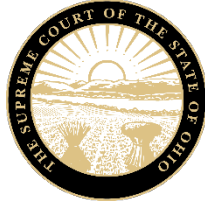


SoC23

Summit on Children 2023



PARTICIPANT MATERIALS

Recognizing the Need for a Trauma-Informed Courtroom: What's a Judge to Do?

March 17, 2023

Hon. Peter Jones
Dr. Vicky Kelly

A wireframe illustration of a human head in profile, facing right, is positioned on the left side of the slide. The background is a dark blue gradient with a network of white lines and dots, resembling a neural network or data flow, and several translucent blue spheres of varying sizes are scattered throughout.

Creating a Trauma-Informed Courtroom

Dr. Vicky Kelly, Board Chair, Child Welfare League of America
The Honorable **Peter B. Jones**, Delaware Family Court

- DEFINE
- UNDERSTAND
- LEARN
- EMBRACE
- IMPLEMENT

Learning Objectives

Why does this topic even matter?

Imagine entering a courtroom or a foreign country for the first time...

- Would you understand the language?
- Would you understand the rules?
- Would you even be able to focus or would you be overwhelmed?
- Does that calculus change if you were incredibly stressed?

What is Trauma?

A threat or series of threats that overwhelms our nervous system, and impacts our mental, physical, social, emotional and spiritual well-being.

ACUTE | CHRONIC | COMPLEX | HISTORICAL | VICARIOUS

Types of ACEs

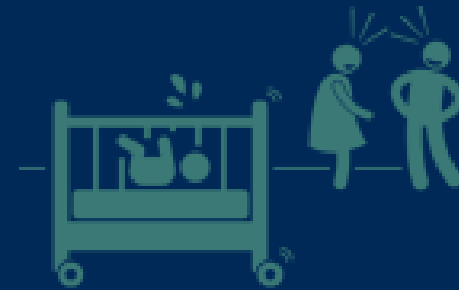


ABUSE

11% Emotional

21% Sexual

28% Physical

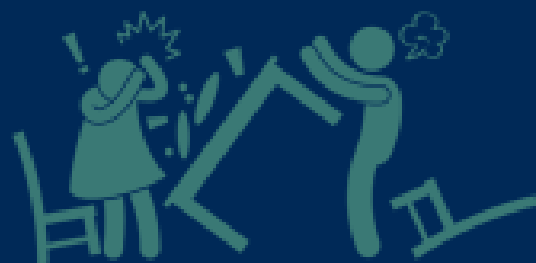


NEGLECT

15% Emotional

10% Physical

HOUSEHOLD CHALLENGES



27% Substance Abuse

23% Separation/Divorce

19% Mental Illness

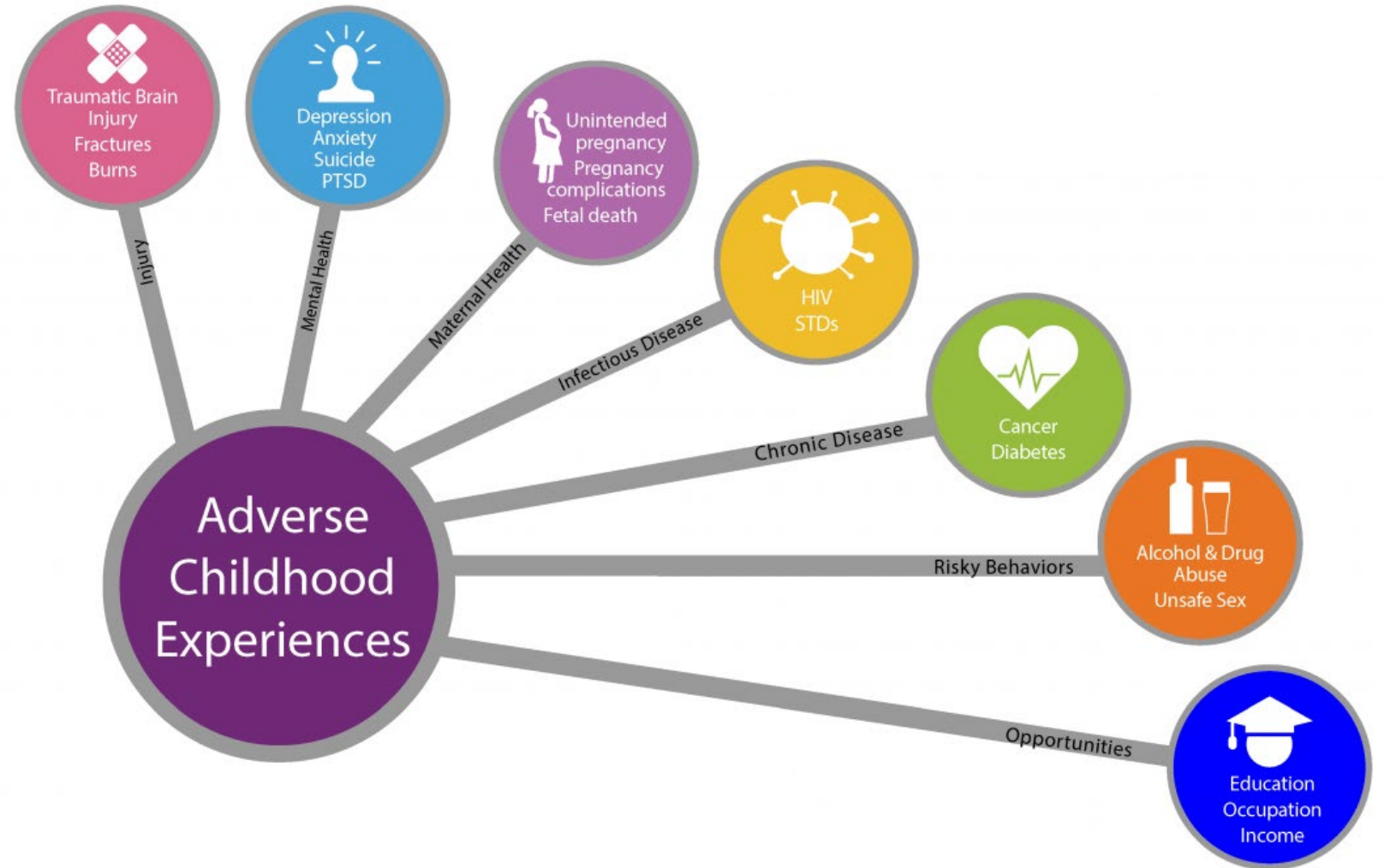
13% Mother Treated Violently

5% Incarcerated Household Member

ACEs Impacts

ON THE
INDIVIDUAL:

Brain development
Impaired functioning
Risky behaviors



- **Witness Community Violence**
- **Discrimination**
- **Bullied**
- **Pandemic/ Disproportional impacts**

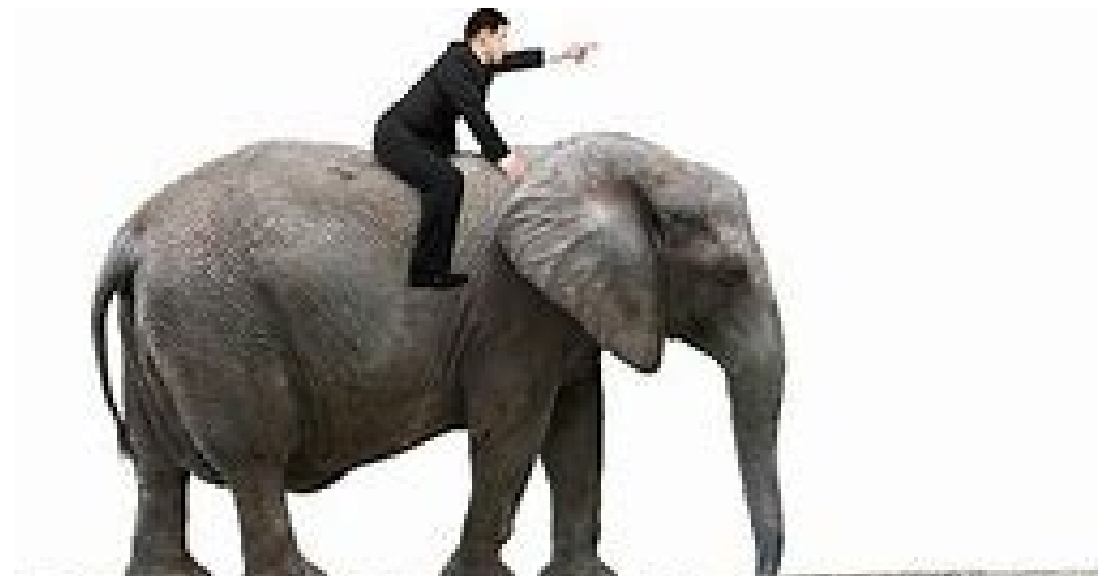
- **Trauma of Separation into Foster Care**

Holistic Approach to Adverse Events Makes a Difference:

- Recognizing Strengths
- Providing Services
- Protecting the vulnerable
- Preventing cycle of ACEs
across generations

A very simple overview of brain science

- The “**THINKING BRAIN**”: Rational part able to think, plan, weigh pros & cons, take the perspective of others, experience empathy and self identity.
- The “**EMOTIONAL BRAIN**”: Emotionally reactive part, where the “alarm system” triggers fear/shame/anger and can quickly hijack the thinking brain.



Our brains are wired by experience

Trauma wires the brain
for fight, flight & freeze



*Courts are a kind of
Emergency Room and
Staff are First
Responders*

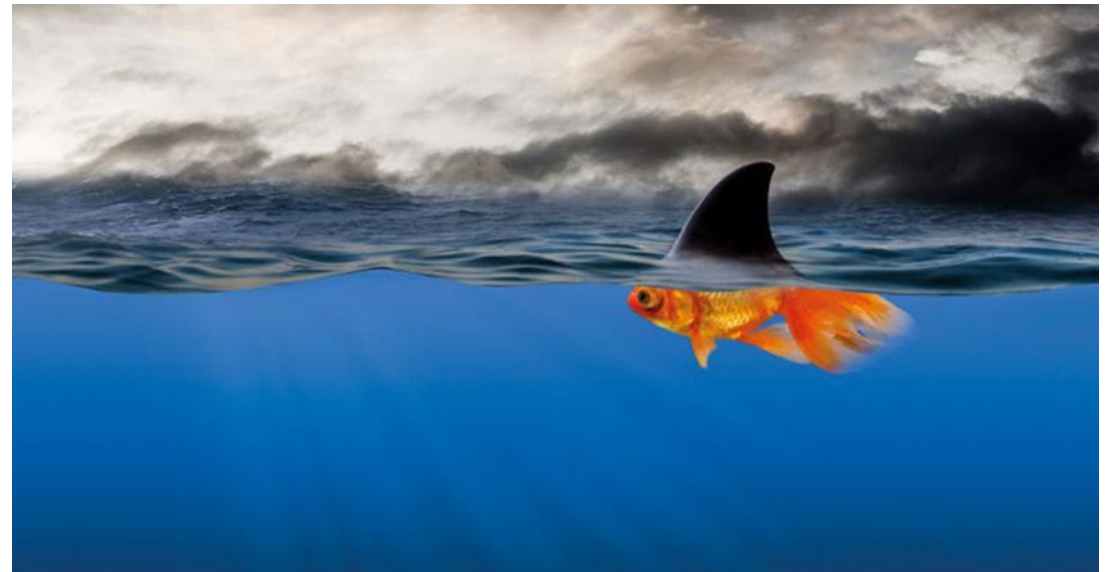
**Trauma has always shown up as
behavior**

- Impatient, Demanding
- Confused, Needy, Failing to Follow Through
- Belligerent, Defiant, Aggressive



Without a trauma lens, how do we interpret those behaviors?

- Disrespectful parties
- Character defects/poorly socialized/entitled
- Mentally ill/ Addicts
- Hopeless situations



CHANGE YOUR LENS

~~What's WRONG with you?!~~

What HAPPENED to you?

WHAT'S RIGHT WITH YOU?

HOW CAN I HELP YOU?



IN THE COURTROOM

What does it mean to be trauma-informed?

- Recognize the prevalence of adverse childhood experiences (ACEs) and/or trauma among all people
- Recognize that many behaviors and symptoms are the result of traumatic experiences
- Create a safe environment
- Use a strength-focused perspective to promote resilience.

See SAMHSA, *Trauma-Informed Care in Behavioral Health Services* (2015),
https://smiadviser.org/knowledge_post/what-does-it-mean-to-be-trauma-informed

CORE PRINCIPLES



Due Process
Things need
to be fair



Clear
Communication
We need to be
clear in what we
are saying



Strengths-Based
Practice
Building on
strengths, not
weaknesses



Language
Matters
Words do
make a
difference

CHANGES IN THE SYSTEM: HANDLING CASES DIFFERENTLY THAN WE DID BEFORE

- Number of hearings
- Kids languishing in foster care
- Limited time for reunification
- Involvement of attorneys
- Foster parents in the courtroom
- Children in the courtroom





What is the role of
the judge?



How do I run my
courtroom?



How do I address
litigants, attorneys
and others?

STARTING THE HEARING

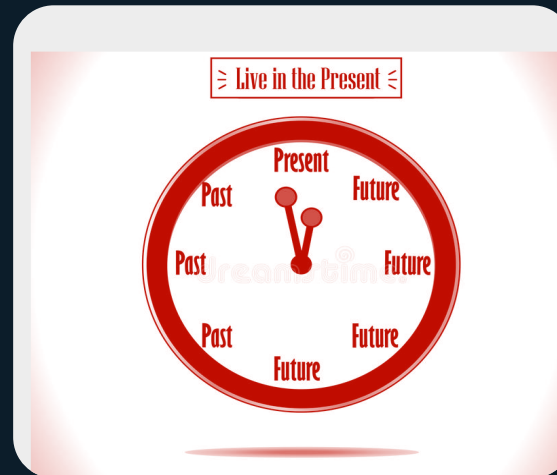
Greetings

Names

Why are we here?

Importance of
being present

Steps in the process



INSIDE THE COURTROOM



How is your courtroom set up?

What are your normal procedures?

Is your hearing focused on one case?



CONDUCTING A HEARING

Remote Participation?

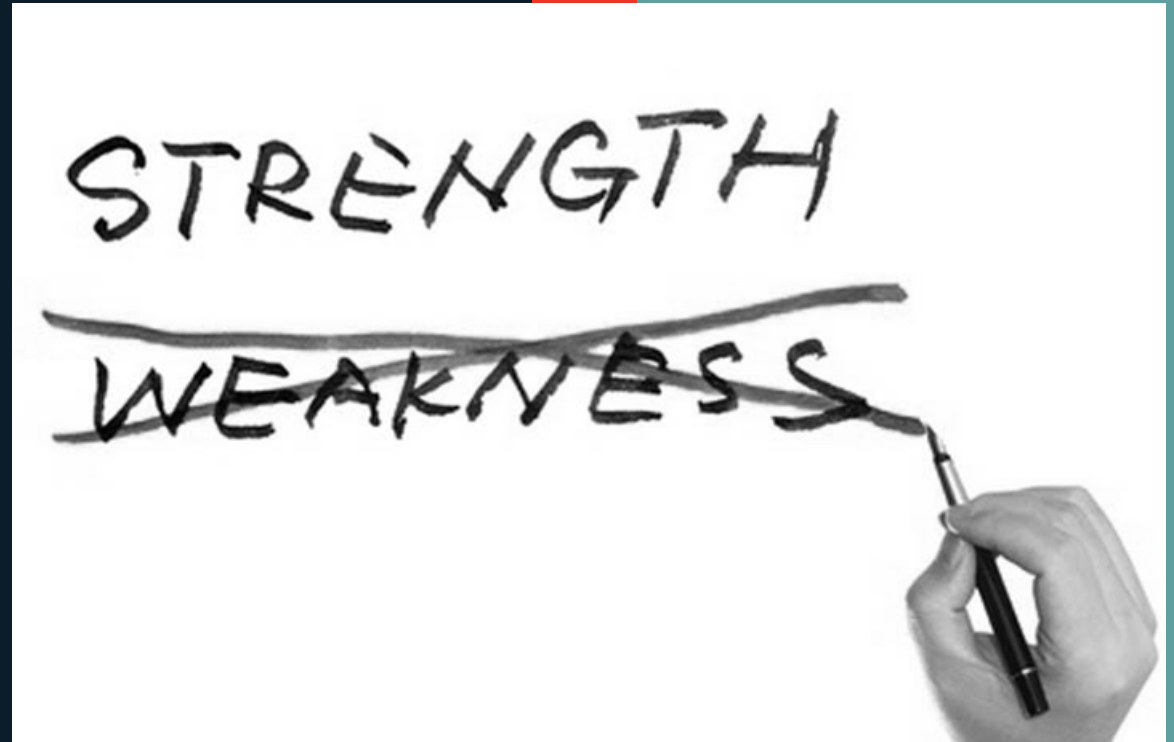
Am I listening?

What do I want litigants to hear?

<https://www.youtube.com/watch?v=-4EDhdAHrOg>

STRENGTHS-BASED

What is it that we
should be
focusing on?



WHAT ABOUT EVERYONE ELSE?



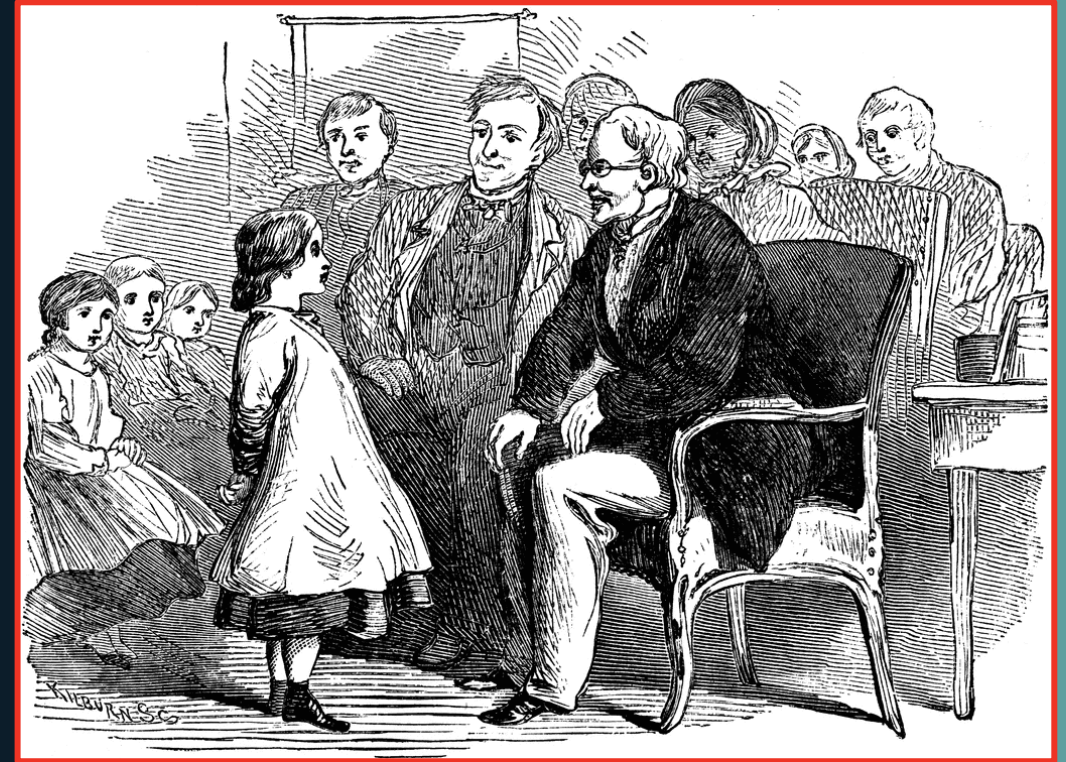
Lawyers

CASA's/GAL's

Social Workers

ESPECIALLY FOR CHILDREN...IF THEY ARE PRESENT IN THE COURTROOM

- The focus should be on how to support the child.
- If a topic is sensitive, ask if the youth needs a break, wants to participate, or step out for a few minutes.
- Always ask the youth about talking to the judge in private (or outside of the presence of others) in child welfare cases.



ACRONYMS

PPH

DAG

TPR

DSCYF

DFS

CASA

OCA

DYRS



<https://www.youtube.com/watch?v=igPlk79wAPg>

LANGUAGE MATTERS

Instead of saying	Consider saying
Case	Child/parent/family
Home	Family
Hard-to-place child	Safe and nurturing families are hard to find
Up for adoption	Child is in need of an adoptive family
Place in a home	Joined a family
Aging out of the system	Being connected to a relationship that is safe, nurturing and enduring
Foster parent	Resource parent
Visitation	Family time
How many placements can the home take	How many children can the family care for
Screening out or weeding out	Selecting in
Children are removed or pulled	Children are separated
Visits	Family time
Testing dirty	Presence of substances

Use “when words”
such as
right now,
currently, today
vs. always or never

LANGUAGE MATTERS

Instead of saying	Consider saying
Delinquent	Young person
Truant	Missing school
Gang banger	Youth with some concerning connections
Mental health/competency evaluation	Referral to professionals who may be able to help us better understand how to support you
Defiant	Struggling to manage our expectations
Manipulative	Making survival choices/trying to figure out how to manage a situation
Illegal alien	Undocumented immigrant
Perp	Use the individual's name
Family dysfunction	Family challenges



Courtroom set up
and safety,
especially when
children/youth are
present



Waiting Areas



Scheduling
sufficient time for
hearings



QUESTIONS?

One thing you will
try?

Next Steps