

# Guidelines for Use of Interpreters at CACs



Children's Advocacy Centers across the country use language interpreters (or sign language interpreters) when working with children and families who have Limited English Proficiency (LEP) or are deaf/hard of hearing. CACs strive to ensure that: (1) children and their families feel safe and comfortable communicating in their own language, (2) accurate information is relayed to the investigators as well as the family, and (3) the multidisciplinary team is able to convey their roles, expectations, concerns and decisions to the family. Interpreters should be available to families at no cost and are utilized for the child during the forensic interview, for the family after the interview, and throughout the investigation and prosecution. Some CACs require the use of court certified interpreters for the forensic interviews, but may use community interpreters for ongoing advocacy. Family members should not be used for interpreting during forensic interviews or ongoing conversations with parents/guardians.



*Content included in this guide:*

- **Using Interpreters in Forensic Interviews**
- **Training for interpreters**
- **Tips for interpreting**
- **Confidentiality forms**
- **Resources**

## Using Interpreters in Forensic Interviews

by Barbara Hiltz, MSSW, LGSW<sup>1</sup>, Jennifer Anderson, MST, LGSW<sup>2</sup>

reprinted from: [https://www.cornerhousemn.org/images/using\\_interpreters\\_in\\_forensic\\_interviews.pdf](https://www.cornerhousemn.org/images/using_interpreters_in_forensic_interviews.pdf)

Ideally, trained forensic interviewers would have the skills to communicate with children in their native tongues. The reality in most settings is that trained, multilingual interviewers are not readily available. This is especially true of languages not common in specific regions. It has been our practical experience that the best option in these situations is the use of a qualified interpreter to assist the interview process.

Information can be found on utilizing interpreters in various settings, including court, medical, therapeutic and educational. Although professionals conducting forensic interviews can draw on information from these other areas to establish clinically based guidelines, there remains a distinct lack of information and research in the area of utilizing interpreters with children in a forensic interview. The following are offered as experience-based considerations for those who choose to utilize interpreters in their forensic interviews.

## 1. Assess the need for an interpreter

Establishing the need for an interpreter can be done by asking the question, “What language does this child use at home?” While children may speak English at school, daycare or when greeting the forensic interviewer, these factors do not diminish the need for an interpreter. In a forensic setting the child may talk about things they only have words for in the child’s native language, e.g., body parts or sexual acts. In addition, the added stress of the forensic interview process and the unfamiliar setting may cause children to revert to that which is comfortable and familiar.

## 2. Consider qualifications

**a. Court certification:** There are certification processes to train and educate interpreters on issues related to interpreting in a legal setting. Completion of this type of training allows interpreters to become “court certified.” Certification can happen at the state or federal level.<sup>3</sup> As with the courtroom setting, the expectation in a forensic interview is that the interpreter is a neutral party, is not an advocate for the child and does not try to explain or help witnesses through the expansion or rephrasing of questions and answers.<sup>4</sup> Court certification is not available in all states, and both state and federal court certifications are limited to particular languages.<sup>5</sup> It is recommended that interviewers learn what is available in their areas and inquire about court certification status of the interpreters they choose.

**b. Neutral party:** Children may not want to share details of an experience in the presence of someone they know. In addition, issues of suggestibility may be raised. People with a personal connection to the child may display an emotional reaction (i.e. crying, gasping) or use verbal or non-verbal cues to prompt the child to speak (i.e. head nodding, encouraging the child to speak). This may affect the child’s responses due to a desire to please a loved one.<sup>6</sup>

## 3. Consider variance within language

For example, Spanish spoken by someone from Mexico may be significantly different from that spoken in Venezuela. Social status, geography, degree of immersion in American culture, religion, accent, pronunciation, dialect, clan and other factors may account for language differences. Particularly with children, these differences may lead to misunderstanding or even an inability to communicate. Communication problems may be reduced by gathering some specifics about the child prior to the interview, and attempting to match the interpreter accordingly.

## 4. Meet with your interpreter prior to the interview

This meeting should not be underestimated as the work of the interpreter can potentially aid or thwart attempts to gather accurate and reliable information. The following are some possible areas to be covered:

- a. Purpose and logistics:** The interpreter should have basic information about what to expect, including (but not limited to) specifics regarding the nature of a forensic interview, any aids you might use during the interview, your method of memorializing the interview, and the physical set up of the interview room.
- b. Don't change questions:** Make sure the interpreter understands that they should not change the question or the question structure (i.e. multiple choice, open ended, yes/no). If the question cannot be interpreted directly, the interpreter should alert the interviewer so the interviewer can rephrase. It is not the role of the interpreter to offer suggestions or attempt to clarify the questions.
- c. Keep it simple:** The interpreter may have more than one way to word a sentence or question in the child’s native language. Both sentences or questions may convey the same denotative and connotative meaning.

However, interpreters should be instructed that in such cases, they want to select the simplest, shortest, and most concrete method. Do not forget that the interpreter may not have the knowledge of child development and cognitive processes possessed by the interviewer.

**d. Interpret everything:** It is not the role of the interpreter to filter information, or to decide what is relevant. For example, if the child answers a question with seemingly unrelated information, the child's words should be relayed and the interviewer can determine their relevance.

**e. No touching or gesturing:** Inform interpreters that amongst other things, they should avoid having children sit on the interpreter's lap, hugging or stroking the child, head nodding, and hand motions. The interpreter may overlook such pedestrian interactions, however forensic interviewers recognize the significance of these non-verbal communications and their potential suggestibility implications. Be clear with the interpreter that if the child attempts to make physical contact with the interpreter, the interviewer will attempt to redirect and refocus the child's attention.

**f. Ask questions:** Interviewers can use this meeting to inquire about any nuances of the language they should be aware of. This may include phrasing, the use of prepositions, or other idiosyncratic elements of the language. Such preparation will minimize confusion and conserve time in the interview.

## 5. Physical space

It is important that the room positioning reflect the primary importance of the interviewer-child interactions. One way to accomplish this is for the interviewer and child to face each other with the interpreter sitting slightly behind and to the side of the interviewer. This way, the child can look at the interviewer while maintaining sight of the interpreter over the interviewer's shoulder. If cameras are used, ensure that all parties and their interactions can be viewed within the frame.

## 6. Have the interpreter available

Introduce the interpreter to the forensic setting at the outset of the interview. Having an interpreter available in the interview does not necessarily obligate the interviewer or child to use them continuously. As with interview protocols, the use of the interpreter should be adjusted to developmental and situational factors. If the interpreter is not used for the entire interview, the interviewer must remain alert, looking for possible misunderstandings and confusion in communication. The interpreter can be drawn into a more active role at any point in the interview process.

## 7. Preparing the child

At the outset of the forensic interview, the interviewer should introduce the interpreter and their role to the child. This can be accomplished through statements as simple as: "This is \_\_\_\_\_ (interpreter's name) and they are here to help us talk. They speak \_\_\_\_\_ (child's language) and I don't know how to speak \_\_\_\_\_ (child's language)." The child's developmental level and previous experience using an interpreter may alter this introduction. When appropriate, explain that the interpreter can be called upon to translate when the interviewer or child identifies a need. Consider checking for understanding by having the child reiterate the purpose for the interpreter.

## 8. Where to look and speak

Interviewers should focus their attention on the child being interviewed, not the interpreter. When speaking, speak directly to the child, not to the interpreter, and when the interpreter is speaking, continue to look at the child. Avoid using phrases such as, "Tell/ask them..."<sup>7</sup> Such considerations will help the child feel connected to the interviewer and may reduce the child's confusion of people's roles.

Each individual interviewer is responsible for maintaining the integrity of their interview. These points should be viewed as a possible guide, not a recipe for success. In forensic interviewing, significant weight must be given to individual circumstances as well as developmental and cognitive differences amongst children. Practitioners must apply that which is feasible within their own settings and communities and adapt these strategies accordingly.

<sup>1</sup> Forensic Services Coordinator for CornerHouse, a Child Abuse Evaluation and Training Center located in Minneapolis, MN.

<sup>2</sup> Training Coordinator and Interview Specialist for CornerHouse, a Child Abuse Evaluation and Training Center located in Minneapolis, MN.

<sup>3</sup> Mintz, D, FAQs (Frequently Asked Questions) About Court Interpreting. Retrieved July 26, 2002, from <http://www.najit.org/faq.html>

<sup>4</sup> Hardy, M. (1998, November) Ten tips on using court interpreters in child witness cases, *Update*, 11, 1-2.

<sup>5</sup> Mintz, supra note 3

<sup>6</sup> Ceci, S. J. & Bruck, M. (1995). *Jeopardy in the courtroom: A scientific analysis of children's testimony*. Washington, DC: American Psychological Association.

<sup>7</sup> Minnesota Supreme Court Interpreter Advisory Committee (1999). Best Practices Manual On Interpreters In the Minnesota State Court System.

## Training for Interpreters

Once you have a list of interpreters, court certified and others, CACs may host a meeting or small training to review the policies and procedures for cases seen at the center. It is essential to discuss the sensitive nature of the child abuse cases and the content they will hear and need to interpret. If it is not possible to have a meeting with interpreters in advance of scheduled forensic interviews, plan a pre-meeting with the interpreter before the child/family arrives on the day of the interview.

*Interpreters should receive materials to prepare for their work with the CAC:*

- Paperwork regarding CAC process and forensic interview services, including how interview is recorded and observed by MDT partners
- Confidentiality form to be signed at each interview and reviewed with family
- Information regarding potential subpoena for testimony, related to a forensic interview (depends on state statutes)
- Information on vicarious trauma and the impact of working on child abuse cases

## Tips for Interpreting During Forensic Interviews

The goal of using interpreters for forensic interviews is to ensure accurate questions by the interviewer and accurate interpretation of the child's statements.

*FORENSIC INTERVIEWERS should:*

- Prepare the interpreter for the interview with basic information: age/gender of child, any developmental issues
- Set up the interview room so that the interpreter is slightly behind and off to one side of the interviewer. This will keep the child engaged with the interviewer instead of the interpreter. Avoid engaging in side conversation with the interpreter
- Ensure that the interpreter is visible in the recording
- Keep sentences as brief as possible
- Repeat a question or rephrase it when clarification is necessary

### *INTERPRETERS should:*

- Introduce themselves and their role, informing the child they will interpret all questions and answers without adding or editing any information
- Confirm confidentiality with child/family
- Respond in a neutral manner to the content of the conversation
- Be an experienced interpreter, not just bilingual
- Ask for clarification if not able to accurately interpret what is said or is unfamiliar with terminology
- Tell the interviewer if they are going too fast or waiting too long to pause for interpreting
- Interpret all words, including those that are coarse, crude, or slang to convey intended meaning

### *INTERPRETERS should not:*

- Answer questions or give advice to the child/family
- Summarize what anyone is saying, but rather interpret verbatim
- Discuss the investigation of the case or offer the family help outside CAC

## Ongoing Advocacy and Services

Following a forensic interview, a child and family may need ongoing interpreter services for advocacy, medical and mental health services. In many cases, the medical or mental health providers may have interpreter services at their agency, or have contracts with interpreters. If not, the CAC staff and advocates should coordinate with community resources to provide such services (see list below for suggested resources). Ongoing family advocacy may require the CAC to continue services of the interpreter throughout the investigation before any decision is made about prosecution. The CAC may need to budget this cost annually to enable the advocates to be able to talk with families throughout an investigation. The language line is a possibility for ongoing phone calls (<https://www.language.com/interpreting/phone>). If a case goes to court, there are court certified interpreters that are provided for court proceedings.

reprinted from: <https://www.ksde.org/Portals/0/Title/ESOL/Interpreter-CodeofEthicsSample.pdf>

Interpreters must treat all information learned during the interpretation as confidential. Information shall only be shared on a "need to know" basis with other employees and service providers to the extent permitted by law. Interpreters shall not use confidential information acquired in the course of official duties, or request or gain access to confidential information maintained by [ORGANIZATION NAME], its contractors or providers, in order to further their own personal interests or the interests of a friend, relative or business associate.

### **Accuracy: Conveying the content and spirit of what is said**

Interpreters must transmit the message in a thorough and faithful manner, giving consideration to linguistic variation in both languages and conveying the tone and spirit of the original message. A word-for-word interpretation may not convey the intended idea. The interpreter must determine the relevant concept and say it in language that is readily understandable and culturally appropriate to the listener. In addition, the interpreter will make every effort to assure that the client has understood questions, instructions and other information transmitted by the service provider.

### **Completeness: Conveying everything that is said**

Interpreters must interpret everything that is said by all people in the interaction, without omitting, adding, condensing or changing anything. If the content to be interpreted might be perceived as offensive, insensitive or otherwise harmful to the dignity and well-being of the client, the interpreter should advise the [ORGANIZATION NAME] worker, its contractors or providers, of this before interpreting. If interpreter is taking notes to aid in ensuring the complete message is relayed, notes will be destroyed immediately following the session.

### **Conveying cultural frameworks**

Interpreters shall explain cultural differences or practices to the [ORGANIZATION NAME] staff person, its contractors and providers, and clients when appropriate.

### **Non-judgemental attitude about the content to be interpreted**

An interpreter's function is to facilitate communication. Interpreters are not responsible for what is said by anyone for whom they are interpreting. Even if the interpreter disagrees with what is said, thinks it is wrong, an untruth, or even immoral, the interpreter must suspend judgement, make no comment, and interpret everything accurately.

### **Client self-determination**

The interpreter may be asked by the client for their opinion. When this happens, the interpreter may provide or restate information that will assist the client in making their own decision. The interpreter will not influence the opinions of clients by telling them what action to take.

## Attitude toward clients

The interpreter should strive to develop a relationship of trust and respect at all times with the client by adopting a caring, attentive, yet discreet and impartial attitude toward the client, toward their questions, concerns and needs. The interpreter shall treat each client equally with dignity and respect regardless of race, color, gender, religion, nationality, political persuasion or life-style choice.

## Acceptance of Assignments

If level of competency or personal sentiments make it difficult to abide by any of the above conditions, the interpreter shall decline or withdraw from the assignment. Interpreters should disclose any real or perceived conflict of interest that could affect their objectivity. For example, interpreters should refrain from providing services to family members or closer personal friends except in emergencies. In personal relationships, it is difficult to remain unbiased or non-judgemental. In emergency situations, interpreters may be asked to do interpretations for which they are not qualified. The interpreter may consent only as long as all parties understand the limitations and no other, better qualified interpreter is available.

## Compensation

The fee agreed upon by [ORGANIZATION NAME], its contractors and providers, and the interpreter is the only compensation that the interpreter may accept. Interpreters will not accept any additional money, considerations or favors for services reimbursed by [ORGANIZATION NAME], its contractors or providers. Interpreters will not use [ORGANIZATION NAME]'s, its contractors' or providers' time, facilities, equipment or supplies for private gain, nor will they use their positions to secure privileges or exemptions.

## Self-evaluation

Interpreters shall represent their certification(s), training and experience accurately and completely.

## Ethical violations

Interpreters shall withdraw immediately from encounters that they perceive to be in violation of the *Code of Ethics*.

## Professionalism

Interpreters shall be punctual, prepared and dressed in an appropriate manner. The trainer interpreter is a professional who maintains professional behavior at all times while assisting clients and who seeks to further their knowledge and skills through continuing studies and training

By signing this document, I am verifying that I have read, understand and agree to all the provisions listed in the above *Code of Ethics*.

Name (printed): \_\_\_\_\_ Interpreter Agency: \_\_\_\_\_

Language(s) used: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_

*Adapted from: The Cross Cultural Health Care Program (CCHCP) Medical Interpreter Code of Ethics. Source: This code is a compilation of KSDE's employee confidentiality agreement and the Codes of Ethics from the Hospital Interpretation Program in Seattle, WA; Boston City Hospital in Boston, MA; and the American Medical Interpreters and Translators Association (AMITAS) in Stanford, CA*

**CONFIDENTIALITY AGREEMENT**

INTERPRETER/AGENCY: \_\_\_\_\_

As an interpreter for [ORGANIZATION NAME], I agree to maintain the strict confidentiality of all information on cases worked on with [ORGANIZATION NAME]. I further agree not to release any records or information on any child or adult seen at [ORGANIZATION NAME] or their families, except as it relates to the legitimate program operations of my agency. I agree that no general media or public access to information will be allowed and that I will not discuss cases outside the confines of the Multidisciplinary Team to ensure the confidentiality and privacy for all children and adult clients.

Name (printed): \_\_\_\_\_ Interpreter Agency: \_\_\_\_\_

Language(s) used: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_ Witness: \_\_\_\_\_



### **Guide for Forensic Interviewing of Spanish-Speaking Children**

Second Edition: A Publication of the Center for Innovation and Resources, Inc., 2011

<https://bit.ly/GFISpanish>

### **Limited English Proficiency (LEP)**

A clearinghouse that provides information, tools and technical assistance on language access for federal agencies, recipients of federal funds, users of federally funded services, and stakeholders.

<https://www.lep.gov>

### **Collaborating with Interpreters**

The American Speech-Language-Hearing Association (ASHA), Collaborating with Interpreters, is the national professional, scientific, and credentialing association for 191,500 members and affiliates who are audiologists; speech-language pathologists; speech, language, and hearing scientists; audiology and speech-language pathology support personnel; and students.

<https://bit.ly/CollaboratingWithInterpreters>

### **American Translator's Association**

ATA was established to advance the translation and interpreting professions and foster the professional development of individual translators and interpreters.

<http://www.atanet.org>

### **National Association of the Deaf**

The NAD is the nation's premier civil rights organization of, by, and for deaf and hard-of-hearing individuals in the United States of America.

<https://www.nad.org>

### **Registry of Interpreters for the Deaf**

The Registry of Interpreters for the Deaf strives to advocate for best practices in interpreting, professional development for practitioners, and the highest standards in the provision of interpreting services for diverse users of languages that are signed or spoken.

<http://www.rid.org>

### **Best Practices: National Consortium of Interpreter Education Center (2009)**

This document sets forth the Best Practices and Protocols for American Sign Language Interpreters working within the court and legal settings

<http://bit.ly/BestPracticesNCIEC>

### **Resource Guide for Advocates & Attorneys on Interpretation Services for Domestic Violence, Sexual Assault, and Trafficking Victims**

This guide from the Interpretation Technical Assistance and Resource Center informs how advocacy, interpretation, and language access can be integrated for victims with limited English proficiency.

<https://www.api-gbv.org/resources/interpretation-resource-guide/>

### Resources for Finding Spoken Language Interpretation Services

American Translators Association (ATA)

<http://www.atanet.org>

Association of Language Companies (ALC)

<http://www.alcus.org/>

National Association of Judiciary Interpreters and Translators (NAJIT)

<http://www.najit.org>

National Center for State Courts (NCSC): List of Contacts for Member State Interpreter Programs

<http://bit.ly/NCSCInterpreters>

Telephonic Interpretation Services

<http://bit.ly/tisGoogleSearch>

Volunteer Match

<http://www.volunteermatch.org>

### Resources for Interpretation for Deaf Victims

Abused Deaf Women's Advocacy Services: Training, technical assistance, and publications on safety protocols and interpretation in ASL.

<http://www.adwas.org>

IGNITE: Provides support for Deaf, Deaf-Blind, and Hard of Hearing victims and survivors of domestic violence and/or sexual violence.

<http://deafignite.org/#>

Ohio State: Language Services Program

<http://www.supremecourt.ohio.gov/JCS/interpreterSvcs/default.asp>

Registry of Interpreters for the Deaf, Inc.

<http://www.rid.org>

Vera Institute Center on Victimization and Safety: Works with government/nonprofit organizations to enhance services for Deaf survivors.

<http://www.vera.org/centers/victimization-and-safety>