

# PRACTICE

## BEYOND VOCABULARY: ASKING UNDERSTANDABLE QUESTIONS

—by Gina Richardson

Eliciting accurate information from sexually abused children is one of the most difficult tasks facing investigators, therapists, attorneys, and others who work with these young victims. Interviewers are often puzzled by inconsistencies which crop up in children's accounts of abusive incidents, and are worried that such discrepancies will jeopardize the children's credibility and thus the appropriate resolution of the case. Attempts to trace such inconsistencies to their source have led to a greater awareness of how cognitive and psychological factors may influence children's statements. However, the ways in which the language of the interviewers' questions can contribute to children's inconsistencies have been largely ignored.

Interviewers are quick to acknowledge the importance of adapting their language to that of the children. Interview guidelines and protocols typically include language advice, much of which is excellent. But the existing advice does not meet all of the real language needs of interviewers.

Much currently available advice is based on the assumption that language is equivalent to words, and if the child can provide contextually appropriate definitions for each word in the sentence, the child can understand the sentence. However, a wealth of linguistic research on language acquisition establishes that this is not necessarily true. While understandable vocabulary is certainly a starting point for understandable language, it is not a guarantee. The purpose of language is more than just to name entities and ideas, it is to express the relationships among them, both within and across sentences. The variations in how these relationships can be conveyed, within the rules of our language, can be quite difficult to acquire.

The purpose of this article is to show how more specific advice about language, covering a broader range of linguistic issues, can help interviewers phrase questions in ways that are less likely to induce "inconsistencies" in children's accounts of abusive incidents (see also Shuy, in press). The examples given are taken from actual interviews and courtroom tes-

timony. All names and identifying information have been changed.

The following exchange is one example of how sentence structure, rather than lack of ability to define words, resulted in a ten-year-old girl's improper response to a CPS worker's question:

Q: Promise me to tell the truth.

A: I'm sure you will!

The child's confusion in this example cannot be explained by vocabulary problems. At least one study shows that most children can provide legally acceptable definitions of "promise" by the age of 5 (Saywitz & Jaenicke, 1987). The problem is that the CPS worker's sentence is an exception to the "minimum distance principle," a rule of English syntax by which the person or thing acting is the person or thing mentioned closest to, and in front of, the verb (Chomsky, 1969). If we follow this rule, pairing off the subjects and verbs that are closest to each other, we usually interpret a sentence correctly. For example:

Tell Bill to read the book.

(you tell) (Bill to read the book)

An accurate paraphrase for this sentence is *You tell Bill that he should read the book*. But if you attempt to interpret the CPS worker's question using the minimum distance principle, you come up with an incorrect interpretation:

Promise me to tell the truth.

(you promise) (me to tell the truth)

Children may not learn until at least the age of ten how to interpret "promise" sentences accurately. To be safe, interviewers should always word questions so that actors and actions are explicitly grouped.

**DO NOT SAY:**

Tell Bill to read the book.

**DO SAY:**

Tell Bill *that he should* read the book.

**DO NOT SAY:**

Promise me to tell the truth.

**DO SAY:**

Promise me *that you will* tell the truth.

Although the sentence "Promise me that you will tell the truth," has eight words, its more explicit syntax makes it easier to understand than "Promise me to tell the truth," which has only six. Although many interviewing protocols recommend using short sentences, this is one example that reveals that the shorter sentence is not always the clearer one.

Here is another example of a subtle

misunderstanding that is potentially very damaging to a child's credibility. The following exchange took place between a judge and a four-year-old girl during the competency examination at trial:

Q: Do you recall a time when you went to the hospital?

A: (Witness shakes head in the negative) My daddy took me there.

At first glance the child appears to contradict herself—she claims that she does not remember an incident, then proceeds to give information about it. Such a statement could certainly raise doubts as to whether the child retains an independent memory of events. But the child is actually making a perfectly consistent statement. A close examination of the sentence structure reveals why:

Do you recall *a time when you went to the hospital?*

The child thinks the judge is asking for the date or the time of her trip to the hospital. When she cannot supply that bit of information, she offers what alternative information she can—that her father was the one to take her there. The child's answer is perfectly consistent: *I don't remember the date or the time that I went to the hospital, but I remember that my daddy took me there.*

This kind of mistake is not limited to preschoolers. The seven-year-old girl in the following example misinterprets a similar question during her trial testimony:

Q: Do you remember the day that you saw Bud give Janie the massage?

A: No, but I know that he did.

Q: How do you know?

A: Because I was in there, I was—I was in there.

Again, it is the wording of the question, *do you remember the day*, which causes the child to interpret the question as asking for the date of the event. Her statement is perfectly consistent: *No, I don't remember the date of the event, but I was in the room when it took place.* (Her *in there* is probably an attempt to substitute *there* for *in the room*.) To avoid the problem, the interviewer can reword the question so that the time expression is eliminated, or begin the question with "did."

**DO NOT SAY:**

Do you recall a time when you went to the hospital?

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**DO SAY:**

Do you remember going to the hospital?

**DO NOT SAY:**

Do you remember the day that Bud gave Janie the massage?

**DO SAY:**

Did you ever see Bud give Janie a massage?

Some misunderstandings, then, result from syntax that gives the child mixed messages about what specific information is being sought. Other misunderstandings are not due to the structure of particular questions but to the topic flow of the interview—what topics are to be discussed and in what order. It seems simplistic to point out that for any conversation to be successful the participants have to know what topic they are discussing, but topic specification seems to be a surprisingly easy point to overlook during an interview. A comparison of one attorney's questions to two child victims at trial illustrates this point. The first example shows the attorney's questions to an articulate twelve-year-old girl:

Q: Janie, do you remember Bud ever touching you in a way that made you uncomfortable?

A: Yes.

Q: Do you remember the first time

he ever did anything like that?

Notice how in his first question the attorney introduces the general category of "uncomfortable touch." In his second question he narrows this general category down to a specific incident in an age-appropriate way, *the first time*. The twelve-year-old is able to focus her attention on the relevant incident and begin an appropriate narration.

But note how the same attorney handles the same situation with his very next witness, a seven-year-old girl:

Q: Okay, do you remember if Bud ever touched you in a way that you didn't like?

A: Yeah.

Q: Okay, would you tell the jury what you remember about that?

A: He—we were going out to the truck, he was—when we sat down he was—

Here, the attorney starts his topic the same way that he did with the twelve-year-old, by introducing the general category of "touch that you didn't like." But rather than using his next question to narrow the focus in some age-appropriate way, he immediately asks the child to begin telling about "that." "That," however, occurred on two separate occasions, and the attorney fails to

tell the child which occasion she is to describe.

Her response is quite revealing. The child identifies the two different incidents throughout the testimony as *standing up, outside, by the truck and sitting down in the kitchen*. In all other instances she keeps the two incidents distinct, always discussing *the truck* as part of the first incident and *sitting down* as part of the second. So, either this is the only point in her testimony where she confuses the two incidents—or she is trying to fulfil the attorney's rather vague request by trying to narrate both events at once, or mentioning both in an effort to choose between them.

Of course, interviewers performing investigative interviews cannot immediately refer to specific abusive incidents, since that is the information the interview is designed to elicit. But as the child begins to disclose more information and specific incidents begin to take shape, the interviewer should find some way to specify uniquely each event or category of events (when individual incidents have merged). Sometimes the child will provide a label that can be used to specify a topic, such as *I was wearing my pink nightgown*. Other common ways to specify topic include

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## BEYOND VOCABULARY

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the order of the incidents (first, second, etc.), location (by the truck, in the kitchen), instrument used (candle, machine), or the game abuse was disguised as (playing doctor, playing house).

The examples here only scratch the surface of the kinds of misunderstandings in children's accounts that are due to child-adult language differences. Problems also occur with prepositions, causatives, referencing, topic maintenance, and many other aspects of language. A more thorough understanding of how language works and how it is acquired can give interviewers a better chance of avoiding problems that are predictable, and of developing more effective clarification strategies for problems that are unexpected.

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### References

Chomsky, N. (1969). *The acquisition of syntax in children from 5 to 10*. Research Monograph no. 57. Cambridge, Mass.: MIT Press.

Saywitz, I & Jaenicke, C. (1987). Children's understanding of legal terms: A preliminary report of grade related trends. Presented at the Biennial meeting of the Society for Research on Child Development. Baltimore MD

Shuy, R. (in press) *Advances in Law and Child Development*.

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