

TRAUMA-INFORMED JUSTICE (JUNE 2020)

Family court judges often see the same families again and again—often throughout multiple generations. The focus of this article is to emphasize the importance of viewing those families and individuals through a trauma-informed lens. By reviewing a case file with an eye to spot red flags arising from past trauma and through effective communication with an individual to elicit red flags of trauma, judges are in a unique position to change the trajectory of generations by understanding what science has taught us about trauma and the impact of adverse childhood experiences upon a family.

A. VIEWING THROUGH A TRAUMA-INFORMED LENS MEANS TO:

- Presume a trauma history of the persons appearing in your courtroom.
- Learn the telltale red flags of trauma and Adverse Childhood Experiences.¹
- Become familiar with Adverse Childhood Experiences (ACEs).²
- Read a case file with an eye towards spotting ACEs in *all* parties before you.
- Know that ACEs often arise from events occurring *inside* the home; the extent of damage to a child who witnesses them can be profound.
- Understand that trauma is an intense event that threatens or causes harm to a child's emotional and/or physical well-being; child traumatic stress results when those events overwhelm a child's ability to cope with the events.
- Recognize that toxic stress occurs when a child experiences strong, frequent and/or prolonged adversity without adequate adult support.³
- Know the factors which promote resiliency in a child.⁴
- Bear in mind that the adult appearing before you was once a child who may have experienced traumatic events without adequate adult support.
- Realize that traumatic events follow a child throughout life to adulthood.⁵
- Be cognizant that ACEs may predict adult substance abuse and may be linked to serious mental, physical, and social health issues.⁶
- Recognize that ACEs predict the 10 leading causes of death and disability.⁷
- Ensure that the court environment is safe; look for ways to reduce stress.
- Actively listen to those appearing before you. Show respect. Do not humiliate. Interact with kindness.
- Tread carefully when talking about traumatic events.
- Do not ask someone what is wrong *with* them; ask what has happened *to* them.

- Communicate effectively. Watch what you say and how you say it.
- Understand that taking a trauma-informed approach does not mean that you are letting an individual who appears before you off the hook. Balance your encouragement with your expectations.
- If there are NO signs of “Power and Control” but red flags of ACEs, order a trauma assessment or screening by a qualified assessor and set for a review to go over any recommended therapy, including various trauma therapies. A Batterers’ Intervention Program (BIP) would not be appropriate.
- Substance abuse evaluations may also be warranted.
- Don’t overwhelm a traumatized respondent. Stagger services and seek input from the respondent as to their ability to get to court or permit appearances by phone on compliance hearings.
- Know that you have the power to intervene and alter the path an individual or family who experienced trauma is traveling. In the words of Circuit Judge Lynn Tepper—“You can change their stars.”
- Lastly, take care of yourself. Learn how to cope with vicarious trauma, secondary trauma, compassion fatigue and burnout.⁸

B. REFERENCES AND RESOURCES

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http://www.flcourts.org/core/fileparse.php/538/urlt/Judicial_Toolkit_Judge_Tepper_RED_FLAGS_OF_TRAUMA.pdf

² Generally, the following experiences occurring during the first 18 years of life: physical, emotional, or sexual abuse by a person 5 years older; domestic violence (mother treated violently); mental illness or disorder; substance abuse disorder; incarceration (family member in prison); parental separation or divorce, emotional or physical neglect. <https://acestoohigh.com/got-your-ace-score/>

³http://developingchild.harvard.edu/index.php/key_concepts/toxic_stress_response/

⁴ <https://im4us.org/app/dl831>

⁵ <http://www.childwelfare.gov/pubs/factsheets/long-term-consequences/>

⁶ <http://www.air.org/resource/trauma-informed-care-service-systems>

⁷ *Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults*, in the American Journal of Preventative Medicine, 14(4), 245-258. [http://www.ajpmonline.org/article/S0749-3797\(98\)00017-8/fulltext](http://www.ajpmonline.org/article/S0749-3797(98)00017-8/fulltext)

⁸ <http://www.flcourts.org/resources-and-services/court-improvement/family-courts/domestic-violence/FIIVideo.stml>

This article is based on a webinar and its accompanying PowerPoint, Seeing Individuals Through a Trauma Lens: Getting from ACEs to Trauma-Informed Justice, presented by Circuit Judge Lynn Tepper of the Sixth Judicial Circuit on March 30, 2016. <https://www.youtube.com/watch?v=Qtll0DXKv0A>

For the Family Court Tool Kit on Trauma and Child Development, go to:
<http://www.flcourts.org/resources-and-services/court-improvement/judicial-toolkits/family-court-toolkit/>