



House Committee on Children and Families
HB 2137 – Protective Parent Reform Act
2012 Legislative Session

Mr. Chairman and Committee Members:

My name is Amy Boydston, Executive Director of the state network of Children's Advocacy Centers. I am here to testify in regard to new sections introduced into the Child In Need of Care Code regarding the interviewing of children involved in allegations of abuse.

On behalf of the state network of Children's Advocacy Centers, we oppose the requirements in House Bill 2137 specifically related to forensic interviewing of children. (Items in Section 2)

Background on Children's Advocacy Centers

Beginning fifteen years ago, teams of law enforcement, SRS social workers, prosecutors and others began to change the way we respond to child abuse – using the national “Children’s Advocacy Center” model. Today, there are 20 Children’s Advocacy Center (CAC) locations in the state. These CACs have executed formal interagency agreements with more than 50 counties to outline the county’s response to allegations of child sexual abuse, serious physical abuse and child witnesses to violence.

Our CACs work hand-in-hand with SRS and law enforcement agencies to coordinate joint investigations, to conduct forensic interviews of child victims and to secure medical and mental health treatment. This year, more than 3,800 investigations of child abuse will be handled through a CAC. This bill, as proposed, will have sweeping effects on those CACs and more than 50 community-based teams of law enforcement, SRS, county prosecutors, therapists, medical providers and victim advocates.

CACs work to reduce the trauma to victims of abuse by creating a more child-friendly response. Our teams of responders from law enforcement, SRS, prosecutors and others work within a protocol developed for their community. These protocols include guidelines that describe the general process of child interviews, training requirements of those conducting the interviews, and how interviews will be recorded. We believe good practice is minimizing the number of interviews, using only interviewers that meet certain standards and preserving a child’s statement through electronic recording.

Above all, however, we believe these interview services must be delivered in a manner that can be tailored to the needs of each individual child. If these well-intentioned practices are taken to be “absolute” – and codified in statute – it will not serve children as intended. It will not allow teams to adjust to the irregularities of each case.

Kids, especially kids who have been traumatized by abuse, do not always fit into strictly prescribed guidelines. What works best with most cases – does not work best with *every* case. In order to best serve children, and serve the justice system, we must **preserve the ability to consider and to exercise options on individual cases.** This bill limits those options.

There are several items of concern in the bill as proposed that have been flagged by our Children's Advocacy Centers (as well as county prosecutors who were asked for input):

Items from Section 2

New Sec. 2. (a) In any proceeding under article 22 of chapter 38 of the Kansas Statutes Annotated, and amendments thereto, *a child shall not be subjected to more than one interview concerning the alleged physical, mental or emotional abuse or neglect or sexual abuse of the child, except when new information is obtained that requires further information from the child.* The child shall not be videotaped more than once unless the interviewer or investigating agency determines that one or more additional interviews are necessary to complete the investigation. If additional interviews are necessary, the *additional interviews shall be conducted, to the extent possible, by the same interviewer who conducted the initial interview of the child.*

Summary: Limit interviews of alleged child victims to one, except when new information becomes available; Limit videotaping sessions to one unless more are necessary; Require the same interviewer, if more than one interview is necessary;

CACs strive to reduce the number of interviews to a single session. For most children, they will participate in only one detailed, recorded interview. Yet, the needs of traumatized children do not always fit into this mold. Some kids are not able to share the details of their abuse at a single point in time. For children who are severely traumatized, for those who may have a developmental delay, or for kids whose circumstances have changed (such as the perpetrator leaving the home) – they may need the opportunity for more than one interview to disclose their experience. To deny any child the opportunity to disclose his or her abuse does not allow justice for these children.

Further, if an additional interview is necessary, it may not serve the child nor the investigation to use the same interviewer. A child might not have built rapport with the first interviewer. Many law enforcement interviewers are male – for some victims, they may be more comfortable with a female interviewer. In complex cases, a more experienced interviewer may be needed if the initial interviewer struggled in the first interview. The choice of interviewer should be left to a team decision based on the unique needs of each case.

(c) When conducting an investigation, the *department of social and rehabilitation services and law enforcement agency shall videotape the interview with a clock on the wall behind the child to ensure the accuracy of the time.*

Summary: Require all videotaped interviews to be conducted with a clock visible on the wall behind the child;

All of our CACs electronically record their interviews (although few use videotape.) Those CACs come to agreement with local law enforcement and county attorneys to decide how time and date will be preserved. This is commonly achieved through a time/date stamp imbedded in the recording. To require that clock on the wall be visible behind the child assumes that every child will sit in one place, not move and answer all questions. In reality, some kids are more comfortable switching places with the interviewer, or sitting on the floor, or creating more physical distance from the interviewer, etc. While nearly all of the nationally-recognized interview training programs advocate for recording interviews and preserving time and date, there is no interview protocol that requires a clock in the interview room. Some CACs choose to have a clock in the room, others choose not to do so to eliminate distraction.

(h) ...An interview of a child conducted as a result of a report of such abuse or neglect as required under subsection (b) of K.S.A. 2010 Supp. 38-2230, and amendments thereto, shall be videotaped: By a person trained and competent to conduct the interview; and (2) if available, at a child advocacy center as described in K.S.A. 2010 Supp. 38-2227, and amendments thereto.

CACs cited this section lacks clarity and could lead to confusion. One CAC asked, "Does this apply to all 'preliminary' screenings or a 'forensic interview'?" Additionally, the national accreditation standards for CACs

set minimum training requirements for interviewers, but also go farther, as research indicates initial training is not enough - that maintaining "competency" also requires regular peer review and continuing education. Requiring a "person trained and competent" is ambiguous. Again, our CAC team protocols commonly outline initial training requirements for interviewers, as well as requirements for continuing education, peer review and supervision.

Although we appreciate the inclusion of "at a child advocacy center" in the requirements, the CAC movement in Kansas continues to expand. In other committees, we are advocating for resources to support our growth. We may return at some point requesting legislation about child interviews and advocating for the use of children's advocacy centers. When we do, we need to get it right ensure the impact is fully vetted, and get it in the right place. The inclusion of these interview requirements in a custody bill intertwines issues in ways that do not naturally go together. Right now, these issues may be better addressed in team protocols developed with the input of local prosecutors, investigators, victim advocates and mental health professionals.

For the reasons cited above, we oppose the items in the bill related to interviewing. **We believe the inclusion of the interview requirements as written will have unintended consequences that will limit our ability to do what is best in the unique circumstances of each case.**

Respectfully submitted,
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