



TRAUMA-INFORMED COURTROOM PRACTICES: A BENCH CARD FOR JUDGES

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Judges and system stakeholders should have a shared understanding of trauma and how it affects the behavior of the youth and families involved in the system. They should also have the capacity to respond effectively to victims of trauma by creating a healing environment that promotes safety, agency, and meaningful social connections.

1. UNDERSTANDING TRAUMA

Difference Between Stress and Trauma



- **Stress:** A natural response to high-stakes events, beneficial when managed, but extreme stress can mimic trauma.



- **Trauma:** A distressing event that threatens one's sense of safety and often causes lasting emotional and psychological effects.



Adverse Childhood Experiences (ACEs)



- **ACEs highlight** childhood adversity's impact but shouldn't solely define trauma. Prioritize observable behaviors and emotional responses.



- **Avoid Pathologizing:** Use ACEs as context, not a diagnostic tool, as they don't define capacity or prognosis.



The Four R's of Trauma-Informed Care

- **Realize** trauma's widespread impact, including intergenerational effects
- **Recognize** signs of trauma in those who appear before you
- **Respond** by integrating trauma-informed practices into court procedures
- **Resist** re-traumatization by minimizing triggers (e.g., trauma activation) and promoting emotional safety

2. RECOGNIZING TRAUMA

Recognize Signs of Trauma Activation



- Trauma activation occurs when a current situation causes emotional or physical responses rooted in past trauma (also known as trauma triggers)



- Responding emotionally in ways that don't match the situation (may impact communication, testimony, and credibility)



- Court settings may bring up past trauma, resulting in heightened agitation or aggression (hyperarousal), withdrawal, and disconnection (hypoarousal). Trauma-activated litigants may feel fear, powerlessness, anger, or emotional pain. They may adopt dysfunctional behaviors. For example:



Using alcohol or drugs to numb emotions and block memories



Reacting with anger or aggression for protection with no real danger



Withdrawing and isolating themselves because being alone feels safer



Struggling with relationships due to a lack of trust in others



Experiencing a quick fight, flight, or freeze response activated by fear

3. RESPONDING TO TRAUMA IN THE COURTROOM

Preventing Trauma Activation in Court



Proactively addressing trauma activation can prevent escalations, enhance trust in the legal process, support participant well-being, and improve outcomes.

- ✓ Reduces Emotional Escalation: Keeps emotions stable, avoiding courtroom disruptions and additional stress
- ✓ Promotes Fairness: Individuals are more likely to think clearly and present their case effectively, leading to fairer outcomes
- ✓ Enhances Compliance: Builds trust, making individuals more likely to comply with court orders and engage in the process positively
- ✓ Saves Time and Resources: Reduces the need for interventions, making the court process more efficient
- ✓ Supports Well-being: Supports litigants' mental and emotional well-being, helping them feel respected and safe

Preventing Activations: The C.A.R.E.S. Courtroom Approach

Communicate with empathy and understanding

Ask simple, open-ended questions to ease tension

Respect the need for breaks to manage emotions

Engage in cooperative dialogue, avoiding shame or blame

Show respect through body language and attentive gestures

Examples of the C.A.R.E.S. Courtroom Approach

Inappropriate things to say/do	Appropriate things to say/do	Why it's important
Blaming: "What's wrong with you? You need to be locked up."	Empathy: "I'd like to understand the circumstances that led to court involvement, can you please explain?"	Blaming leads to trauma activation and deters compliance. Empathy makes a person feel connected and supported.
Interrupting: "I'm done, I've heard enough."	Attention: "What you have to say is important. Unfortunately we need to reschedule."	Acknowledging points of view and providing opportunities to be heard can calm the litigant's nervous system.
Indifference: "I've given you enough chances- I'm holding you in contempt."	Respect: "What barriers are preventing your compliance?"	Disrespect can drive negative behavior, whereas respect strengthens future compliance.

Intervening when Trauma has been Activated: The RESPOND Approach

This approach provides a structured, empathetic way to handle situations where trauma has been activated, prioritizing the individual's well-being.

Recognize the Signs: Identify symptoms of trauma activation

Exude Calm: Stay composed and use a calm tone

Suspend Proceedings: Take breaks to allow composure

Pactice De-Escalation: Speak gently and acknowledge emotions

Offer Clear Guidance: Provide simple, straight forward instructions

Nurture Emotional Safety: Create a supportive environment

Double-Check Readiness: Proceed cautiously, checking in periodically

4. JUDICIAL INTERVENTIONS

Writing Trauma-Informed Court-Orders

Integrate Trauma-Informed Principles:

- Ensure court orders use language that acknowledges the emotional and psychological needs of individuals involved
- Specify that therapeutic or support services must be provided by trauma-informed professionals

Enhance Safety Through Specific Orders:

- Include provisions to protect individuals from further trauma, such as no-contact orders or safe parent/child contact arrangements, particularly in cases involving safety concerns
- Clearly outline the steps required for each party, including timelines, expectations, and specific interventions

Leverage Community Resources and Therapies:

- Identify local trauma-informed resources in the court order, providing clear instructions
- Mandate evaluations to identify trauma, incorporating the resulting recommendations into the court's orders

Reduce Ambiguity and Ensure Clarity:

- Write specific and easily understandable orders to ensure compliance and accountability
- Include detailed instructions on implementing, monitoring, and following up, ensuring all steps are tailored to address trauma



Additional Resources and Information for Judges

For additional resources, check out our Bench Card Resource Center by scanning the QR code here, or by going to ncjfcj.org/bench-card-resource-center

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