

Guidelines for Interviewing Children About Custody

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Introduction

When interviewing a child regarding custody, it is important to have a basic understanding of child development and how children express feelings in words and behavior. It is then possible to assess more accurately the parenting skills of each of the parties involved and the bonding between the parents and the child.

We use the Child Custody Act to assess the best interests of the child. Factor "a" most directly addresses bonding: the psychological and emotional attachment between parent and child. Factors "b" and "c" most directly address parenting skills. Supportive data are presented in several other factors of the Child Custody Act.

We interview the parents and, at times, others before interviewing the child to have some background information. Basically, the interview with the child should produce answers to the following questions:

1. How well is the child functioning physically, emotionally, and mentally?
2. What is the relationship between the child and each parent?
3. How does the child feel about the issue of custody?

Start the interview with questions about things (school, activities, toys, chores), which are less anxiety-producing; move to questions about people (relationships, feelings), which are more anxiety-producing; and then wind down the interview by a return to "safer" topics, answering questions, and reassuring the child that it is the judge who will make the custody decision.

A variety of special problems need to be kept in mind when interviewing children:

1. All children are brainwashed to one degree or another.
2. Watch out for parroting patterns—a child using the same tone of voice, expressions, and inflections as a parent.
3. Listen for absolutes; a child using words like "always" and "never" needs to be questioned more specifically.
4. The child who pathologically aligns with the less fit parent presents a problem for which there seems to be no good solution.

Focus will be placed on three developmental levels of children:

1. preschool: birth to 6 years
2. school age: 6 years to 13 years
3. adolescence: 13 years to 18 years

For each age level, developmental considerations, interview guidelines, and suggested questions are presented below. Adapt the questions to your own interviewing style and comfort level.

Preschool: Birth to Age 6

I. Developmental Considerations

- The most important person to a child at this age level is the one who provides physical care on a daily basis as well as love, comfort, stimulation, and nurturing.
- The most significant relationship at this age is with the primary caregiver, whether it is the mother or another caregiver.
- This relationship lays the groundwork for relationships in future developmental stages and affects the child's degree of self-esteem, confidence, independence, trust, and self-control.
- The need for continuity in the relationship with the primary caregiver is greatest at this age. Disruption of this relationship may cause stress, feelings of deprivation, and difficulties with future relationships. This impacts on custody and parenting time recommendations.

II. Interview Guidelines

- To assess the parenting skills and the bonding relationships of a child at this developmental stage, the child should be observed interacting with each parent at home; the parents should be interviewed privately as well.
- A preschool child is generally considered too young to express a reasonable preference. Verbal skills may imply more comprehension than actually exists.

III. Suggested Questions to Ask the Preschool Child

(Adapt questions depending on the preschool child's verbal skills and attention span.)

1. Know the child's name and introduce yourself.
2. How old are you?
3. What is your birthday?
4. Do you have any brothers or sisters? How old are they?
5. Who lives in your home?
6. Who takes care of you during the day? At night?
7. Who gets your breakfast, lunch, dinner?
8. Who helps you get dressed?
9. Who gives you a bath, washes your hair, cuts your nails?
10. What do you and mommy like to play together? What do you and daddy like to play together?
11. Who puts you to bed?
12. What is your favorite food, toy, TV program?

IV. Suggested Questions to Ask the Parent of the Preschool Child

1. Who gets your child's breakfast, lunch, dinner?
2. Who feeds your child?
3. Who bathes and dresses your child?
4. Who purchases your child's clothes, toys, other equipment?
5. Who arranges for and takes your child to doctor and dentist appointments?
6. Who stays home from work when your child is sick? Why is that the parent to stay home

(work schedule flexibility, sick days easier to get off, etc.)?

7. Who arranges for baby-sitters and child care?
8. Who arranges for nursery school enrollment, religious education?
9. How are these decisions made with the other parent?
10. Who puts your child to bed?
11. How do you teach your child manners? How does the other parent?
12. How do you discipline your child? How does the other parent?
13. What are your child's favorite foods, TV program, story, toy?
14. What is this child's relationship to other sibling(s)?
15. How would you describe your child's relationship with you? With the other parent?
16. How has your child been affected by the marital separation?
17. How would you go about correcting this?
18. Describe a typical day with your child.

School Age: Age 6 to 13

I. Developmental Considerations

- Daily caretaking is still important but less so than at an earlier age. The child grows more independent although the continuity of caregiver, routines, and schedules is important. Disruption may cause rebellious behavior, depression, or an "I don't care" attitude.
- There is a growing awareness of blood-tie relationships and what that means (father vs. stepfather).
- Extracurricular involvement with friends and participation in school, church, or sports activities become important. Disruption of these on parenting time weekends may cause behavior problems.
- There is an increasing mastery of the language, but most thinking is still concrete rather than abstract.

II. Interview Guidelines

- Observe interaction between the child and each parent, when possible, and interview the child privately at school or at your office.
- Inform the child that the judge makes the decisions about custody and parenting time and that the judge wants to know how the child feels.
- Ask the child very specific questions to elicit more detail.

III. Suggested Questions

1. Know the child's name and introduce yourself.
2. What is your birthday?
3. What grade are you in? At what school? Favorite subject?
4. How do you get to and from school? At what time do you go to school? And come home?
5. Who helps you with homework? How are you doing in school?
6. What do you do after school? On weekends? With friends?
7. Who gets your breakfast? What do you like to eat?
8. Who fixes your lunch to take? What do you eat for lunch?
9. Who makes dinner at night?

10. Who washes your clothes?
11. What chores do you have (clean room, do dishes, take garbage out, etc.)?
12. Describe a typical school day.
13. Describe a typical weekend day.
14. Do you celebrate Christmas/Hanukkah/Kwanza? When do you open your presents? What do you do on Thanksgiving? On other holidays?
15. I understand you've been spending the school nights (or whatever) at your mom's house and weekends (or whatever) at your dad's. What's the best thing about your mom's house? What's the best thing about your dad's house?
16. If you accidentally broke a window/a flower vase/your brother's toy/etc., what would your mom do? What would your dad do?
17. If you fell and hurt yourself, who would take care of you?
18. When you are too sick to go to school, who stays home with you?
19. When you go to the doctor or the dentist, who takes you?
20. If you were home alone all afternoon with your mom, what do you think you would do? If you were home alone all afternoon with your dad, what would you do?
21. Have you ever taken a vacation trip? With whom? Where did you go?
22. What do you want to be when you grow up? Who is your hero or who would you like to be when you grow up?
23. Did anyone tell you I might be coming to see you today? What did they say about it?
24. Do you know what divorce is?
25. What do you think is going on between your parents?
26. How did you learn about this? Who told you about the divorce? How do you feel about it?
27. How does your mom feel about your wanting to see your dad? How does your dad feel about your wanting to see your mom?
28. If the judge says you should live with your mom, how would you feel? If the judge says you should live with your dad, how would you feel?
29. Is there anything we've talked about that you don't want your mom or dad to know about?
30. Is there anything special you would like the judge to know?
31. Do you have any questions you'd like to ask me?

Adolescence: Age 13 to 18

I. Developmental Considerations

- The most significant issue is independence—working on being free of parental control. Emotional ties to parents are no longer as important as they were earlier.
- This age has a full awareness of blood-tie relationships and what that means (biological parents vs. stepparents and others).
- This age wants creature comforts—food, clothing, cash, and a car—and admits to needing very little else from parents.
- Peer group is of primary significance and may outweigh parents' or adult authority.
- The preference of some adolescents is paramount. Their reality is what they perceive it to be. For other adolescents, there is great relief upon learning that the decision is not theirs to make.

II. Interview Guidelines

- The adolescent should be interviewed privately.
- Inform the adolescent that it is the judge who makes the decisions about custody and parenting time after considering a variety of factors, including how the adolescent feels.
- Discuss confidentiality.
- After the adolescent has been sufficiently interviewed, share your perceptions with him or her to check for "reality."

III. Suggested Questions

1. Know the adolescent's name, birthday, address, name of school, and grade level (this gives perception of competence and enhances your confidence during "small talk"/introductory period of your interview).
2. Ask about extracurricular activities.
3. Does either parent participate (as coach or manager of team) or attend event (team games, school plays, field trips, parent/teacher conferences)?
4. If something goes wrong (adolescent is mouthy, violates family's curfew, etc.), what happens? How does your mom react? How does your dad react?
5. What is the one thing your mom does that makes you the maddest? What is the one thing your dad does that makes you the maddest?
6. Are there problems you can talk more easily about with your mom than with your dad? With your dad better than with your mom?
7. When you're sick, who takes care of you?
8. Who takes you to the doctor or the dentist?
9. Who buys the groceries, pays the bills, does the laundry?
10. What chores do you have at home? Do you have any chores to do at your other parent's home?
11. What do you like best about your mom? What do you like best about your dad?
12. Did anyone tell you I might be coming to see you today? What did they say?
13. What do you think is going on between your parents?
14. How did you learn about this? Who told you about the divorce? What do you think about it?
15. How does your mom feel about your wanting to be with your dad? How does your dad feel about your wanting to be with your mom?
16. How would you feel if the judge says you will live with your mom? How would you feel if the judge says you will live with your dad?
17. Is there anything you'd like the judge to know?
18. Is there anything we've talked about that you don't want your mom or dad to know about?
19. Do you have any questions?