



# Lessons Learned from Developing a Trauma Consultation Protocol for Juvenile and Family Courts

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## ABSTRACT

Juvenile and family courts hold a unique position among the many stakeholders that comprise a healing community for persons experiencing adversity or trauma. Specifically, judges and other court leaders can promote the implementation of screening for trauma, the alignment of appropriate and effective treatment for trauma when indicated, and the accountability of systems for coordination and support of such services. To that end, the National Council of Juvenile and Family Court Judges undertook a field-based project — consisting of multiple semi-structured court surveys — to elucidate the key features of a trauma-informed court and how to assist courts in becoming more trauma-responsive for both consumers and staff. With the assistance of courts in 11 pilot sites across the nation, the project has led to

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the development of a protocol called *trauma consultation* or *trauma audit*, which is outlined here. Our work in developing the consultation protocol highlighted the need to better understand (1) the prevalence and impact of secondary traumatic stress in court staff, (2) the potential for environment to contribute to traumatic stress reactions, and (3) the importance of consistent trauma screenings and subsequent use of findings. Practical suggestions for courts to become more trauma-informed are also provided.

**Key words:** trauma, courts, juvenile, family, consultation.

According to the U.S. Department of Health and Human Services (2013), more than three million children were reported to authorities for abuse or neglect in 2012, including approximately two million who received a response by child protective services. Further, the U.S. Bureau of Justice Assistance (2014) reported that in 2013, U.S. residents age 12 or older experienced an estimated 6.1 million violent victimizations, such as physical abuse, psychological maltreatment, or sexual abuse. These experiences are often classified as Potentially Traumatic Events (PTE), inasmuch as the event involves an actual or perceived threat of death or serious injury to oneself or others (Costello et al., 2002). Furthermore, youths exposed to one or more PTEs tend to have an increased likelihood of developing psychiatric symptoms and ailments (e.g., posttraumatic stress disorder, depressive disorders) by early adulthood, compared to their peers who have not had PTE exposure (Copeland et al., 2007).

Although it is not clear how many of these victims came in direct contact with juvenile and family courts, there is evidence to suggest that a substantial portion experience at least some contact with the justice system as a result of the victimization event(s). Indeed, given that stress derived from trauma exposure tends to significantly impair emotion regulation and executive functioning at the neurological level (McEwen, 2005), children who have experienced trauma are at a heightened risk of committing delinquent and/or violent acts (Bruce & Waelde, 2008). Further, evidence suggests that many persons who come in formal contact with the courts, for reasons other than being victimized, are likely to have histories of substantial adversity or trauma (Baglivio et al., 2014). For example, a study by Abram et al. (2004) found that over 90% of youths incarcerated in a sample of detention centers in Cook County, Illinois have a history of experiencing trauma, and that approximately 11% demonstrated symptoms consistent with a diagnosis of posttraumatic stress disorder. Researchers continue to document the alarmingly high rates of adverse and traumatic experiences (e.g., death of a close one, physical or sexual abuse, neglect, disaster, extreme poverty) reported by juvenile offenders (e.g., Dierkhising et al., 2013; Kerig, Ford & Olafson, 2014).

Across the many stakeholders interested in preventing trauma and effectively helping those with trauma histories, courts are uniquely positioned to promote healing. To accomplish this mission courts must be trauma-informed. That is, courts must (1) understand and recognize the impact of trauma on a person's well-being, and (2) promote an organizational culture that takes into account structural and environmental conditions as crucial components in the healing process of trauma victims (Harris & FalLOT, 2001). Indeed, efforts have been and continue to be made to educate judges and

other court professionals about the impact of trauma on human development (Buffington, Dierkhising, & Marsh, 2010). However, justice system stakeholders often lack knowledge about how, exactly, a trauma-informed court might look like in practice (Ko & Sprague, 2007). To address this gap, and recognizing the deleterious effects of trauma on human development across biological, psychological, and social domains, the National Council of Juvenile and Family Court Judges (NCJFCJ) undertook a multi-site field project aimed at developing a process (1) to better understand the complexities and nuances of trauma-informed justice, and (2) to help courts become more trauma-informed. The project resulted in an approach termed *trauma consultation* or *trauma audit*, which the following sections describe further.

## CONCEPTUAL FRAMEWORK

Our framework for assisting courts in becoming more trauma-informed is rooted in two principles: (1) a public health perspective, based on the notion that society and its institutions ought to play a central role in preventing and maintaining collective health and well-being (Frenk, 1993); and (2) an appreciation for the importance of continuity of care across systems (Ko et al., 2008). First, we positioned courts as part of the larger healing community, essentially placing them in an exceptional and powerful position to help persons with a history of traumatic experiences. In many ways, courts operate as socio-legal emergency rooms, and just as in a traditional health care setting, each and every actor with whom an injured party has contact plays a role in promoting healing. Among those actors, we recognized that judicial officers have an important role in ensuring appropriate identification of trauma, overseeing alignment of effective services, and monitoring progress in order to avoid an unnecessary cycle of system involvement (Howard & Tener, 2008).

Second, we rejected the dichotomies of persons being either *sick-or-well* or *victim-or-offender*. Instead we embraced the orientation that all of those coming in contact with the justice system are likely to have been physically or psychologically *injured* in some way. We make this assumption based on the evidence suggesting that many persons who come into court have profound issues of trauma or adversity (Baglivio et al., 2014). Doing so not only encourages a more nuanced appreciation of the human experience when exposed to adversity or trauma, but also suggests adoption of a universal precautions approach to addressing trauma within courts. Specifically, an injury-based approach to trauma in justice systems assumes that all people appearing in courts have experienced adversity in some manner. The focus for courts then becomes ensuring that environment, practice, policy, and persons are limiting unnecessary arousal, avoiding trauma triggers, and promoting well-being and healing for both consumers and staff as a matter of routine practice.

Third, we framed the conditions of healing from traumatic experiences as encompassing (1) need for safety, (2) promotion of self-determination, and (3) enhancement of positive social connections. Safety has been established as a critical component of healing from traumatic experiences (Bloom, 2013). For one to engage in self-soothing and other healthy coping behaviors effectively, environmental stressors (Wener, 2012) and other

potential “flight, fight, or freeze” triggers must be reduced or eliminated (Griffin, Germain, & Wilderson, 2012; Zelechowski et al., 2013). Self-determination, or “agency,” is a condition of healing that recognizes that trauma occurs when an existentially threatening event is forced upon someone. To re-establish a sense of control after trauma, people must be provided opportunities to exert real and meaningful control in their lives (Substance Abuse and Mental Health Services Administration, 2014). In addition, connections with nurturing others are essential, as trauma often leads to social isolation or experiencing relational challenges (Kisiel et al., 2014). Prosocial connections with others can enhance critical support networks and resources to promote healing, among other protective benefits (Substance Abuse and Mental Health Administration, 2014).

Finally, we adopted a strong commitment to appreciating the organizational dynamics within courts and other institutions, and how roles and power structures ultimately affect human behavior and experiences. We are explicit that the priorities of institutions created to serve the needs of children and families are actually focused on meeting the needs of the institution instead (e.g., docketing practices, paperwork, hours of operation). Making this reality explicit can help ground the justice system’s work in serving people, not institutions. In pursuing this commitment, we hypothesize that a developmentally-informed approach – and thus a trauma-informed approach – is nurtured while the court also enhances a sense of procedural justice that can improve outcomes for persons who seek justice or administer justice (Marsh & Byer, 2013).

## TRAUMA CONSULTATION

The process that was developed to examine courts through this trauma-informed lens is termed *trauma consultation* or *trauma audit* (Marsh, Dierkhising, Decker, & Rosiak, 2015). The goals of the trauma consultation are (1) to provide courts with information about their current practices from a trauma-informed perspective and subsequently to issue recommendations to improve the experiences of children and families involved in the system, and (2) to reduce the compassion fatigue or secondary traumatic stress that professionals who work in this field might experience. The trauma consultation process currently involves a multi-method approach, using structured court hearing observations, general observations, file reviews, environmental scans, stakeholder interview questionnaires, and online surveys to assess current practices. These methods seek to answer key questions about the court and court process, including the extent to which professionals understand trauma’s effects on juveniles and adults involved in the system, how court professionals understand and address secondary traumatic stress, and how trauma is identified and treated within the system. Table 1 presents a list of questions focused on as part of a trauma consultation.

The trauma consultation is a semi-structured data collection process, allowing team members to draw upon their training on victimization and trauma as well as their expertise in juvenile and family court operations. Structured tools, such as the court hearing observation tool and general observation tool, permit coders to assess the environment (e.g., ease of navigation, signage clarity/multiple languages, environmental stressors) and

**TABLE 1**  
**Questions the Trauma Consultations Seek to Answer**

<i>Topic</i>	<i>Questions</i>
<i>Understanding of Trauma</i>	Do judges (and other professional stakeholders) demonstrate an understanding of how trauma (past or present) may affect current actions of parents and youths involved in the system?
<i>Engaging Parents</i>	Are parents and youths engaged in the process? How are they treated in court (treated with respect, choice/voice, focus on strengths & maintaining connections, judge shows compassion)?
<i>Identification of Trauma</i>	Is there a structured trauma-screening protocol in place for victims, parents, and youths who come into contact with the system? Who screens? At what point in the process? What tool is used? Is the judge provided information on potential traumatic history (or present experience) of victims, parents, and youths? Is there evidence that trauma is considered as part of decision-making?
<i>Resources</i>	Are trauma-informed and evidence-based programs available in the area to treat individuals and families? Are there barriers to families accessing these resources? (e.g., no contract with service providers, resource intensive, transportation, no referrals) Are judicial officers and professional stakeholders aware of these available resources? Are families consistently referred to these resources/services?
<i>Environment</i>	Is the court easy to navigate? Are there efforts to make it less stressful to parties? (Consider getting to court, finding the courthouse, parking, getting through security, locating the courtroom)? Are the courthouse and courtrooms child friendly?
<i>Secondary Traumatic Stress</i>	Is there an understanding by all professional stakeholder agencies (CPS, public defender, court) of the emotional toil that hearing about abuse, neglect, and violence may take on staff (secondary traumatic stress, vicarious trauma)? Are there resources available to professionals to cope with this stress?

stakeholders' interaction (e.g., respectful treatment, choice, voice) within the courtroom in a way that can be quantified and combined with the pre-survey results to serve as baseline data for the courts. Within these tools are opportunities for the team to add notes that provide additional qualitative context to the trauma consultation. Focus groups and interviews with key system stakeholders use a semi-structured format, drawing from a list of key questions, with ample opportunity to expand upon issues the participants deem most relevant.

The developing body of knowledge about trauma and its consequences on behavior and health, combined with the conceptual framework for promoting healing, became the foundation of our trauma-informed court work. We took a formative approach to develop a trauma-informed court assessment protocol, starting with a diverse team of experts who could examine the court process from "entry to exit." This team – drawing from NCJFCJ staff and experts affiliated with the National Child Traumatic Stress Network – included social psychologists, developmental psychologists, clinical psychologists, and social science researchers, as well as experts in juvenile justice, child abuse and neglect, domestic violence, and trauma. In March 2013, the team started with one large urban jurisdiction in California and observed all aspects of the court process taking a user perspective, from arrival at the courthouse grounds to leaving courthouse grounds. In addition to user perspective observation, the team conducted general observations, reviewed case files, observed court proceedings, spoke with a variety of systems professionals and consumers, examined current court and agency policies, and took basic environmental measures at various points in the courthouse (i.e., temperature, humidity, noise and lighting levels). From this early formative assessment, we developed tools that employ a trauma-informed lens to evaluate court environments, practices, and policies, as well as court professionals' understanding and attitudes about trauma. We continued to refine these tools during visits with 11 courts in 10 states<sup>1</sup> over an 18-month project period.

Trauma consultations typically occur over two to three days. At the conclusion of each site visit, the consultation team synthesizes the information collected and reports the findings to the court. The report includes general impressions, observations, quantitative summaries of data collected, and recommendations for the court to consider in its efforts to be more trauma-responsive. The trauma consultation report has two purposes. The primary purpose is to provide information that stimulates dialogue with a court collaborative team in the hopes of using the findings and recommendations to facilitate beneficial system changes. The second purpose of the report is to document unique site specific baseline information (e.g., the number of cases in which juveniles are shackled during a hearing, the degree to which judicial officers engage parents, the level of noise in the waiting areas), so that the court can have initial data against which to monitor progress or changes as it adjusts practices or policies. The consultation team remains available to the court to discuss the report findings, answer questions, respond to concerns, and help prioritize an action plan for trauma-informed systems change efforts.

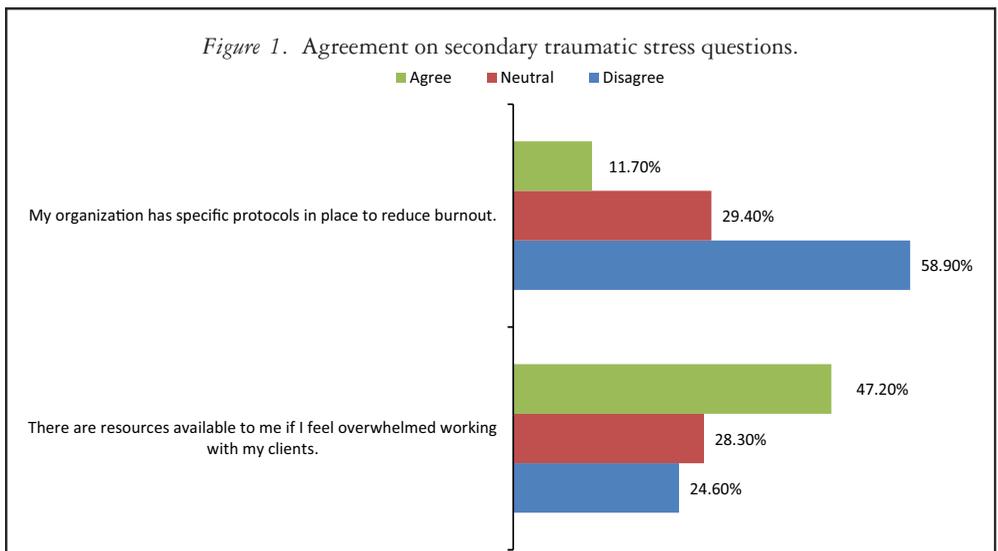
<sup>1</sup> Pilot trauma consultations were conducted in juvenile courts (i.e., dependency and/or delinquency dockets) in Arizona, California, Florida, Georgia, Kentucky, Nevada, Pennsylvania, Texas, Washington, and Wisconsin. Courts ranged in size from small/rural (one part-time judge) to very large/urban (more than 20 judges).

## KEY LESSONS LEARNED

Being trauma-informed involves one understanding the basic origins, sequelae, and treatment (i.e., conditions of healing) of trauma. Our work in developing the consultation protocol highlighted the necessity to also understand (1) compassion fatigue or secondary traumatic stress and its prevalence across court staff, (2) the environment’s role in contributing to traumatic stress reactions, and (3) the need for consistent trauma screenings. Accordingly, this section will address some of the research surrounding these three elements. The section will then describe how these findings coupled with trauma’s fundamental dynamics are intimately related to the top recommendations given by NCJFCJ after conducting a trauma consultation.

## PREVALENCE OF SECONDARY STRESS

According to secondary traumatic stress (STS) theory, people who work with or have exposure to trauma victims can often develop trauma symptoms of their own (Figley, 1995; Sprang, Craig, & Clark, 2011). In other words, STS can be considered a form of emotional duress experienced after hearing about someone else’s firsthand traumatic experiences (National Child Traumatic Stress Network, 2011). The negative effects of STS can include changes in memory and perception, depletion of personal resources required for effective coping, and increased arousal and avoidance reactions (National Child Traumatic Stress Network, 2011). The risk of developing STS is relatively common for professionals who work with traumatized children; roughly 6% to 26% of therapists working with traumatized children, and up to 50% of child welfare workers, are likely to experience some form of STS (National Child Traumatic Stress Network, 2011).



**TABLE 2****Professionals who Participated in Initial Court Surveys to Develop the Trauma Consultation Protocol**

<i>Type of Professional</i>	<i>Number of participants</i>
Judicial Officer	74 (9.2%)
Court Staff	107 (13.4%)
Parent Attorney	50 (6.2%)
Advocate for the Child (GAL/Child's Attorney)	72 (9%)
State or Agency Attorney	40 (5%)
Social Worker/Social Work Supervisor	115 (14.4%)
Court Appointed Special Advocate (CASA)	61 (7.6%)
Treatment Provider	23 (2.9%)
Juvenile Probation/Parole	133 (16.6%)
Detention Staff	10 (1.2%)
Educator	9 (1.1%)
Domestic Violence Advocate	21 (2.6%)
Other	86 (10.7%)
Declined to Identify Role	6 (0.7%)
<b>Total</b>	<b>807 (100%)</b>

Figure 1 describes results from a pre-consultation survey conducted by the NCJFCJ with over 800 respondents across 11 jurisdictions. Most respondents indicated their role as juvenile probation or parole (16.6%), social worker or supervisor (14.4%), court staff (13.4%), or other (10.7%; Table 2). Of those who listed their role as other, the most common response was a domestic relations officer. As evidenced by Figure 1, most organizations do not have a policy or protocol to reduce burnout and might not have resources available to support staff who experience STS or compassion fatigue. Consequently, these findings suggest that many agencies are ill-equipped to handle STS issues within the workplace.

The results from various studies, including those results above mentioned, help contextualize findings that NCJFCJ often makes after conducting trauma consultations. One common finding, noted previously, is that there is limited support for staff (e.g., Figure 1), which, unsurprisingly, likely contributes to STS being a prevalent issue within the courts. We recognize that not all staff will suffer from STS, as staff can (and do) experience professional satisfaction despite stressful work (Stalker, Mandell, Frensch, Harvey, & Wright, 2007), and that some stress can be associated with resiliency in the right circumstances (Fergus & Zimmerman, 2005). Nonetheless, regular exposure to highly traumatic stories and materials and STS in general were substantial – and somewhat unexpectedly common – concerns expressed at each court trauma consultation, and as such, deserves attention in future work in this area.

## THE ENVIRONMENT'S ROLE ON TRAUMATIC STRESS REACTIONS

The environment in which a trauma victim finds herself can also impact the way she handles trauma (Brown, McCauley, Navalta, & Saxe, 2013). Trauma victims often have difficulty regulating emotional states; aversive physical and social environments are detrimental to a victim's ability to regulate her emotions and thus they continue to compound the trauma (Brown et al., 2013). Therefore, to help a trauma victim regulate her emotions, it is necessary to help diminish stressors and threats within physical and social environments that could contribute to a continued traumatic reactive state (Ellis, Saxe, & Twiss, 2011).

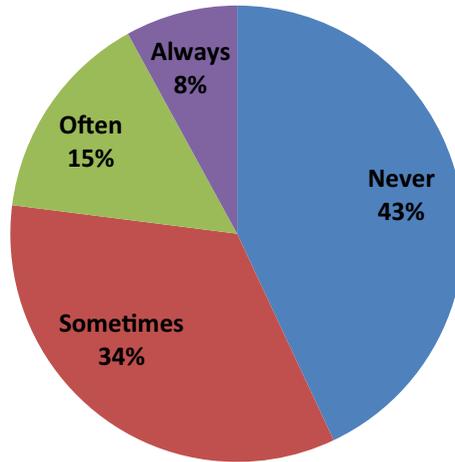
Overall, there appears to be a limited appreciation for the degree of environmental stress found in courts. For instance, courts often do not have separate waiting rooms for victims or children, and they also tend to be uncomfortably hot or cold, crowded, noisy (to the point of making hearing conversations difficult), confusing, and hard to navigate (Shdaimah & Summers, 2014). These environmental concerns could be considered aversive and might even negatively impact or otherwise trigger those with trauma histories. It is possible that these environmental factors will increase the levels of stress injured persons are experiencing which, in turn, might increase susceptibility to traumatic triggers, engagement of traumatic reactions, and challenges associated with information processing. Each of these traumatic stress responses is important for courts to consider, given the potential impact of each on engagement and comprehension in the context of high-stakes justice system proceedings.

## NEED FOR CONSISTENT TRAUMA SCREENINGS

Children and adults who have experienced traumatic events face increased risk for psychosocial difficulties and functional impairments (Saltzman, Pynoos, Layne, Steinberg, & Aisenberg, 2001). For example, in adolescent populations, some of these difficulties include behavioral issues such as withdrawal, academic performance issues, and many other developmental challenges (Gerson & Rappaport, 2013). Consequently, to appropriately help potentially injured persons who come in contact with the justice system, there is a need for a systematic and accurate screening of individuals to assess whether they have experienced trauma (Saltzman et al., 2001).

The trauma consultations often reveal little understanding of trauma among court personnel and stakeholders. In other words, a shared definition of trauma is often lacking across court personnel and stakeholders, and terms such as *stress*, *adversity*, *toxic stress*, *trauma*, and *PTSD* tend to be used interchangeably. Perhaps relatedly, there is also inconsistent or inappropriate use of trauma screening instruments. Figure 2 illustrates how often clients are screened for trauma. The data in Figure 2 were derived from the same survey mentioned previously and represent a combination of pre-survey responses from 11 jurisdictions ( $n = 705$  valid). Roughly 43% of respondents indicated that clients are

Figure 2. Frequency of how often clients (e.g., parents or youths) are screened for trauma.



*never* screened for trauma, and another 34% reported that clients are only sometimes screened for trauma. This general pattern was also reflected in file reviews, with the use or results of screening rarely ever mentioned – much less trauma considered as part of case conceptualization.

The reason for this relatively low rate of screening (and general consideration of trauma) in this sample is not entirely clear. However, stakeholders and personnel seem to be unsure of *when* and *how* screening should be used and what screening instrument to use. Also, agencies that work with the families often do not have specific policies or protocols to ensure that screening occurs consistently. Such substantial variance in practice and understanding regarding screening, emphasize the importance of assessing screening protocols as part of the trauma consultation, as it is an area ripe for potential improvement (e.g., enhanced training, standardized instruments, and established procedures).

## PRACTICAL SUGGESTION FOR COURTS TO BE MORE TRAUMA-INFORMED

One of the most important lessons learned from our trauma work with the courts is that a discrepancy often exists between training and practice. Most court stakeholders reported that they had participated in some form of training on trauma, but the information from the trainings was rarely translated into concrete practice changes. In fact, most stakeholders directly reported that trainings did not give them sufficient information on how to translate the knowledge into day-to-day practice. As such, a list of concrete practice recommendations was created to help the courts be more trauma-informed (Table 3).

Below are the 10 recommendations developed from common themes that emerged across the trauma consultations, organized by the assessment categories of persons,

**TABLE 3**  
**10 Things Courts can do to be More Trauma-Responsive**

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1. Create a shared definition of trauma.
  2. Prioritize secondary traumatic stress.
  3. Solicit opinions of community members.
  4. Promote diversity in court professionals.
  5. Match services to unique needs of youths and families.
  6. Promote a healing environment through positive interactions in the court.
  7. Discuss how/when to implement trauma screening into current practice.
  8. Provide separate waiting areas.
  9. Create an environment conducive to limiting arousal.
  10. Implement a policy that discourages shackling for juvenile offenders.
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practices, environments, and policies. Throughout these recommendations, we suggest there are opportunities to promote resiliency for consumers and staff by reducing risk (e.g., by ensuring safety) and enhancing protection (e.g., promote prosocial connections). From this perspective, we also encourage courts to consider opportunities to identify and engage evidence-based strategies to treat trauma, and to help people learn to cope with inevitable stress associated with system involvement (e.g., courses on mindfulness and stress reduction). Lastly, we suggest that the most effective process for implementing these recommendations and working toward trauma-informed justice involves strong judicial leadership. Specifically, judges should leverage their authority and status within the justice system to regularly convene key stakeholders to assess current practices, identify areas for improvement, develop action steps to implement recommendations noted here and identified through collaborative self-assessment, formulate a continuous quality improvement plan, and nurture a culture of mutual accountability.

## PERSONS-LEVEL RECOMMENDATIONS

### Create a shared definition of trauma

Most jurisdictions clearly had no shared understanding of what a trauma-informed court is, or even how their court is working to implement trauma-informed approaches. For example, some stakeholders reported that they believed being trauma-informed was “just another fad,” “just another in a series of ‘buzz words,’” was being “forced upon them,” or was “just an attempt to excuse poor behavior.” Taking a collaborative approach to exploring and creating a trauma-informed court will necessarily include open dialogue around all perspectives on this complex issue. Open exchange of information, often facilitated by a judge, can (1) improve stakeholder engagement or buy-in to the importance of creating a trauma-informed court, (2) lead to a shared vision of what works best for youths and families, and (3) ameliorate concerns that being trauma-informed might just be another buzz word that will not be integrated

into long-term, sustainable, and meaningful system transformation. An excellent place for courts to start developing shared meaning would include the National Child Traumatic Stress Network's website, which contains a wealth of information on creating trauma-informed systems.

### **Prioritize secondary traumatic stress**

Professional stakeholders who work with child abuse and neglect, domestic violence, and juvenile cases are at high risk for experiencing secondary traumatic stress. However, most courts offer little training or resources to address this challenge. It is important to prioritize STS and try to limit the negative impact it can have on professionals who work with families in the court system. Simply, it is difficult to provide respectful and attentive support to help others heal from injury when the helper himself is injured, fatigued, unhealthy, or otherwise extremely stressed. If possible, courts should conduct a trauma-informed self-assessment with staff to help evaluate their knowledge of and exposure to STS (e.g., what it is, how to recognize its symptoms, how to respond to it adequately, and how to find support services). At a minimum, courts can assist employees by identifying support resources available to staff, and by subsequently ensuring that staff is aware of those resources and how they can be accessed. Even opportunities to discuss and debrief stressful experiences, or having a space to decompress and relax, might make a difference in staff's health and well-being, and might help them to be better able to work with vulnerable children and families.

### **Solicit community members' opinions**

Contact with the justice system itself can be traumatic. Stressors in the court process or environment might not be as obvious to system professionals as they are to system consumers. As such, the opinions of parents and youths would be ideal to help identify systemic factors that cause unnecessary stress and erode customer service. The consumer voice can be solicited through focus groups, interviews, or anonymous surveys, depending on available resources. Some courts in our pilot project included veteran parents (e.g., parents who have successfully reunified with their children) in their collaborative team and can thus engage them in conversations about systemic stressors and strategies to mitigate potential sources of trauma triggers.

### **Promote diversity in court professionals**

Diversity of staff is often not considered when courts or other institutions strive to be more trauma-informed. To encourage a sense of understanding and responsiveness, it is critical that the composition of court personnel reflect community demographics. If the court does not "look like" the community it serves, the consumers of justice are more likely to not feel safe, heard, valued or connected – the essential conditions that contribute to an overall environment of healing and sense of procedural justice.

## PRACTICE-LEVEL RECOMMENDATIONS

### **Match services to unique needs of youths and families**

Often, we observed a discrepancy between the needs of youths and families as identified by screening or assessment and the actual services ordered. There is little doubt this discrepancy could be a function of resources in a given jurisdiction. For example, one of the more rural jurisdictions in this pilot project often lacked specific programs or qualified service providers to address the complex needs of the child or family. In other cases, a standard set of services seemed to be ordered for all families regardless of presenting issues (e.g., parenting education, substance abuse treatment). Tailoring services to the unique needs of the child and family not only sends a message regarding value, which may reduce their stress or enhance resiliency, but also increases the court's ability to help with healing the family and to ameliorate the actual conditions that may have contributed to the family's coming before the court.

### **Promote a healing environment through positive interactions in the court**

When parents and youths are present for their hearings, the court can better engage them in the process. Specific behaviors by court professionals, especially the judicial officer, can help reduce the families' stress and help them feel safe, valued, and heard. These behaviors include (1) speaking directly to the party, (2) addressing the party by name, (3) treating everyone in the courtroom with equal respect, (4) giving parties an opportunity to be heard, and (5) allowing parties to have choices. Safety, voice, and choice are all important in promoting healing. Choice in particular, having been taken away by traumatic experiences, is an important component of healing that courts often overlook. Giving parents and youths a choice does not have to be a complex endeavor. For example, asking parents whether they prefer coming to court in the morning or the afternoon, or asking which qualified treatment provider they prefer, offers them a choice and gives them a sense of control over their lives.

### **Discuss how to implement trauma screening into current practice**

Most courts involved in this project did not have a formal protocol for screening clients for trauma. When a screening protocol was in place, stakeholders often reported being unaware of the screening, when it occurred, and how the information was used. It is important for courts to have a screening tool and protocol that includes this information (i.e., "who, when, how, why"), and also have safeguards in place to limit the need for multiple telling of trauma histories (i.e., prevent re-traumatization). Training all court professional stakeholders on what a screening is and is not could help alleviate concerns regarding this process. The training should also include differences between screenings and assessments or evaluations and how the information should be used in case planning. Without a valid screening tool that is used consistently and a shared understanding of how results are used, traumatic histories might not be identified, and families could be misdiagnosed or not fully served in a way that supports healing.

## ENVIRONMENT-LEVEL RECOMMENDATIONS

### **Provide separate waiting areas**

A major component of being trauma-informed is ensuring that persons feel safe. When people are crowded in shared space, a sense of safety can be difficult to achieve. This is particularly true in cases where the family has a history of domestic violence – up to and including open cases and active protection orders. Courts should provide separate waiting areas for victims and perpetrators, and maintain protocols in place to help ensure that victims have a courthouse environment that is free from perpetrators' threats and intimidation. Including a separate child-friendly waiting area would also provide a safe space for youths to wait during their time at court. However, it must be noted that a child-friendly court is a necessary – but not sufficient – condition of being trauma-informed.

### **Create an environment conducive to limiting arousal**

Coming to court can be a stressful experience for anyone. Parents involved in the system often have additional stressors that make the process even more overwhelming. Youths, especially traumatized youths, can find the process frightening and intimidating. The court can help minimize the stress by working to limit arousal and frustration, which can be achieved in multiple ways. Ensuring comfortable and ample seating, as well as windows or green space, can often create a more soothing atmosphere. Using time-certain calendaring can reduce the overcrowded nature of waiting areas, thus helping limit noise and chaos. Court staff should also consider examining navigability of the courthouse from arrival to exit to identify environmental factors (e.g., too bright/dim lighting, uncomfortable temperature, high noise levels, confusing signage) that could cause stress or frustration and strategize ways to mitigate unnecessarily severe variances from calm and comfortable conditions. Reducing environmental stress in courts does not have to be expensive – even replacing worn stoppers and dampers on doors to prevent a loud “bang” upon closing can go a long way in limiting startling or otherwise unpleasant stimuli.

## POLICY-LEVEL RECOMMENDATIONS

### **Establish policies to eliminate presumptive shackling for juvenile offenders appearing in court**

Adolescence is a time of incredible growth – and although teenagers are highly adaptive, it also is a period of vulnerability and malleability. Routine use of shackles in juvenile court interferes with healthy development in a number of ways, and actually can cause unintended harm. There are many arguments for eliminating indiscriminate shackling of children while in court, including the potential for heightening bias against the child in the proceedings, interfering with a child's ability to communicate and participate in the hearing, exacerbating shame and stigma, health complications, facilitating

learned helplessness or erosion of self-efficacy, triggering survival responses (i.e., fight, flight, or freeze), re-traumatization, and redundancy given presence of security personnel and introducing additional security concerns (e.g., use of restraint equipment to harm others). To this end, the NCJFCJ (2015) passed a resolution in July of 2015 against the presumptive use of shackles in juvenile court.

## SUMMARY

Much work remains to be done to further develop, refine, and test the protocol described here, but the protocol represents an important step toward applying current knowledge regarding trauma-informed systems to the unique institution of juvenile and family courts. Courts have a substantial opportunity to change practice to be more responsive to injured parties beyond implementing one specific program or practice. By becoming more trauma-informed in the administration of justice, courts can promote healing for the youths and parents who come before them while simultaneously encouraging staff well-being. Ongoing work in this area is critical to advancing improved care and outcomes for some of our most vulnerable, yet resilient, citizens.

Some courts have been actively working toward being trauma-informed for more than a decade and there is conceptual evidence to support the importance of this work, but there has been very little research or evaluation in this area. Current evaluation efforts are modest given funding constraints, but include developing a database of court environmental measures to compare and contrast with environmental measures from established recommendations for optimal human functioning. Further, file review and hearing observation instruments have been refined to capture information that will allow assessment of the degree to which recommended practices are followed (e.g., using a screening instrument, asking all parties about the date and time for next scheduled hearing to promote a sense of self-determination). Lastly, NCJFCJ researchers are working with courts to assess their capacity to track various indicators of improvements in safety resulting from implementing consultation recommendations – such as reductions in major incident reports within the court facility perhaps related to separate waiting areas (e.g., reducing the number of altercations in waiting areas).

A first step toward a more robust research program with courts could include examining some of the trauma-informed concepts in practice and exploring associated outcomes. Specifically, the core concepts to promote a system of healing – safety, choice, and connections – could be examined by surveying the families and youths who come before the court system. Surveys could address perceptions of safety and choice, and whether the person believes she has a supportive person or supportive community in her life. The responses to these questions can be linked to specific cases to examine relationships with case outcomes of interest. Outcomes might include compliance with the case plan, presence at key hearings, frequency of visitation, reunification rates for parents, number of placement disruptions, or other well-being indicators for youths. In the juvenile justice system, these outcomes might include indicators such as number of times detained, length of detention stay, probation violations, new charges, increases in diversion, etc.

These types of analyses will demonstrate relationships between core concepts and case processing and outcomes that can be further explored.

Courts also can help move research forward in this area by identifying specific programs or practices they would like to implement or adjust, and that they are also willing to have formally evaluated. When courts decide to implement one of the consultation recommendations, there is an opportunity to evaluate the change and determine its effectiveness. Ideally, such evaluation could be done in an empirically rigorous way where cases are randomly to the new program or practice; but realistically, this methodology is often hard to achieve in applied settings. If courts are willing to allow researchers access to their hearings and files, it is possible to evaluate pre- and post-implementation measures or changes in practice (i.e., assessment of fidelity) and relate these changes to outcomes of interest.

Evaluations do not have to be expensive or large in scale. For example, courts could take something relatively easy to change (e.g., giving parents a choice regarding the time of their next hearing) and begin to assess whether the change is associated with a desired effect (e.g., increasing parent engagement or presence at court hearings). To evaluate this, courts would need to observe court hearings pre- and post-change in practice and systematically code whether judges gave parents a choice of hearing time. Then, for outcome measures, staff would need to track whether parents or youths are present at future court hearings. These numbers could be compared to see whether those who are offered a choice are more likely to be present at future court hearings. While not groundbreaking, if multiple courts are evaluating their work and disseminating what they have learned, the outcome will help contribute to a growing evidence-base of knowledge. Further, efforts such as this will help inform the development of more robust research methods and agendas, because the efforts will help to identify relationships that can be further explored in the context of trauma-informed justice.

Ultimately, it will be important to rigorously assess any program and practice that is considered trauma-informed to begin evaluating the effectiveness of this work. Courts often lack the capacity to do research or evaluation on their own, but overlooked resources may be at their disposal. Courts should consider whether any employees or staff at an affiliated agency may have data, evaluation, or research training and could assist on this project. Courts can also begin to identify data sources (e.g., case management system, recorded hearings) that may be useful to evaluate current practice and outcomes. When resources are not available within a court, technical assistance providers, resource centers, or local universities might provide assistance in developing a study, and might also lend statistical expertise to analyze existing data.

In recent decades, research has begun to identify the many deleterious effects that traumatic experiences have on human development. This research has elucidated the impact of trauma on physical and emotional well-being – linking adverse experiences and trauma to high-risk behaviors, health concerns, and even earlier death when compared to persons who have not experienced substantial stressors. Few populations are as likely to have experienced trauma, or are as susceptible to experiencing future trauma, as the youths and families who come before the juvenile and family court systems. As an important stakeholder in the healing community, courts have an opportunity to create an environment conducive to healing and promote resilience within the children and

families they serve. Adopting a trauma-informed approach in courts and toward the administration of justice in general may very well be the catalyst that could help end the cycle of re-offense, violence, and abuse that often brings generation after generation before our nation's juvenile and family courts.

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