



2018 State Roundtable Report Trauma



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Creating Trauma Informed and Responsive Dependency Courtrooms

If we save the body, but in so doing, destroy the mind and soul, what good have we really done? ~Justice Max Baer

BACKGROUND:

In 2014, the Psychotropic Medication Workgroup's final recommendation was creation of a workgroup, specifically to examine the issue of trauma. After years of discussion and research, the Psychotropic Medication Workgroup concluded that the use/overuse of psychotropic medications for foster children was so closely tied to elements of trauma that it was impossible to address one without addressing the other. In agreement, the State Roundtable (SRT) created the Trauma Workgroup (TWG) with the charge of addressing trauma within the courthouse. It is recognized that court can be a stressful event for many people. Normal, stress-producing events are not the focus of the Trauma Workgroup. Instead, the focus is courthouse/courtroom activities that may trigger reactions in traumatized individuals that may impede the process.

Under this broad charge the TWG set out to examine system and environmental issues within the courthouse and courtroom that might lend themselves to stressful reactions in traumatized people. Additionally, the TWG decided to examine courtroom practices with the potential to make the courtroom experience more welcoming and less threatening. Finally, the TWG wanted to provide guidance to judges and legal professionals aimed at fostering safety, empowerment, and trustworthiness, common factors in creating trauma informed systems.

With these charges in mind, the Trauma Workgroup, under the leadership of the Honorable Kathryn Hens-Greco, Court of Common Pleas, Allegheny County and Mr. David Schwille, organized, developed a plan of action, and collected and analyzed information related to people's experiences with dependency court.

In late 2015, the Honorable Robert Mellon, Court of Common Pleas, Bucks County became the Workgroup Co-chairperson. With his considerable enthusiasm for trauma informed courts, Judge Mellon quickly determined that moving forward without regrouping and rebuilding the workgroup would not serve well. Unfortunately, within the same year the workgroup also lost its other co-chairperson, David Schwille, when he retired.

In 2016, Bill Cisek, Esq., county solicitor for Venango County, joined the Workgroup and became the Co-chairperson. The workgroup membership was expanded to include several new members including a local Pennsylvania expert on trauma, two parent attorneys, two social workers working in a Guardian *ad litem* office and a child welfare caseworker. With the new members, the group's revitalization led to stimulating and robust conversation. The group's best thinking and hard work has been captured through the creation of an instructional video and a training detailed later in this report.

PRINCIPLES FOR CREATING TRAUMA-INFORMED SYSTEMS

A review of the literature suggests the idea of “trauma responsiveness”. This requires all those working within a system to possess the knowledge of both trauma and people’s reactions to trauma. Beyond this understanding, trauma responsiveness requires courts, from judges to maintenance staff, knowing how to effectively interact with traumatized individuals. Simple changes to the way one approaches people and the manner in which one speaks to them can make a huge difference in the responses people have.

Such a commitment begins with an understanding of trauma. The definition of trauma*, in its simplest form, is an “event that threatens someone’s life, their safety or their well-being”. (NCJFCJ, 2010) Gordon Hodas, M.D., child psychiatrist and consultant for Pennsylvania’s Office of Mental Health and Substance Abuse Services (OMHSAS) and expert on trauma, identifies maltreatment and witnessing domestic violence as having “the most severe consequences on children and adolescents”. (A Primer on Childhood Trauma and Trauma-Informed Care).

The U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) defines trauma as

“an event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or life threatening and that has lasting adverse effects on the individual’s functioning and mental, physical, social, emotional, or spiritual well-being.”

SAMHSA’s Concept of Trauma and Guidance for a Trauma-Informed Approach, 2014

This series of three “E’s”, **EVENT**, **EXPERIENCE**, and **EFFECT**, make up the key elements determining if something rises to the level of trauma. Any event, in and of itself, cannot be defined as a trauma. Instead, how the individual experiences that event becomes crucial.

Two well-respected researchers, Roger D. Fallot, Ph.D. and Maxine Harris, Ph.D. note the incidence of trauma is pervasive; nationally 55% to 90% of Americans have experienced in least one traumatic event. (Creating Cultures of Trauma-Informed Care, 2009). Dr. Fallot and Harris have developed core values of trauma informed practice which build the primary framework for many trauma informed systems throughout the country. An organization’s culture, reflecting these five values, recognizes the importance of people, both those being served and those serving. The more ingrained these values, the more attuned the system is to the precept, “do no harm.” The five core values are:

- **SAFETY:** create safe spaces
- **CHOICE:** provide options
- **EMPOWERMENT:** notice capabilities
- **COLLABORATION:** make decisions together
- **TRUSTWORTHINESS:** provide clear/consistent information

TWG members were pleased to note that these core values are consistent with the *Mission and Guiding Principles for Pennsylvania's Child Dependency System*. The values exemplify a system whose mission is to protect children and promote strong families and child well-being. When these things are prioritized, timely permanency can be achieved more readily. The values underscore Pennsylvania's strengths-based and family engaged approach. Lastly, they point to the importance of collaboration, not just with those being served but one system with another; again a principle well-ingrained in our dependency system. As such, the TWG will keep this framework in mind as it develops recommendations and resources for the State Roundtable.

2015 PENNSYLVANIA STATE ROUNDTABLE:

Recommendations made to and adopted by the SRT in 2015 were:

- Develop an electronic resource to highlight innovative and best practices from counties who are becoming trauma informed/responsive so that counties can network and provide peer support for implementation.
 - ✓ *The workgroup is in the process of collecting information from judges and administrators on their successful practices addressing trauma. These will be added to the practices already collected which include therapy and facility dogs in court, community collaboration, education on trauma specific treatment, model courtroom project that embodies respect for all parties and participants in the courtroom, implementation of trauma screening used by caseworkers and model court order language for receiving specific/important information on trauma effects.*
- Work jointly with volunteer counties to obtain parent and child/youth opinions of their court experiences via a survey.
 - ✓ *Surveying parents and children about their court experiences continues. It is a labor intensive process as counties must provide someone to be available to provide assistance and distribute/collect forms. Ten counties will be approached about surveying parents and children by the early fall.*
- Explore the feasibility of the Alternate Dispute Resolution model Facilitation in dependency cases by asking volunteer counties to try the method on a small number of cases and report back on criteria such as implementation, cost and impact on length of hearings.
 - ✓ *Volunteer counties were identified through responses to an email inviting participation. Preparation for implementation is beginning.*

2016 PENNSYLVANIA STATE ROUNDTABLE:

Recommendations made to and adopted by the SRT in 2016 were:

- Development of a training video on creating a trauma informed dependency court.
 - ✓ Creation of a video storyboard, as a precursor to the filming the training video, has been the major focus of the workgroup. The actual filming of the video will occur sometime over the summer and be ready to be used in training by fall 2017.
- Create a “What’s a Court to Do?” document with steps for creating a trauma informed dependency court as a companion to the training video.
 - ✓ The companion guide to the training video is in the planning stage. Following along with the video, the companion guide will give further information about key concepts illustrated or discussed as well as provide resources on evidence-based treatments and other salient issues that could not be addressed in the video.
- Create a bench card on trauma for judges and attorneys.
 - ✓ A bench card has been created and is included in this report as an attachment.
- Explore the feasibility of the Alternate Dispute Resolution model Facilitation in dependency cases by asking volunteer counties to try the method on a small number of cases and report back on criteria such as implementation, cost, impact on length of hearings, and overall effectiveness.
 - ✓ Several counties have observed the facilitation model in Venango County (Allegheny, Blair, and Warren). Indiana, Bucks and Crawford counties are interested in observing facilitation in Venango county. As facilitation is used only prior to adjudication hearings and those are not known months in advance, scheduling has been a challenge.

2017 PENNSYLVANIA STATE ROUNDTABLE:

Recommendations made to and adopted by the SRT in 2017 were:

- Conduct a training on the trauma-informed court utilizing the training video, resource guide, and bench card.

- ✓ *The workgroup completed the training video and is in the process of finalizing the content material for the training. It's planned to host the trainings in three locations across the Commonwealth. An outline can be found later in this report.*
- Send the bench card to the Bench Book committee for possible inclusion in the next edition to the bench book.
 - ✓ *The bench card on trauma has been sent to the Bench Book committee and will be included in the 3rd edition. The committee judges decided that the bench card was informative and would be a great help to judges and hearing officers.*
- Work jointly with the Drug and Alcohol Workgroup to explore the intersection of substance abuse and trauma.
 - ✓ *In January, the Trauma Workgroup and the Drug and Alcohol Workgroup met jointly. The meeting was very informative and the both workgroups felt meeting together periodically would help both groups complete their work.*
- Discontinue the search for counties to implement the Alternate Dispute Resolution model Facilitation in dependency cases . Instead, summarize the model in the trauma resource guide as an option and provide contact information for Venango county so that interested counties could directly reach out for information.
 - ✓ *Information about the Facilitation model is included in the resource guide. Additionally, it was included in the workshop "Mitigating Trauma through Family Engagement" presented at the Family Group Decision Making conference in April.*

PROGRESS AND UPDATES:

Training Video

Completion of the video was the main focus of the workgroup during 2017. Different iterations of the video were created and one ultimately chosen to best serve the training needs of the group. The video, intended for use as part of a training, illustrates courtroom practices, both good and not so good. This approach gives the training participants an interactive opportunity to identify such. Also included in the video is overview information on trauma and its effect on individuals.

After opening remarks by Supreme Court Justice Max Baer, the video turns to a licensed psychologist providing an overview of the definition of trauma and events that might precipitate it. This lays a foundation of shared understanding providing for a richer training experience for all involved. Continuing on, the psychologist presents information on how

trauma might be experienced by individuals and provides a framework for thinking about trauma and interacting with those who may have experienced it.

Next, the video moves to a hypothetical hearing. It is not a hearing in its entirety but one with scenes chosen to illustrate certain points that will be expounded on during the training. The hypothetical case used in the video has elements typically found in dependency cases across the Commonwealth. Parents and their 12 year old child, placed in kinship care due to parental substance abuse, are appearing before the court for a permanency review hearing. Both parents have recently relapsed, with Father having provided drugs to Mother. Other issues include father's inconsistent visitation and mother's co-occurring mental health issues.

The court scene opens with participants entering the courtroom and the viewer hears their thoughts. The Judge leaves the bench and talks to the child about the therapy dog that accompanied her into the courtroom. He checks in with her about her grandmother and asks if there is anything she needs to tell him. The hearing proceeds with testimony from the caseworker, highlighting the strengths of the parents.

The judge turns his attention to each of the parents in turn, asking them about their accomplishments and areas they are struggling with currently. He listens to their explanations of their recent reuse and focuses them on making better choices the next time they are faced with a similar situation. He offers helpful suggestions and gives the parents choices as appropriate. He gives counsel an opportunity to present evidence and checks the parents' understanding of what they need to do prior to the next hearing. He ends on an encouraging note.

At the end of each scene the video cuts away to the trauma expert who highlights the trauma-informed principle that it illustrates. Concluding the video, Judge Mellon, offers closing thoughts. Finally, Justice Baer closes the video urging viewers to adopt a trauma-informed approach to their work with families.

Training for Judges, Hearing Officers and Attorneys

The workgroup is planning on rolling out a training on the trauma-informed courtroom in three locations across the Commonwealth. A pilot training session, with feedback from the audience, will be held in October. Regional training will follow in November or December. The audience for the training will be judges, hearing officers and attorneys that practice in dependency court. Children and Youth Administrators will be invited to attend so that they gain a full understanding of the perspective of the court on becoming trauma-informed. The training will address issues specific to judicial officers and to attorneys (particularly as they relate to their interactions with their clients).

The full day training will include lectures, interactive discussions and small group exercises. Opportunities will be provided to engage in peer-to-peer learning. Faculty will consist of members of the Trauma Workgroup and an expert in the field of trauma. The

training was planned with the assumption that attendees will have a basic working knowledge of trauma. The objectives of the training are:

1. Judicial officers and attorneys will understand the definition of trauma, the context in which trauma is likely to occur and the ways trauma can effect individuals.
2. Judicial officers and attorneys will begin to develop interactional skills that will be informed by trauma principles.
3. Judicial officers and attorneys will be able to apply trauma principles to the courtroom, creating trauma-informed courtrooms.
4. Judicial officers and attorneys will become familiar with vicarious trauma and be able to identify ways to care for themselves.

An outline of the training day is as follows:

The Trauma Informed Courtroom

8:30-9:00	Registration/Breakfast
9:00-9:15	Welcome/Overview of the Day
9:15-10:00	Trauma 101 <ul style="list-style-type: none">• What types & examples of each• ACES• Why it's important to pay attention to this• How children act• Parents with trauma histories• Link between trauma & SUD• Reasonable expectations
10:00-10:15	BREAK
10:15-11:45	Trauma-Informed Courtrooms <ul style="list-style-type: none">• Framework• Video• Participation from audience

The trauma-informed courtroom has:

- A judge that....
- A solicitor that....
- Parent Attorney(s) that.....

- A GAL that.....
- A Caseworker that.....
- Parents that.....
- Children that.....
- An environment that.....
- Staff that.....

11:45-12:15 Small Group Exercise/Large Group Report Out

12:15-1:00 LUNCH

1:00-1:45 Changing How We Think; Changing How We Talk

- The bench card
- Trauma Lens: what happened to you?
- Motivational Interviewing Questions
- Reference: *Essential Components of Trauma-Informed Judicial Practice* (SAMHSA)

1:45-2:10 Dyads: Practice Interactions

2:10-3:00 Screening/Assessment/Treatment for Trauma

- Specific language court order
- EB or Promising Practice Treatment
 - Building an infrastructure to support
- Questions to ask service providers

3:00-3:15 BREAK

3:15-4:00 Vicarious Trauma

4:00-4:30 Resiliency: What's a Judge to Do?

At the conclusion of the training, an evaluation will be collected from participants. Results will be available for the 2019 State Roundtable.

Resource Guide

A resource guide is in development and will be available for the training in October. Contents are loosely organized around the following topic areas:

- General Trauma Information
- Framework for Thinking about Trauma
- Effects of Trauma

- Screening/Assessment/Treatment of Trauma
- Being Trauma-Informed
- Trauma Responsiveness
- The Trauma-Informed Courtroom
- Motivational Interviewing
- Therapy/Support Dogs
- Vicarious Trauma
- Trauma Informed Schools
- Becoming a Trauma Informed Community
- Highlighted Practice from around the Commonwealth
- Resources

An electronic collection of documents and website links will be available on the OCFC website under the tab “Trauma Workgroup”. An electronic copy of the full resource guide will be available on the website following the training in October. The website can be reached at <http://www.ocfcpcourts.us>

Joint Trauma Workgroup/Drug and Alcohol Workgroup Meeting

A joint meeting of the Trauma Workgroup and the Drug and Alcohol Workgroup was held on January 25th, 2018. The meeting was facilitated by Dr. Ken Martz, Psy. D., a licensed psychologist with an expertise in substance abuse and trauma. The meeting was very informative and the Trauma Workgroup became aware of the strong link between trauma and substance abuse. Issues raised at the meeting were:

- Trauma-informed substance abuse treatment
- Using motivational interviewing techniques in dependency courts
- Medication assisted therapy (MAT) and the way clients present in court
- Risk factors with MAT including prior dosing
- Trauma-informed care vs. trauma treatment
- The brain and trauma
- Timing of trauma and substance abuse treatment
- Trauma and substance abuse: impact on protective capacity and resiliency

Both groups felt that the discussion was beneficial and could help inform the work of their respective groups. They agreed to meet periodically to further explore the issues raised and consider making joint recommendations in regards to them. They would like to create a list of key questions that a judge could ask of substance abusing parents who also have trauma histories.

Conclusion

The child welfare and dependency systems have an ever increasing awareness of the complex and intricate layers of trauma woven throughout. By becoming trauma informed in both culture and practice, these systems have an opportunity to help those whom they serve continue on their journey to health and wholeness. Wanting what is best for children

must include the willingness to look at one's own practices through a trauma lens and see what those before you see. Change is hard but areas that cause unintended harm need to change. In the end, all will be better for it.

RECOMMENDATIONS:

The Trauma Workgroup respectfully submits to the Pennsylvania State Roundtable the following recommendations:

1. To begin working on a resource to support solicitors, parent attorneys, and GALs in preparing their clients for court in a way that reduces their client's stress and anxiety.
2. To focus on the interaction between the judge and children/youth and creating trauma-informed courtroom environments for children/youth.