starting point as we begin to explore or even develop certification standards for forensic interviewers. From this starting point, a multi-tiered credentialing process is not only conceivable--it is just around the corner.

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- ¹ DAVID J. MONGE, LIFE-CHANGING FAITH FOR TODAY: WHY LUTHER'S THEOLOGY STILL MATTERS 92 (2003)
- ² See e.g. Victor Vieth, *Picture This: Photographing a Child Sexual Abuse Crime Scene*, 1(5) CENTERPIECE (2009) (available online at: <http://www.ncptc.org/vertical/Sites/%7B8634A6E1-FAD2-4381-9C0D-5DC7E93C9410%7D/uploads/%7B997647FB-79F1-4C5F-BF8A-B3340672BEE9%7D.PDF> last visited July 2, 2009)
- ³ Margaret Ellen Pipe, et al, *Do Best Practice Interviews with Child Abuse Victims Influence Case Processing?* (November 2008) at page 12; available online at: www.ncjrs.gov (last visited September 4, 2009).
- ⁴ See National Children's Alliance, Standards for Accredited Members (Revised 2008), available online at: <http://www.nationalchildrensalliance.org/index.php?s=76http://www.nationalchildrensalliance.org/index.php?s=76> (last visited July 2, 2009)
- ⁵ Alison R. Perona, Bette L. Bottoms, & Erin Sorenson, *Research-Based Guidelines for Child Forensic Interviews*, in VIETH, ET AL, ENDING CHILD ABUSE: NEW EFFORTS IN PREVENTION, INVESTIGATION, AND TRAINING (HAWORTH 2006).
- ⁶ Hershkowitz, et al, *Suspected Victims of Abuse Who Do Not Make Allegations: An Analysis of Their Interactions With Forensic Interviewers*, in PIPE, ET AL, CHILD SEXUAL ABUSE: DISCLOSURE, DELAY, AND DENIAL 97, 109 (2007).
- ⁷ *Id.* at 109.
- ⁸ See Kenneth V. Lanning, *Acquaintance Child Molesters: A Behavioral Analysis*, in COOPER, ET AL, MEDICAL, LEGAL & SOCIAL SCIENCE ASPECTS OF CHILD SEXUAL EXPLOITATION (2005) (noting "It is still my opinion that the disadvantages of taping generally outweigh the advantages).
- ⁹ See generally, Frank Vandervort, *Videotaping Investigative Interviews of Children in Cases of Child Sexual Abuse: One Community's Approach*, 96 JOURNAL OF CRIMINAL LAW & CRIMINOLOGY (2006); See also, Amy R. Warren & Cara E. Woodall, *The Reliability of Hearsay Testimony: How Well Do Interviewer's Recall Their Interviews with Children?*, 5 PSYCHOLOGY, PUBLIC POLICY & LAW 355 (1999) (finding that interviewers' memories degraded following interviews with children and they had difficulty recalling with specificity the questions asked of children and the responses children provided during interviews).
- ¹⁰ Kathleen Coulborn Faller, *Anatomical Dolls: Their Use in Assessment of Children Who May Have Been Sexually Abused*, 14(3) JOURNAL OF CHILD SEXUAL ABUSE 2, 5 (2005) (noting the "majority of studies indicate they (anatomical dolls) can be a useful tool, but there are also a few studies which do not support their use."); See also, Mark Everson & Barbara Boat, *Putting the Anatomical Doll Controversy in Perspective: An Examination of the Major Uses and Criticisms of the Dolls in Child Sexual Abuse Evaluations*, 18 CHILD ABUSE & NEGLECT 113 (1994) (noting that "in the proper hands, anatomical dolls are a highly efficient and effective tool for helping young children disclose and describe their sexual experiences.")
- ¹¹ Faller, note 10, at 7 (noting that some of the research critical of dolls "confound the study of doll efficacy with leading, presumptive, and speculative questions and with the distraction of doctor toys.");
- ¹² Lippert, et al, *Telling Interviews About Sexual Abuse: Predictors of Child Disclosures at Forensic Interviews*, 14 CHILD MALTREATMENT 100, 111 (2009)
- ¹³ See generally, Thomas Lyon, *False Denials: Overcoming Methodological Biases in Abuse Disclosure Research*, in DISCLOSING ABUSE: DELAYS, DENIALS, RETRACTIONS AND INCOMPLETE ACCOUNTS 41 (M.E. Pipe, et al, Eds. 2007).
- ¹⁴ See generally, Amy Russell, *Assessing Children's Statements for Investigative and Court Purposes*, 1(6) CENTERPIECE (2009) (available under "publications" at www.ncptc.org) (last visited July 17, 2009).
- ¹⁵ See e.g. State v. Hakala, 763 N.W.2d 346 (Minn. 2009) (holding it reversible error not to allow the defense expert to testify and critique a forensic interview).
- ¹⁶ Hershkowitz, et al, *Suspected Victims of Abuse Who Do Not Make Allegations: An Analysis of Their Interactions With Forensic Interviewers*, in PIPE, ET AL, CHILD SEXUAL ABUSE: DISCLOSURE, DELAY, AND DENIAL 97, 109 (2007) (noting that forensic interviewers not following recommended practices, such as offering the child support, were less likely to obtain a disclosure from maltreated children).
- ¹⁷ See generally, Victor Vieth, *When Cameras Roll: The Danger of Videotaping Child Abuse Victims Before the Legal System is Competent to Assess Children's Statements*, 7(4) JOURNAL OF CHILD SEXUAL ABUSE 113 (1999); See also, Victor Vieth, *A Commentary on Responses to "When Cameras Roll"*, 8(3) JOURNAL OF CHILD SEXUAL ABUSE 107(1999) (urging minimal training standards for all parties involved in the taking or analysis of a child's statement).

¹⁸ See APSAC Practice Guidelines, *Investigative Interviewing in Cases of Alleged Child Abuse*, a copy of which can be purchased through the APSAC website at: <http://www.apsac.org/mc/page.do>

¹⁹ American Professional Society on the Abuse of Children Practice Guidelines, *Use of Anatomical Dolls in Child Sexual Abuse Assessments* (APSAC 1995), available in John E.B. Myers, Karen J. Saywitz, & Gail S. Goodman, *Psychological Research on Children as Witnesses: Practical Implications for Forensic Interviews and Courtroom Testimony*, 28 PACIFIC LAW JOURNAL 3, 78-91 (1996).

²⁰ I have been honored to attend some of these meetings.

²¹ <http://www.naccci.com>

²² *Id.*

²³ The “Professional Society of Forensic Interviewers” is a program of the Children’s Advocacy Centers of Texas. For more information, call 1-800-255-2574.

²⁴ For a summary of this case law, see Victor I. Vieth, *Unto the Third Generation: A Call to End Child Abuse in the United States within 120 Years (Revised and Expanded)*, 28 HAMLINE JOURNAL OF PUBLIC LAW & POLICY 1, 26-28 (2006). See also, Victor I. Vieth, *The Forensic Interviewer at Trial: Guidelines for the Admission and Scope of Expert Witness Testimony Concerning an Investigative Interview in a Case of Child Abuse*, forthcoming WILLIAM MITCHELL LAW REVIEW (2010).

²⁵ See generally, Nancy Chandler, *Children’s Advocacy Centers: Making a Difference One Child at a Time*, 28 HAMLINE JOURNAL OF PUBLIC LAW & POLICY 315 (2006) (Providing an overview of the history and work of Children’s Advocacy Centers).

²⁶ See National Children’s Alliance, Standards for Accredited Members (Revised 2008), available online at: <http://www.nationalchildrensalliance.org/index.php?s=76><http://www.nationalchildrensalliance.org/index.php?s=76> (last visited July 2, 2009)

²⁷ See National Children’s Alliance, Standards for Accredited Members (Revised 2008), available online at: <http://www.nationalchildrensalliance.org/index.php?s=76><http://www.nationalchildrensalliance.org/index.php?s=76> (last visited July 2, 2009)

²⁸ Lippert, note 12, at 100.

²⁹ For an overview of many of the leading forensic interview training programs, the following articles will be helpful: Linda Cordisco Steele, *Child Forensic Interview Structure*, National Children’s Advocacy Center, 15(4) APSAC ADVISOR 2 (FALL 2003); Kathleen Coulborn Faller & Patricia Toth, *APSAC Forensic Interview Clinics*, 16(2) APSAC ADVISOR 2 (SPRING 2004); Erna Olafson & Julie Kenniston, *The Child Forensic Interview Training Institute of the Childhood Trust, Cincinnati Children’s Hospital*, 16(1) APSAC ADVISOR 2 (WINTER 2004); Lori S. Holmes & Victor I. Vieth, *The Finding Words/Half a Nation by 2010: The Forensic Interview Training Program of CornerHouse and APRI’s National Center for Prosecution of Child Abuse*, 15(1) APSAC ADVISOR 2 (WINTER 2003)

³⁰ See generally, Victor Vieth, *Re: The development of forensic interview training models: A reply to Lamb, Orbach, Hershkowitz, Esplin, and Horowitz (2007)*, CHILD ABUSE & NEGLECT (2008) (noting the infrastructure and ongoing support system surrounding some of the nation’s forensic interview training programs).

³¹ See National Association of Certified Child Forensic Interviewers, *Suggested Qualification Standards Required to Sit for the Certification Competency Examination*, <http://naccci.com/qualification.php> (last visited July 3, 2009)

³² Indeed, the chemist may have an advantage in understanding trace evidence that may be available at a crime scene and be able to incorporate this knowledge into an interview with a maltreated child.

³³ See notes 48-50, *infra* and accompanying text.

³⁴ For more information, visit the APSAC web site at <http://www.apsac.org/>

³⁵ This program offers basic and advanced forensic interview training as well as a course on Spanish speaking forensic interview training. For more information, visit the Academy’s website at <http://www.nationalcac.org/academy/acad.html>

³⁶ For more information, visit the CornerHouse website at <http://www.cornerhousemn.org>

³⁷ For more information, visit the Children’s Hospital website at www.cincinnatichildrens.org

³⁸ For more information visit the First Witness website at firstwitness.org

³⁹ See NCPTC, *ChildFirst State Updates*, CHILDFIRST: THE FORENSIC INTERVIEWING NEWSLETTER OF THE NATIONAL CHILD PROTECTION TRAINING CENTER (SPRING 2009) available online at:

http://www.ncptc.org/index.asp?Type=B_BASIC&SEC={F036F982-64E1-4093-A693-6F89008B71D3} (last viewed July 3, 2009).

⁴⁰ See generally, NCPTC, *ChildFirst State Training Calendar*, CHILDFIRST: THE FORENSIC INTERVIEWING NEWSLETTER OF THE NATIONAL CHILD PROTECTION TRAINING CENTER (SPRING 2009) available online at:

http://www.ncptc.org/index.asp?Type=B_BASIC&SEC={F036F982-64E1-4093-A693-6F89008B71D3}

⁴¹ See generally, Victor Vieth, *Re: The development of forensic interview training models: A reply to Lamb, Orbach, Hershkowitz, Esplin & Horowitz*, CHILD ABUSE & NEGLECT (forthcoming 2008).

⁴² If properly conducted, the typical forensic interview in which a child disclosed maltreatment should generate 8-10 pieces of corroborating evidence. See generally, Victor Vieth, *Working as a Multi-Disciplinary Team to Obtain Corroborating Evidence in Cases of Child Abuse*, CHILDFIRST: INTERVIEWING CHILDREN AND PREPARING FOR COURT (2008) (publication of NAPSAC's National Child Protection Training Center).

⁴³ See generally, Victor I. Vieth, *In My Neighbor's House: A Proposal: A Proposal to Address Child Abuse in Rural America*, 22 HAMLINE LAW REVIEW 143 (1998).

⁴⁴ Lamb, et al, *A structured forensic interview protocol improves the quality and informativeness (sic) of investigative interviews with children: A review of research using the NICHD Investigative Interview Protocol*, 31 CHILD ABUSE & NEGLECT 1201, 1210 (2007).

⁴⁵ See <http://www.nationalcac.org/> (last accessed November 19, 2008).

⁴⁶ To review the on-line articles published by the Harvard Law review, click on:

<http://www.harvardlawreview.org/index.shtml> (last accessed November 19, 2008).

⁴⁷ SHORTER OXFORD ENGLISH DICTIONARY SIXTH EDITION VOLUME 1(2007)

⁴⁸ To learn more about NOVA, visit their website at: www.trynova.org

⁴⁹ An advocate could be credentialed as a child abuse intervention specialist, domestic violence intervention specialist, drunk driving intervention specialist, homicide intervention specialist, sexual assault intervention specialist, comprehensive intervention specialist, or program management specialist. See National Advocate Credentialing Program Advocate Credentialing Application available on-line at www.trynova.org (last visited January 6, 2009)

⁵⁰ *Id.*

⁵¹ There is research demonstrating that "practice opportunities using trained respondents are more effective in improving the performance of investigative interviews than those using untrained fellow participants." Martin B. Bowell, Ronald P. Fisher, Carolyn H. Hughes-Scholes, *The Effect of Using Trained Versus Untrained Respondents in Simulated Practice Interviews About Child Abuse*, 32 CHILD ABUSE & NEGLECT 1007, 1015 (2008). Stated differently, the researchers found that "(a)lthough the performance of all participants improved with practice, the beneficial effect of having trained actors play the role of a child was robust." *Id.* At 1014. This study supports the practice in many forensic interview training programs, including CornerHouse and *ChildFirst* of using trained actors in practice scenarios.

⁵² See Vieth *supra* note 24.

⁵³ Winona State University in Minnesota and Montclair State University in New Jersey have extensive undergraduate instruction on forensic interviewing. See Victor I. Vieth, *Unto the Third Generation: A Call to End Child Abuse in the United States Within 120 Years (Revised and Expanded)*, 28 HAMLINE JOURNAL OF PUBLIC LAW & POLICY 1, 31-37 (2006).

⁵⁴ Margaret Cox, *Setting the Stage for Social Change: Child Advocacy Studies Program Prepares a Future Generation to End Abuse*, CURRENTS 10 (Winona State University Spring 2009)

⁵⁵ See Vieth, *supra* note 24.

⁵⁶ SHORTER OXFORD ENGLISH DICTIONARY SIXTH EDITION VOLUME 1(2007)

⁵⁷ See Vieth, *supra* note 24.