NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.537

National Policy

Effective Date:
2/11/20

Cancellation Date:
2/11/21

SUBJ: Interviewing Minors During Investigations

1. Purpose of This Notice. This notice introduces new guidance for conducting interviews with minors during aircraft incident, occurrence, or compliance/enforcement investigations.

2. Audience. The primary audience for this notice is the Flight Standards (FS) Safety Assurance offices' personnel who conduct or support various investigations. The secondary audience includes the Safety Standards and Foundational Business offices.

3. Where You Can Find This Notice. You can find this notice on the MyFAA employee website at https://employees.faa.gov/tools_resources/orders_notices. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at http://fsims.avs.faa.gov. Operators can find this notice on the Federal Aviation Administration's (FAA) website at http://fsims.faa.gov. This notice is available to the public at http://www.faa.gov/regulations_policies/orders_notices.

4. Background. For the purpose of this notice, a minor is defined as an adolescent who is 17 years old or younger. Minors are increasingly becoming stakeholders in the National Airspace System (NAS). Many minors operate small Unmanned Aircraft Systems (UAS) in the NAS, and the minimum age for student pilot certification may be 14 years old, depending on the aircraft, in accordance with Title 14 of the Code of Federal Regulations (14 CFR) part 61, § 61.83. As a result, a minor may be involved in or otherwise witness an aircraft accident, incident, or occurrence. During the course of these associated investigations, FS personnel may need to interview the minor(s). This notice provides crucial information to FS regarding the interviewing of minors during the conduct of FAA investigations.

5. Discussion.

a. Minors. Interviewing those 17 years old or younger will *require* the permission of the parent, guardian, or legally designated adult. The parent, guardian, or legally designated adult *must* be present during the interview of a minor. FS personnel must note that parental consent was obtained in the air traffic quality assurance (ATQA) report, the associated Program Tracking and Reporting Subsystem (PTRS) record, and/or FAA Form 1360-33, Record of Visit, Conference, or Telephone Call.

b. Minors as Witnesses.

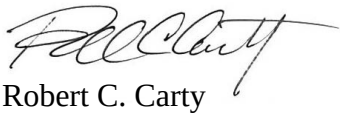
(1) Generally, a witness is one who is present and can testify to what they saw, heard, or perceived. The role is that of a neutral observer with no voice or personal gain in the outcome of the interview.

(2) Minors should not be discounted as being reliable witnesses. They have a tendency to remember things in which they are particularly interested and may be the only witness to an incident. Essential points to remember when interviewing minors: be patient, use tact, and, most importantly, phrase the questions so that they may be understood by the minor.

c. Statements from Minors. Prior to taking a written statement from a minor, FS personnel must obtain permission from the minor's parent, guardian, or legally designated adult. After permission has been obtained, FS personnel will offer the prepared statement to the parent, guardian, or legally designated adult present as well as to the minor to verify its accuracy. FS personnel must note that parental consent was obtained in the ATQA report, the associated PTRS record, and/or FAA Form 1360-33.

6. Action. Any personnel assigned to investigations involving minors must ensure permission of a parent, guardian, or legally designated adult has been received prior to interviewing a minor, and that the parent, guardian, or legally designated adult is present for the interview. FS personnel must note that parental consent was obtained in the ATQA report, the associated PTRS record, and/or FAA Form 1360-33.

7. Disposition. We will incorporate the information in this notice into FAA Order 8900.1, Volume 7, Investigation, before this notice expires. Direct questions concerning the information in this notice to the General Aviation and Commercial Division, Commercial Operations Branch at 202-267-1100.



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