

## FORENSIC INTERVIEWS WITH CHILDREN\*

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**Darko Dimovski**

Faculty of Law, University of Niš, Serbia  
Judicial Research Center, Niš, Serbia

**Abstract.** *A forensic interview is a step forward in preventing the secondary victimization of children in situations where they are witnesses to a criminal event. However, its implementation requires not only appropriate training of interviewers but also appropriate preparation for each individual case. The author first defines the concept of forensic interview with a child and explains its stages. In the second part of the paper, the author considers the normative bases for its introduction in the Republic of Serbia, and analyzes the forensic interviews conducted so far by the Social Welfare Center "St. Sava" in Niš.*

**Key words:** *forensic interview, child, criminal procedure, Republic of Serbia*

### 1. INTRODUCTION

The decision of the Supreme Court of the United States (*Wheeler United States*, 159 U.S. 523, 1895) established a legal basis for the child to appear before the court as a witness. At the beginning of the 1980s, there was a sharp increase in the testimony of children in proceedings before the competent authorities. It has been estimated that up to 100,000 children appear as witnesses in court proceedings each year. However, the appearance of children in court as witnesses carries certain risks, especially if the child has previously been a victim of a crime, and if there is a risk of secondary victimization. Some of the ways to reduce the risk of secondary victimization are reflected in the fact that children can take their objects with them or testify in the presence of another person. Some suggestions for the testimony of a child victim included the existence of a screen between the witness and the defendant (Pantell, 2017: 1). However, this motion was challenged in the Supreme Court decision in *Coy v. Iowa* (1988),<sup>1</sup> while some other motions, such as

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**Corresponding author:** Darko Dimovski, LL.D., Associate Professor, Faculty of Law, University in Niš, Trg Kralja Aleksandra 11, 18000 Niš, Serbia. E-mail: [darko@prafak.ni.ac.rs](mailto:darko@prafak.ni.ac.rs)

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<sup>1</sup> *Coy v. Iowa*, 487 U.S. 1012 - 1988

testifying via television, were acceptable in particularly sensitive cases, as highlighted in *Maryland v. Craig* (1990).<sup>2</sup>

Some countries, such as the United States, have adopted an appropriate normative framework aimed at reducing the risk of a child appearing in court as a witness. In this regard, it suffices to mention the US Victims of Child Abuse Act of 1990, aimed at improving the response of criminal justice and related agencies to the phenomenon of child abuse. We should also mention the US Attorney-General Investigative Guidelines for Victim and Witness Assistance (2005), which stated that the goal of the acting officials is to reduce the trauma for child victims and witnesses caused by their contact with the criminal justice system. Yet, regardless of the stated normative framework at the federal level, it should be emphasized that children's testimony takes place through the application of normative solutions at the state level (Pantell, 2017: 2).

We have mentioned some of the ways in which children testify but it should be noted that all these ways of obtaining a statement from a child about a criminal event are performed with the prior help of experts. Generally speaking, children, especially young people or those with certain disabilities, will not even be able to comprehensively describe the way they were victimized or the critical event they witnessed. Therefore, in order to obtain quality testimony, the role of an expert with relevant competencies is important because he/she has to prepare the child for the upcoming appearance in court. This preparation, known as a forensic interview with a child, sets out a complex conceptual-methodological framework for interviewing children who have experienced some form of abuse.

Conducting a forensic interview with a child entails certain problems. Namely, considering the distrust that a child shows towards adults, and especially towards close family members, the forensic interview needs to be approached very carefully, with good preparation in advance. At the same time, children inevitably experience fear as well as the need to keep secrets because they are threatened by the perpetrator of the crime. The biggest problem in conducting a forensic interview with a child is short memory. Therefore, it is necessary to conduct a forensic interview as soon as possible in order to have the greatest possible temporal closeness to the critical event (Ćirić, 2002: 143-144). In this paper, after presenting the historical development and the concept of a forensic interview with a child, the author focuses on the stages of this model of examining a child. In the second part of the paper, the author analyzes the current situation in Serbian legislation and discusses the issue of introducing a forensic interview with a child into the legislation of the Republic of Serbia.

## 2. THE CONCEPT OF A FORENSIC INTERVIEW WITH A CHILD

Historically speaking, the development of a forensic interview with a child took place in the 1980s. In that period, several cases of child abuse by the persons in charge of their care surfaced in the public, which triggered the experts' interest to examine how child victims testify about their victimization. Obtaining quality data depended on the ability of mental health professionals to establish an appropriate relationship with the child, because in many cases the only evidence of what happened was the testimony of the child victim. However, despite the good will of the experts, the use of therapeutic techniques for data collection was inappropriate because there was a risk of suggestibility in the interviewing

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<sup>2</sup> *Maryland v. Craig*, 497 U.S. 836 - 1990

process. In this regard, the courts did not accept such testimonies. At the same time, the interest of the professional and general public about the necessity to provide children with adequate protection increased in that period. The existence of a child victim who would testify was crucial to the conviction. The first expert to address this issue was Suzanne Sgroi (1982).<sup>3</sup> The American Professional Society on Abuse of Children (APSAC) developed guidelines called Psychosocial Evaluation of Suspected Sexual Abuse in Young Children (1990). Initially, the focus was on children's mental health but, after some time, it was changed so that the focus is now on the forensic perspective (Newlin, Cordisco Steele, Chamberlin, Anderson, Kenniston, Russell, Stewart, Vaughan-Eden, 2015: 3).

After presenting the historical context of the forensic interview, it is necessary to determine its concept. It is a unique type of interview that must meet certain legal and ethical requirements, which are ultimately aimed at adequately preparing the child for appearance in court. Only in that way can the child be assisted to make the most of his/her developmental capacities, while minimizing limitations and weaknesses. At the same time, a forensic interview with a child can be defined as an integral part of the criminal-law protection of child victims or witnesses of violence, which aims to examine the child and collect data but also to enable the child to describe the critical event as fully as possible (Stakić, 2019: 9-20). In other words, a forensic interview is used by previously "trained professionals to gather information about incidents of alleged child abuse in a manner that will yield factual information from the child and stand up to scrutiny in court. Forensic interviewing techniques are designed to remove or minimize the potential for the interviewer to use suggestive or leading questions that may call the child's statements into question. Forensic interviews can also help shape the investigation by highlighting areas for further investigation or evidence collection" (Child Welfare Information Gateway, 2017: 2).

### 3. STAGES IN A FORENSIC INTERVIEW WITH A CHILD

A forensic interview with the child includes the following stages: 1) the preparatory or rapport-building phase; 2) the central (substantive) phase; and 3) the closing (closure) phase

The preparatory phase includes measures and activities that precede the process of obtaining the child's statement; it includes introductory activities aimed at building rapport, developing trust relationship, explaining the basic rules of the interviewing process, encouraging the child's self-expression by asking questions about the child's personal interests (Magnusson, Ernberg, Landström Akehurst, 2020: 967) in order to understand the child's developmental level, linguistic competencies and legal capacity (Child Welfare Information Gateway, 2017: 3). The importance of the preparation phase is evidenced by the fact that inadequate preparation (without building rapport and trust relationship with the child) and the use of suggestive questions, unreliable techniques and disrespect of the code of ethics may result in the development of excessive stress, memory distortion and, most importantly, reduced credibility and testimony, all of which may be relevant for conviction (Themeli, Panagiotaki, 2014: 2).

At the same time, the preparatory phase aims to assess the degree of risk of victimization and determine measures to protect the child. This prevents any possibility of re-victimization. It is also necessary to determine the need to take measures of a medical

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<sup>3</sup> Sgroi, Suzanne (1982). Handbook of Clinical Intervention in Child Sexual Abuse, The Free Press, NY, USA

nature in order to provide appropriate assistance to the endangered child. During the preparatory phase, it is also necessary to make a preliminary assessment of the legal grounds for suspicion of a committed crime, and to collect the basic relevant data on the critical event in order to adequately plan the conduct in the central phase. In order to meet the stated goals, the preparatory phase should be neither too broad nor too detailed. Thus, if the child demonstrates the need to fully trust the official in charge of conducting this phase, the interviewer should not interrupt the child nor encourage him/her to give a specific statement (Stakić, 2019: 154-155).

The central phase, known as the forensic interview in the narrower (substantive) sense, is a structurally complex process which includes several related parts. The first part refers to a gradual transition from the preparatory phase to the central phase. During this part, the interviewer tactfully facilitates and encourages the child's narrative response to open-ended questions on the critical event. Special care must be taken not to upset the child, to enable the child's free recall of the experience, and free self-expression (without intervention of the interviewer). At this stage, the child or the interviewer may raise the issue of child's victimization or presence as a witness in the act where another person was a victim of crime. In a neutral, non-suggestive and open way, the interviewer has to encourage the child to describe what happened or share his/her immediate experience. This phase usually begins with the interviewer's open-ended prompt to the child to describe at length everything that happened to him/her on the critical day. This method of interrogation is known as *a narrative invitation*. It is considered to be the best way of obtaining the most complete testimonies about a critical event because the child can freely describe his/her own experience and events in his/her own words (National Children's Advocacy Center, 2019: 4-5).

After obtaining the child's free statement, it is often necessary to find out additional or specific information about the event. It means that the child has to be prompted to elaborate on and supplement the response provided in the free statement. It brings us to the next part of the central (substantive) phase of the forensic interview, which is designated as *a focused narrative request*. The essence of this part is to improve the quality of narratives in order to obtain as accurate information as possible, while taking care not to change the factual basis of the child's statement. It is achieved by using open-ended and focused prompts on a specific topic, or questions prompting the child to elaborate, clarify certain details or provide missing information.

The next part of the central phase is the so-called *consultation break*, during which the interviewer has an opportunity to review the data collection and to consult other experts who monitored the interview from the observation room (via a two-way mirror or an electronic monitor). Before the break, the interviewer will first summarize the conversation with the child, and then explain to him/her the reason for the need to make a temporary break. After the break, the interviewer will continue prompting the child to clarify some details or additionally elaborate on missing data by using multiple choice questions and carefully introducing data obtained from other sources. It is important to emphasize that the interviewer's conduct shall not be governed by prejudice, which can lead him to wrong conclusions. In order to avoid this danger, the interviewer must remain calm even if there is evidence of a committed crime, and be aware of the possibility that the crime has not even been committed. In other words, the interviewer must search for an acceptable alternative explanation of what exactly happened, which is known as *an alternative hypothesis test* (Stakić, 2019: 198).

In the course of a forensic interview, the interviewer may use a number of interviewing techniques. In addition to the technique of narrative invitation, the interviewer may use a

focused narrative request. The goal of this technique is to gather as much information as possible from the child in their own words, while providing structure and guidance to the conversation. The child is prompted to provide clarifications or to elaborate on formerly mentioned details through open-ended prompts and questions (*Tell me more about it. Describe what happened. What happened next?*). This technique is good not only for learning additional information but also for starting a new topic (Stakić, 2019: 198).

In spite of all preparation, children may be reluctant to reveal some data. In that case, the interviewers may use Wh-questions (who, what, where, when and how) to address the phenomenology of crime. This type of questions may help in obtaining specific information that was not included in the child's original statement. In foreign literature, this technique is known as *detail questions*. When using this technique, it is important that the interviewer does not ask a number of questions of this type at the same time, as this can be confusing to the child. Notably, these questions should be resorted to only after using the narrative invitation technique (National Children's Advocacy Center, 2019: 5-6).

In case the interviewee is shy, embarrassed or confused by the request to freely elaborate on the event, the interviewer may use two other techniques: multiple-choice questions and yes/no questions. The use of multiple-choice questions occurs only when all previous techniques have not yielded adequate results. These questions aim to clarify some data in the already asked detail questions. In that case, the child is offered several specific choices and prompted to select the most appropriate one and elaborate on it. This technique should be used with caution, especially when it comes to small children. The interviewer may also use yes/no questions, which are used for collecting specific information that the child failed to say or was reluctant to say, in a manner that fully acknowledges that the child may or may not have requested information. For example, instead of asking a direct question (*What did he tell you?*), it is better to ask a yes/no question (*Did he say something to you?*) This technique should be used in conjunction with a prompt to provide a more detailed description or clarification. It should also be used with caution, especially in case of determining the essential elements of crime, such as specific acts or individuals (National Children's Advocacy Center, 2019: 6).

The last type of questions which may be used when conducting a forensic interview with a child are leading questions. They should be used with caution, especially when it comes to the essential elements of a crime. However, in some cases, the interviewer may resort to these suggestive questions in order to ensure full understanding of all relevant facts, to verify the information implicitly provided by the child, or to verify the information obtained from another person during the investigation (for example, *He kissed you, right?* or *He touched you, didn't he?*) If the child proves capable of giving a narrative description of what happened, and is not inclined to suggestions, the interviewer should ask the question with as little information as possible and follow the child's answer with a request a more detailed description (National Children's Advocacy Center, 2019: 7).

These forensic interview techniques should allow the professional to fully understand all relevant information. The choice of a specific technique depends on the merits of each individual case. In some cases, interviewers may combine them; in others, they can use only some of them. After going through all these steps and using the above techniques to find out all the relevant data, the interviewer will announce the completion of the main phase of the forensic interview with the child. Although it seems to be a formality, the interviewer should take into account the child's reaction to this announcement (in terms of whether the showed relief, nervousness, anxiety or ambivalence); depending on the emotion

expressed, the interviewer has to take appropriate steps in the closing phase of the interview. At the same time, it often happens that a child initiates another issue on his own initiative, which has not been considered until then, and there is a need to look into it an adequate way (Stakić, 2019: 214).

The last phase of a forensic interview with a child is *closure*. It aims to end the conversation with the child, which was emotionally exhausting for the child. Thus, several questions are an indispensable part of the closing phase, such as: whether the child has something else to say to the interviewer or whether the child wants to ask something. It is also necessary to thank the child for the time and effort invested in the interview, and ensure that the child leaves the room with a positive attitude. The interviewer should pay special attention to safety plans, in order to ensure the maximum level of child safety, and address the child's socio-emotional, educational and other immediate needs. It is also necessary to state the contact phone number which can be used by the child and his/her guardian for obtaining all additional information and, more importantly, for any assistance (Newlin, *et al*, 2015: 10-11). The interviewer must also state the next steps which have to be taken in order to prove the committed crime. In the end, the interviewer is expected to end the conversation with the child by engaging the child in conversation on some neutral topics, unrelated to the incident (e.g. what the child intends to do after the interview, who he will go home with, whether he will play with his peers, etc.), in order to divert the child's attention from the conversation on negative experiences to positive topics (National Children's Advocacy Center, 2019: 14). Finally, the child is taken out of the room where the forensic interview was conducted and handed over to the parent or guardian. A meeting of the interviewer(s) and other experts who observed the conversation is organized as soon as possible, in order to discuss the collected material and decide whether there is a need to conduct an additional interview with the child for the purpose of supplementing the material. In that way, experts may obtain more valid material about the disputed event (Stakić, 2019: 226).

#### 4. THE NORMATIVE FRAMEWORK ON THE TESTIMONY OF MINORS AND CHILDREN IN SERBIA

Before we look at the need to introduce a forensic interview with a child in the Republic of Serbia, we will consider the existing normative framework on the testimony of minors and children. In Serbia, the general rules on testimony are regulated by the Criminal Procedure Code<sup>4</sup> (Articles 90 - 112 CPC). The Juvenile Justice Act (2005)<sup>5</sup> contains some special rules regarding the testimony of minors who have been harmed by the commission of a criminal offense.

Article 94 of the Criminal Procedure Code (CPC) prescribes exemption from the duty to testify. It stipulates that defendant's blood relative in the direct line, in the collateral line up to the third degree, as well as a relative by affinity up to the second degree, and the adoptee and the defendant's adoptive parent are released from the duty to testify. A minor who, given his age and mental development, is unable to understand the significance of the right to be exempt from the duty to testify, cannot be examined as a witness, unless the defendant himself so requests. Article 96 of the CPC envisages the duty of the witness to

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<sup>4</sup> Criminal Procedure Code, *Official Gazette RS*, no. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014, 35/2019, 27/2021– CC decision, and 62/2021–CC decision.

<sup>5</sup> Act on Juvenile Delinquents and Criminal-law Protection of Juveniles (hereinafter: Juvenile Justice Act), *Official Gazette RS*, no. 85/2005.

take an oath but, in Article 97 CPC, the legislator introduces the rule that a person who is not of legal age at the time of the hearing should not take an oath.

In Article 103 CPC, the legislator provides that, at the request of the parties or the witness himself, the authority conducting the proceedings may give the status of an especially vulnerable witness to a person who is particularly sensitive, due to his/her age, life experience, lifestyle, gender, health condition, nature, manner or consequences of the crime, or other circumstances of the case. If we were to analyze this article, we may conclude that a minor (given his age) can obtain the status of a particularly sensitive witness (Atanasov, 2016: 50). The status of a particularly vulnerable witness is determined by the court *ex officio*, or at the request of the parties or the witness (Article 103 para. 2 CPC). In contrast to common procedural actions, the legislator envisages several deviations in the testimony of a particularly sensitive witness.

The examination of a particularly vulnerable witness may be conducted with the assistance of a psychologist, a social worker or another professional, as decided by the authority conducting the proceedings (Article 104 para.4 CPC). In contrast to the common method of examining witnesses, the examination of a particularly vulnerable witness can be performed by using technical devices for the transmission of images and sound. The examination of a particularly vulnerable witness is conducted without the presence of the parties and other participants in the proceedings in the same room where the witness is located (Article 104 para.2 CPC). The legislator also provides for the possibility that a particularly vulnerable witness may be examined in his/her apartment or some other premises, or in an authorized institution that is professionally trained to examine particularly sensitive persons (Article 104 para.3 CPC). In that case, the authority conducting the proceedings may order the application of technical devices for the transmission of the image and sound referred to the previous paragraph. Given the fact that criminal proceedings often involve contradictory statements, it brings us to a specific situation when it comes to the testimony of a witness and a defendant. Thus, Article 104 para.4 CPC prescribes that a particularly vulnerable witness may not be confronted with the defendant, unless the defendant himself/herself so requests and unless the procedural authority allows it, taking into account the sensitivity of the witness and the rights of the defense. Thus, the confrontation of the accused and a particularly sensitive witness is limited. However, if there is a contradiction in the testimonies of two witnesses, there are no restrictions but they are confronted in the usual way – in a face-to-face encounter, where they are asked to repeat their statements on decisive facts (Ilić, 2017: 247-248).

Although there is a legal possibility to grant the status of a particularly vulnerable witness to juvenile victims of various crimes, it should be noted that in practice this status is very rarely granted to victims in general, and to juvenile victims in particular. One reason for not granting this status lies in the fact that many courts do not have adequate premises, nor technical equipment, which would enable the use of this legal possibility (Burnsajd, 2018: 35).

In addition to the CPC, the Juvenile Justice Act (2005) also provides for the protection of minors, victims and witnesses. Part 3 of the JJ Act, titled “Special Provisions on the Protection of Minors as Victims in Criminal Proceedings”, prescribes a range of measures for the protection of juvenile victims and witnesses from secondary victimization. Thus, Articles 150 and 151 of the JJA provide that all bodies involved in criminal proceedings related to minors need to acquire special knowledge and skills in the field of children's rights and criminal protection of minors. Under Article 152 JJA, when criminal proceedings are

conducted for criminal offenses where a minor is the victim, the acting authorities must treat the injured party by taking into account his/her age, personality, education and circumstances in which he lives; they must also try to avoid the harmful consequences of the procedure for his personality and development. The questioning of a child or juvenile has to be conducted with the assistance of a psychologist, a pedagogue or another qualified person (Art. 152 para.1 JJA). In order to prevent secondary victimization, the legislator prescribes that a minor, who has been a victim of a criminal offense, may be examined as a witness no more than twice. Exceptionally, the questioning may be conducted several times only if it is necessary for the purpose of criminal proceedings. If the juvenile is heard more than twice, the judge is obliged to ensure safeguards for the protection of the juvenile's personality and development (Art. 152 para.2 JJA).

Starting from the peculiarities of the criminal procedure and the personality of the juvenile, the judge may order, if he considers it necessary, that the juvenile be interrogated by using technical devices for the transmission of images and sound. The questioning will be conducted without the presence of parties and other participants in the same room where the juvenile is located. The parties and persons who are entitled to ask questions may do so through the judge, psychologist, pedagogue, social worker or other qualified professionals. (Art. 152 para.3 JJA). In addition, a juvenile may be heard in his/her apartment or other premises, or in an institution that is professionally qualified for the examination of minors; the competent authority may order the application of technical devices for the transmission of images and sound (Art. 152 para.4 JJA). Notably, in all these cases, the record of minor's testimony has to be read or a recording of the hearing has to be played at the main trial hearing (Art. 152 para.5 JJA).

If a juvenile is examined as a witness, Article 153 of the Juvenile Justice Act prohibits the confrontation between a juvenile and the defendant if the juvenile is deemed to be a particularly vulnerable witness, due to the nature of the crime, consequences or other circumstances, or if he/she is in a particularly difficult mental state. Article 154 of the Juvenile Justice Act also prescribes that a juvenile victim of crime must have a legal representative from the first hearing of the defendant. It has to be an attorney specializing in the rights of the child and criminal-law protection of juveniles. If a juvenile does not have a legal representative, an attorney shall be appointed by the presidents of the court, while the costs of representation will be borne from the court budget. According to Article 155 of the Juvenile Justice Act, in case a juvenile victim of a crime has identified the defendant as the perpetrator, the court shall proceed with special caution; in all phases of the proceedings, the identification has to be performed in a manner that completely prevents the defendant from seeing the juvenile.

The presented normative framework which refers to the testimony of juveniles in criminal proceedings is good because it introduced measures to prevent secondary victimization, as well as re-victimization. It should also be noted that the existing legal provisions fully recognize the participation of a psychologist, pedagogue, social worker or other professionals during the interrogation of a minor, which creates a basis for conducting a forensic interview.

##### 5. FORENSIC INTERVIEW WITH A CHILD IN THE REPUBLIC OF SERBIA

Article 1 of the Convention on the Rights of the Child (1989)<sup>6</sup> envisages that a child is any human being under the age of 18, unless adulthood is attained earlier under the applicable law.

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<sup>6</sup> The Convention on the Rights of the Child of 20 November 1989, the General Assembly of the United Nations.



Some social welfare centers in the Republic of Serbia, including the Social Welfare Center 'St. Sava' in Niš have taken pioneering steps in introducing forensic interviews with children.

One forensic interview was conducted on the premises of the Social Welfare Center 'St. Sava' in Niš on 2<sup>nd</sup> March 2021, in a case marked KT 418/21. In this case, the father (M.S) of a minor is suspected of committing a criminal offense of domestic violence under Article 194 para. 3 in connection with para. 1 of the Criminal Code.<sup>7</sup> In this regard, the child witness (a boy who was presumed to be the victim of abuse by the father) was examined; the witness was interviewed by the interviewer (a vocation pedagogue who had completed the appropriate training) behind opaque glass. The interviewer was in constant wireless communication with the acting prosecutor and the defense attorney to hear what facts to focus on. It enabled the interviewer to formulate the questions in an appropriate way so that the child could give answers to the questions of interest to the prosecutor and the lawyer. Thus, the child was spared of giving statements several times. On the basis on Article 95 para. 2 of the CPC, the witness was warned about the obligation to tell the truth and not to keep anything silent, as well as the fact that giving a false statement is a criminal offense under Article 335 of the Criminal Code. Article 95 of the CPC also envisages that the witness has to be cautioned that he is not obliged to answer questions or testify if it is likely that he or the person with whom he/she lives in marriage, cohabitation or other permanent community of life is a blood relative in the direct line or in the collateral line up to the third degree, or a relative by affinity up to the second degree, as well as an adoptee and adoptive parent exposed to severe humiliation, significant material damage or criminal prosecution. At the same time, the witness was cautioned about the reasons for excluding the duty to testify under Article 93 of the CPC, as well as the exemption from the duty to testify under Article 94 of the CPC. The witness stated that he wanted to testify.

Before the interview was conducted, relevant experts examined the child's mental development level through the analysis of his language and communication development, attention and working memory, emotions and behavior, cognitive flexibility skills and social thinking skills. After that, the interviewer explained to the child his rights during the conversation, as well as the reason why it is necessary to hear his opinion. Communication with the child was easy to establish and was quickly directed in the appropriate direction; the child demonstrated the ability to understand and express himself in accordance with the age-appropriate criteria but he still had limited abilities to understand the concept of time and the sequences of events. At the same time, the child had the ability to distinguish reality from imagination, truth from lies, and a simple cause-and-effect relationship. In addition, the child showed a developed sense of respect for moral rules, including a willingness to protect the mother but also to identify with the father. During the entire interview, he talked about the imaginary uncle Valrico, who enters his head and forces the child to do bad things (which is not the characteristic feature of the child development at the age of seven), it should be noted that nothing unusual was found in this fact. During the conversation, the child repeatedly expressed positive opinions about his father, and he was able to authentically recollect a certain event (which was reflected in his sentence "*I had a wonderful, very wonderful time*"). He showed no fear of his father, denying that his father had ever been aggressive towards him in any way. On that occasion, the interviewer assessed the authenticity and credibility of the statement, which lead to the conclusion that

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<sup>7</sup> Criminal Code of the Republic of Serbia, *Official Gazette RS*, no. 85/2005, 88/2005-corr., 107/2005-corr., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 and 35/2019.

the indicators of the child's fear of the father were not recognized. Based on the child's testimony and other presented evidence, the acting prosecutor concluded that there was insufficient evidence for prosecution; on 18 November, 2021, the prosecutor issued an order suspending the investigation.

#### CONCLUSION

The presented forensic interview case conducted at the Social Welfare Center 'St. Sava' shows all the advantages of establishing the facts through the testimony of a minor with the help of experts. Although the investigation was suspended in the specific case, it should be noted that all relevant facts for this case were established on the basis of the conducted forensic interview. In the forthcoming period, it should be expected that other public prosecutors will decide to use the provisions of the Criminal Procedure Code, which necessarily requires the training of employees of social welfare centers on the process of conducting forensic interviews. In this regard, the Social Welfare Center "St. Sava" in Niš should be engaged in training workers of other centers throughout the Republic of Serbia. It is the only way for creating an appropriate basis for the use of the provisions of the Criminal Procedure Code by acting public prosecutors.

The presented examples of good practices in other countries, such as the United States, can be also used in the training seminars for social welfare center workers. Therefore, it is necessary for the Republic of Serbia to allocate financial resources in order to bring in American experts who would hold appropriate trainings. Otherwise, it is impossible to expect that the pioneering step carried out by the Social Welfare Center "St. Sava" in Niš will represent anything but an individual effort of the management of that institution to improve the quality of its services.

#### REFERENCES

- Atanasov, S. (2016). Loge seduce u otkrivanju i dokazivanju krivičnog dela - doktorska disertacija (The role of witnesses in detecting and proving a crime - doctoral dissertation), Kosovska Mitrovica: Pravni fakultet u Prištini sa privremenim sedištem u Kosovskoj Mitrovici, str. 50.
- Burnsajd, S. (2018). Smjernice o merama zaštite u međunarodnom pravu i pravu Republike Srbije (Guidelines on protection measures in international law and the law of the Republic of Serbia), Beograd: Winpro, str. 35.
- Child Welfare Information Gateway (2017). Forensic interviewing: A primer for child welfare professionals. Washington, DC: US Department of Health and Human Services, Children's Bureau (p. 2); <https://www.childwelfare.gov/pubPDFs/forensicinterviewing.pdf>
- Ćirić, Z. (2002). Forenzički tretman žrtava porodičnog nasilja (Forensic Treatment of Domestic Violence Victims), *Pravom protiv nasilja u porodici*, Niš: Ženski istraživački centar za edukaciju i komunikaciju, str. 143-144.
- Ilić, I. (2017). Položaj oštećenog u krivičnom postupku Republike Srbije (The Position of the Injured Party in the Criminal Proceedings of the Republic of Serbia), Mobilna pravna klinika - pružanje pravne pomoći u uslovima terenskog rada, Niš: Pravni fakultet u Nišu, str. 247-248.
- Magnusson, M., Ernberg, E., Landström S., Akehurst, L. (2020). Forensic interviewers' experiences of interviewing children of different ages, *Psychology, Crime & Law*, UK: Informa UK Limited, p. 967.
- NCAC/National Children's Advocacy Center (2019). Child Forensic Interview Structure, National Children's Advocacy Center, Huntsville, Alabama, USA, pp. 4-5; [https://www.nationalcac.org/wp-content/uploads/2019/02/NCAC\\_CFIS\\_Feb-2019.pdf](https://www.nationalcac.org/wp-content/uploads/2019/02/NCAC_CFIS_Feb-2019.pdf)
- Newlin, C., Cordisco Steele, L., Chamberlin, A., Anderson, J., Kenniston, J., Russell, A., Stewart, H., Vaughan-Eden, V. (2015). Child Forensic Interviewing: Best Practices, Washington: U.S. Department of Justice, p. 3. <https://www.nationalcac.org/wp-content/uploads/2016/07/Child-Forensic-Interviewing-Best-Practices.pdf>

- Pantell, R. (2017). The Child Witness in the Courtroom, *Journal of American Academy of Pediatrics*, USA: American Academy of Pediatrics, volume 139, number 3, p. 1.
- Sgroi, Suzanne (1982). *Handbook of Clinical Intervention in Child Sexual Abuse*, NY: Free Press, USA
- Stakić, Đ. (2019). Govori dete - Proces, strategije i metodologija forenzičkog intervjua sa decom (Speaking Child: The process, strategies and methodology of forensic interviews with children), Beograd: Centar za primenjenu psihologiju, str. 9-20.
- Themeli, O., Panagiotaki, M. (2014). Forensic Interviews with Children Victims of Sexual Abuse: The Role of the Counselling Psychologist, *European Journal of Counselling Psychology*, Vol. 3 (1), p. 2.

#### *Legal acts*

- Krivični zakonik (Criminal Code RS), *Službeni glasnik RS*, br. 85/2005, 88/2005-ispr., 107/2005-ispr., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 i 35/2019
- Zakonik o krivičnom postupku (Criminal Procedure Code RS), *Sl. glasnik RS*, br. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014, 35/2019, 27/2021-odluka US i 62/2021-odluka US
- Zakon o maloletnim učiniocima krivičnih dela i krivičnopravnoj zaštiti maloletnih lica (Act on Juvenile Delinquents and Criminal-law Protection of Juveniles; Juvenile Justice Act), *Sl. glasnik RS*, br. 85/2005

#### *Case law*

- US Supreme Court case: *Coy v. Iowa*, 487 U.S. 1012 (1988)
- US Supreme Court case: *Maryland v. Craig*, 497 U.S. 836 (1990)

## FORENZIČKI INTERVJU SA DECOM

*Forenzički intervjui predstavljaju iskorak u sprečavanju sekundarne viktimizacije dece u situacijama kada su svedoci o nekom krivičnom događaju. Ipak, njegovo sprovođenje zahteva ne samo odgovarajuću obuku intervjueira, već i odgovarajuću pripremu za svaki pojedinačni slučaj. Autor će stoga odrediti pojam forenzičkog intervjua sa detetom, ali i obrazložiti njegovo faze. Ujedno, u drugom delu rada razmotriće normativne osnove za njegovo uvođenje u Republiku Srbiju, pri čemu će analizirati do sada sproveden forenzički intervjui od strane Centra za socijalni rad "Sveti Sava" u Nišu.*

Ključne reči: *forenzički intervjui, dete, krivični postupak, Republika Srbija*