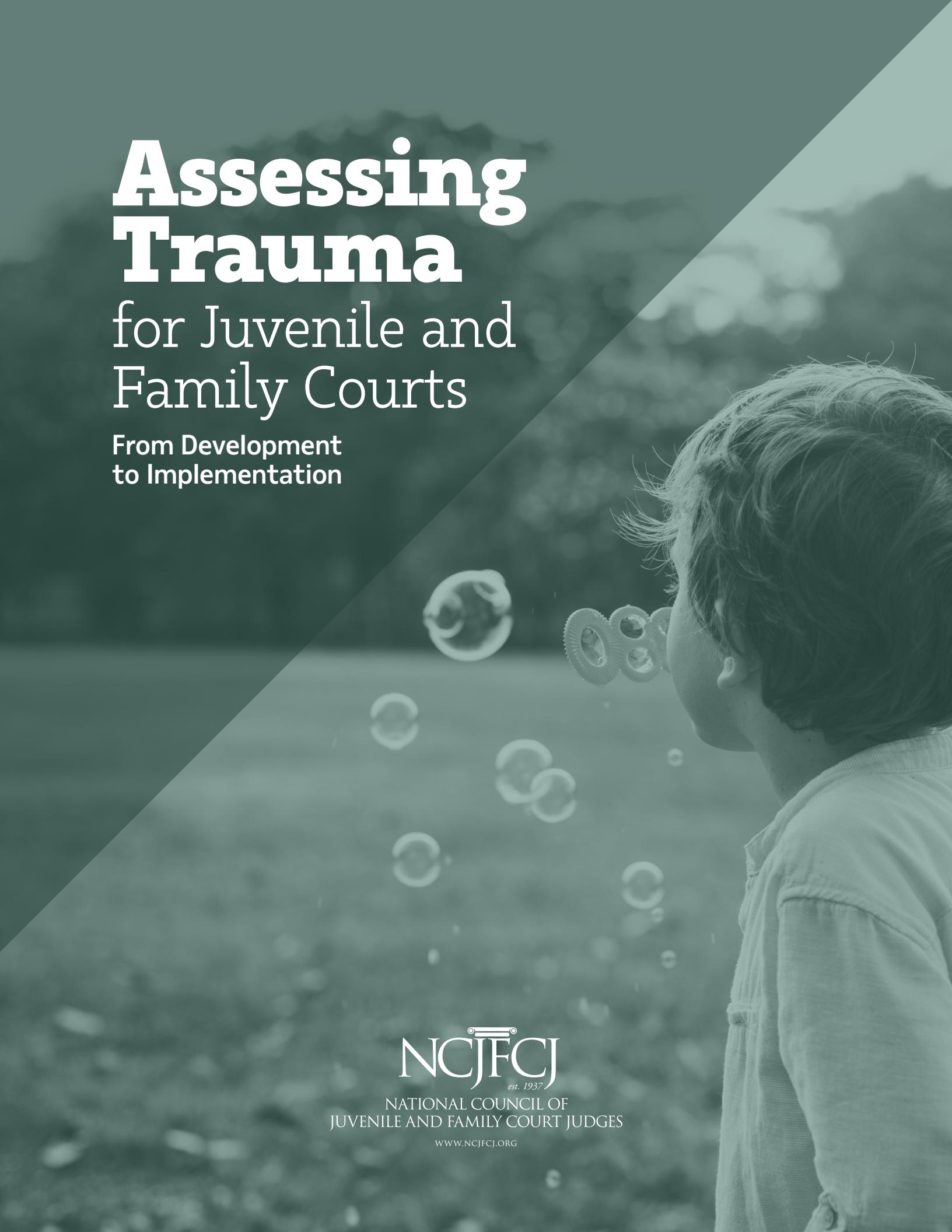


# **Assessing Trauma**

## for Juvenile and Family Courts

**From Development  
to Implementation**

A black and white photograph of a young child with light-colored hair, seen from the side and slightly from behind, blowing bubbles. The bubbles are scattered in the air in front of them, some catching the light. The background is a soft-focus outdoor scene, possibly a park or garden.

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est. 1937  
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# **Assessing Trauma**

## for Juvenile and Family Courts

### From Development to Implementation

2013-2017

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# EXECUTIVE SUMMARY

Traumatic stress can have negative, long-lasting impacts on human development, functioning, and quality of life. A growing body of research demonstrates how child abuse and neglect, domestic violence, criminal victimization, and many other stressful experiences place people at risk for physical and mental challenges, social and legal problems, and even early death. The long-term human, social, and economic costs associated with adverse experiences and traumatic events are substantial and emphasize the critical need for trauma-informed prevention and intervention to promote the lifelong well-being of youth, families, and communities.

Due to increased requests for assistance from courts and allied systems seeking to become more trauma-informed, the National Council of Juvenile and Family Court Judges (NCJFCJ) developed a court trauma consultation protocol in 2013. Although the NCJFCJ and organizations such as the National Child Traumatic Stress Network (NCTSN) had a long history of providing training and technical assistance to courts on traumatic stress, no protocol had been developed for conducting this type of consultation and subsequent technical assistance to promote trauma-informed care in the unique environments and institutions of courts.

The NCJFCJ collaborated with affiliates from the NCTSN and select courts to develop this trauma consultation protocol for juvenile and family court settings. With funding support from the Office of Juvenile Justice and Delinquency Prevention, the development team worked with pilot courts from a range of geographically diverse jurisdictions to explore what it means to be a trauma-informed court. The initial conceptual framework for the trauma consultations was grounded in the following key principles: (a) courts have an integral role in the healing process for the youth and families that they serve; (b) all court stakeholders should experience a sense of safety, personal agency, and connectedness when engaged with the court; and (c) court personnel, environment, practice, and policy impact all court stakeholders. Throughout this framework, the development team embraced a public health orientation and the importance of universal precautions (i.e., treating all who come before the court as if they might have a history of trauma) when working with populations with a high likelihood of injury.

The information presented in this publication includes key findings developed by an analysis of 269 recommendations from 23 trauma consultations performed by NCJFCJ staff in 18 states from 2013-2017. Findings focus on: (a) the need for consistent trauma screenings; (b) the environment's role on traumatic stress reactions; and (c) the prevalence of secondary traumatic stress in court personnel. The publication also includes a set of concrete recommendations that courts can follow in order to become more trauma responsive. It concludes with a discussion of next steps the NCJFCJ can take to further this promising trauma consultation work.

## Need for Trauma-Informed Juvenile and Family Courts

Thousands of youth and families walk through the doors of juvenile and family courts every day.<sup>1</sup> Prevalence data suggest that many of the courts' constituents have been exposed to severe and chronic traumatic events in their lives and have developed symptoms and behaviors associated with complex traumatic stress as a result (Buffington, Dierkhising, & Marsh, 2010). These individuals frequently present with a variety of social, emotional, behavioral, and cognitive development problems. They also are likely to experience co-occurring mental and behavioral health disorders (e.g., depression, substance abuse, etc.), as well as physical health problems.

**Table 1: KEY DEFINITIONS**

Term	Definition
Acute Trauma	A single traumatic event that is limited in time. An earthquake, dog bite, or motor vehicle accident are all examples of acute trauma.
Chronic Trauma	Chronic trauma may refer to multiple and varied traumatic events such as a child who is exposed to domestic violence at home, is involved in a serious car accident, and then becomes a victim of community violence. It may also refer to longstanding trauma such as physical abuse or war.
Complex Trauma	Complex trauma is a term used to describe both exposure to chronic trauma—usually caused by adults entrusted with the child's care, such as parents or caregivers—and the immediate and long-term impact of such exposure on the child.
Hypervigilance	Abnormally increased arousal, responsiveness to stimuli, and scanning of the environment for threats that can develop after exposure to dangerous and life-threatening events.
Resiliency	A pattern of positive adaptation in the context of past or present adversity.
Traumatic Reminders	A traumatic reminder is any person, situation, sensation, feeling, or thing that reminds a child of a traumatic event. When faced with these reminders, a child may re-experience the intense and disturbing feelings tied to the original trauma.

*Note.* From "Ten Things Every Juvenile Court Judge Should Know about Trauma and Delinquency," by K. Buffington, C.B. Dierkhising, and S.C. Marsh, 2010, *Juvenile and Family Court Journal*, 61(3), p. 16. Copyright 2010 by the National Council of Juvenile and Family Court Judges. Reprinted with permission.

<sup>1</sup> Juvenile and family courts, for the purpose of this publication, include both state and tribal courts.

## Abused and Neglected Children

In 2016, protective agencies in the United States received approximately 4.1 million referrals for alleged maltreatment (U.S. Department of Health and Human Services, 2016). From these, an estimated 676,000 children were officially documented as having been maltreated. Children from birth to age three had the highest rate of victimization (28.5 percent), and slightly more than half of all victims were girls (51 percent). Most of these reports include allegations of neglect (74.8 percent) overwhelmingly perpetrated by one or both of the child's parents (91.4 percent). The total lifetime economic burden resulting from new cases of child maltreatment in the United States was estimated to be \$124 billion in 2008 (Fang, Brown, Florence, & Mercy, 2012). These estimated costs included child health care costs; adult medical expenses; lost productivity; and child welfare, criminal justice, and special education costs. In addition, it has been estimated that 8.2 million children are exposed to domestic violence each year (Hamby, Finkelhor, Turner, & Ormrod, 2011) and more than one third (33.9 percent) of these children also are exposed to other forms of child maltreatment such as physical or sexual abuse each year (Hamby, Finkelhor, Turner, & Ormrod, 2010).

## Youth Involved in the Juvenile Justice System

Compared to their non-delinquent peers, youth involved in the juvenile justice system tend to have higher rates of early adverse experiences such as child maltreatment, community violence, and loss. Like their peers involved with dependency court, nearly all youth who enter the juvenile justice system have histories of exposure to trauma, with many justice-involved youth reporting exposure to chronic trauma across childhood and adolescence (Dierkhising et al., 2013). Not surprisingly, youth in the dependency system are at risk for entering the delinquency system, as evidenced by high rates of youth involved in both the child welfare and juvenile justice systems (Herz, Ryan, & Bilchik, 2010). Involvement in the juvenile justice system also is expensive, with the United States incurring an estimated \$8-\$21 billion each year in long-term costs alone for the confinement of youth (Justice Policy Institute, 2014).

## Co-occurring Child Maltreatment and Domestic Violence

Experiencing violence within the family is detrimental to children's well-being because it contributes to developmental deficits, mental health disorders, and health problems across the lifespan. Children and adolescents exposed to child maltreatment and/or domestic violence are at increased risk for post-traumatic stress reactions, post-traumatic stress disorder, depression, suicide, substance use, delinquency, arrest as a juvenile and adult, and unemployment (see, e.g., Child Welfare League of America, n.d.). Because of these cumulative effects of exposure to domestic violence and child maltreatment, adverse childhood experiences are considered a substantial public health problem (see, e.g., Hughes et al., 2017). The long-term and costly consequences of trauma exposure outlined above emphasize the critical need for stakeholders working with the nation's most vulnerable youth and families to be trauma-informed.<sup>2</sup> Juvenile

<sup>2</sup> Throughout this report, the term "trauma-informed" is used because the large body of research, advocacy, and training accompanies this term, compared to "trauma responsive" or other related terms. There has also been a more comprehensive effort within service systems and academia to develop a definition of "trauma-informed" service systems. This knowledge base guided the

and family courts are uniquely positioned to help identify individuals who have experienced trauma, ensure provision of appropriate services, and improve the health and well-being of youth, families, staff, and communities.

## CONCEPTUAL AND OPERATIONAL FRAMEWORKS FOR TRAUMA CONSULTATIONS

### Conceptual Framework

Courts around the country have become increasingly interested in developing trauma-informed responses for juveniles. In 2013, NCJFCJ staff, member judges, and partners provided trauma-related training to more than 2,500 juvenile and family court professionals from across the country (Marsh & Byer, 2013). In response to these requests, the NCJFCJ developed a conceptual framework for assisting courts in becoming more trauma-informed, which is grounded in two fundamental principles: (a) “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;” and (b) “an appreciation for the importance of continuity of care across systems” (Marsh, Summers, DeVault, & Villalobos, 2016, p. 7).

Self-determination is the ability of individuals to be in control of their lives and participate actively in decision making that impacts their lives. People who experience trauma can feel they have lost control over their lives or bodies, which can contribute to feelings of helplessness and shame. To promote healing, the juvenile court must seek to help re-establish feelings of agency and self efficacy. This can be difficult given the role of courts and judicial officers in making directives about system-involved children and families. Nevertheless, it is vital that the voices of youth and families are heard and validated, and that youth and families feel they are part of the decision-making process to the greatest extent possible.

Social support is a protective factor promoting resiliency in human beings. Those with traumatic histories often are isolated and disconnected from positive social supports. Courts can promote important social connections by ensuring that injured parties have access to and contact with supportive persons. Such connections help injured parties heal by reducing isolation, forming positive connections, providing support, and offering a community in which to learn and practice new recovery skills.

The NCJFCJ’s framework adopts a strong commitment to understanding the organizational dynamics within courts and other institutions and how roles and power structures influence human behavior and experiences. The priorities of institutions that have been created to serve the needs of children and families should not be focused on meeting the needs of the

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development of the guiding framework described in the next section of this report.



institutions themselves. Making this assumption explicit can help ground the justice system's work in serving people, not institutions.

## Operational Framework

Using this conceptual framework, the NCJFCJ developed a process referred to as a trauma consultation or trauma audit to examine courts across the country using a trauma-informed lens (Marsh, Dierkhising, Decker & Rosiak, 2015).

The trauma consultation process employs a multi-method approach, including structured court hearing observations, general observations, file reviews, environmental scans, stakeholder interview questionnaires, and online surveys to assess current practices (Marsh et al., 2016). Using these methods, the trauma consultation team seeks to answer key questions about the court and its processes, including the extent to which professionals understand traumatic effects on juveniles and adults involved in the system, how court professionals understand and address secondary traumatic stress, and how trauma is identified within the system (Marsh et al.). Table 2 demonstrates the range of topics and specific questions that are the focus of a typical trauma consultation.

**Table 2:**  
**QUESTIONS TRAUMA CONSULTATIONS SEEK TO ANSWER**

Topic	Question
Understanding of Trauma	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?
Engaging Parents	Are parents and youths engaged in the process? How are they treated in court? Are they treated with respect and given choice/voice? Is there a focus on strengths and maintaining connections? Does the judge show compassion?
Identification of Trauma	<p>Is there a structured trauma-screening protocol in place for victim, parents, and youths who come into contact with the system? Who screens? At what point in the process? What tool is used?</p> <p>Is the judge provided information on potential traumatic history (or present evidence) of victims, parents, and youths? Is there evidence that trauma is considered as part of decision-making?</p>
Resources	<p>Are trauma-informed and evidence-based programs available in the area to treat individuals and families?</p> <p>Are there barriers to families accessing these resources (e.g., no contact with service providers, resource intensive, transportation, no referrals)?</p> <p>Are judicial officers and professional stakeholders aware of these available resources? Are families consistently referred to these resources/services?</p>

**Table 2:**  
**QUESTIONS TRAUMA CONSULTATIONS SEEK TO ANSWER**

<b>Topic</b>	<b>Question</b>
Environment	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).
Secondary Traumatic Stress	Is there an understanding by all professional stakeholder agencies (CPS, public defender, court) of the emotional toll 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?
<u>Note.</u> From “Lessons Learned from Developing a Trauma Consultation Protocol for Juvenile and Family Courts,” by S.C. Marsh, A. Summers, A. DeVault, and J.G. Villalobos, 2016, <i>Juvenile and Family Court Journal</i> , 67(3), p. 9. Copyright 2016 by the National Council of Juvenile and Family Court Judges. Reprinted with permission.	

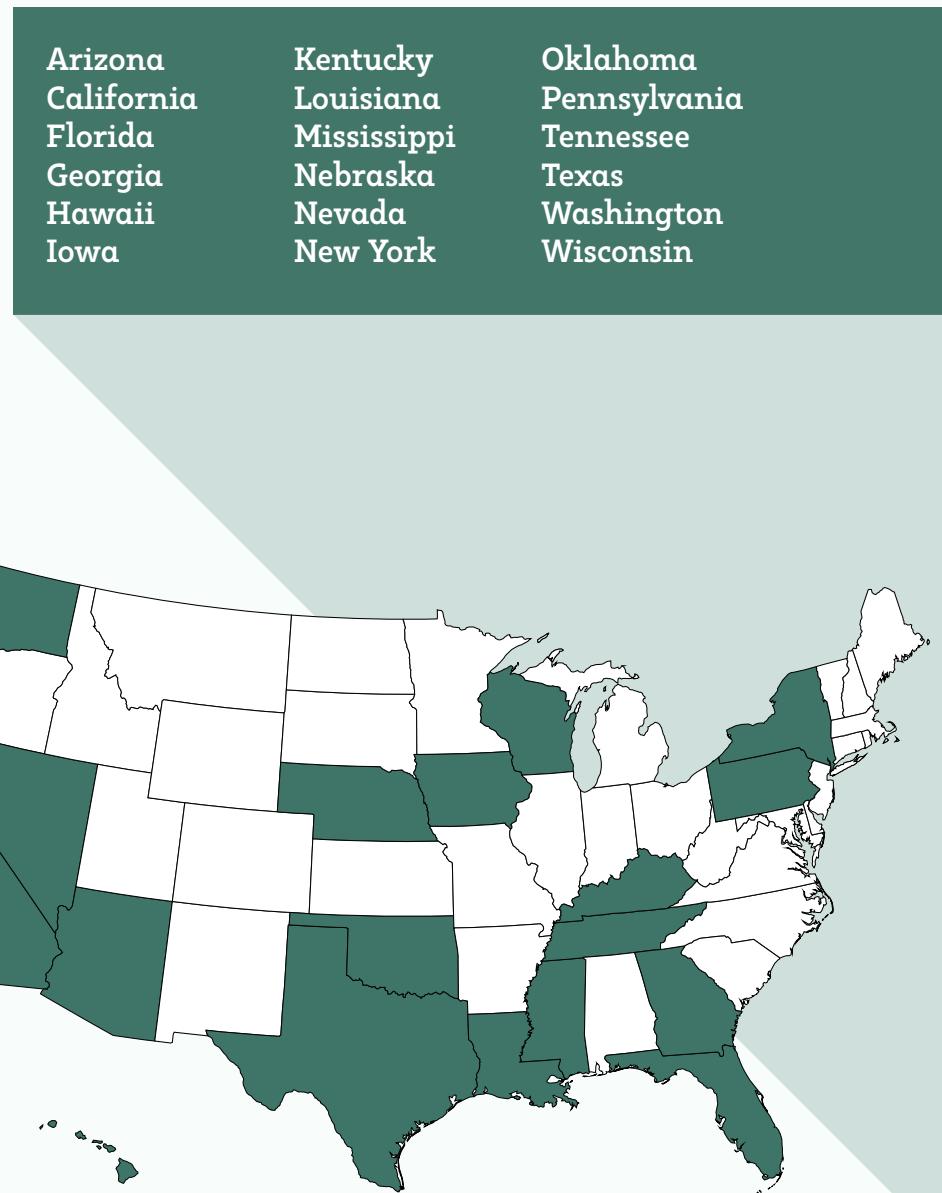
Trauma consultations typically occur over two to three days (Marsh et al., 2016). When each site visit is concluded, the consultation team synthesizes the information collected and reports the findings to the court (Marsh et al.). The report includes general impressions, observations, quantitative summaries of data collected, and recommendations for the court to consider in its efforts to become more trauma responsive (Marsh et al.). These reports serve two important purposes.

1. To provide information that stimulates dialogue within a court collaborative team in the hope of using the findings and recommendations to implement positive system changes (Marsh et al.).
2. To capture unique site-specific baseline information so the court has data against which to monitor progress as it adjusts practices or policies (Marsh et al.).

From 2013-2017, the NCJFCJ conducted 23 trauma consultations in 18 different states in all regions of the United States. Figure 1 indicates the locations by state of all the courts that received trauma consultations from the NCJFCJ.

Initially, trauma consultations were offered to courts on a request basis; however, more recently, the NCJFCJ has conducted trauma consultations as part of the technical assistance provided to courts participating in demonstration projects such as the Enhanced Resource Guidelines Implementation Sites Project and Project ONE.

**Figure 1. States with Trauma Consultations 2013-2017**

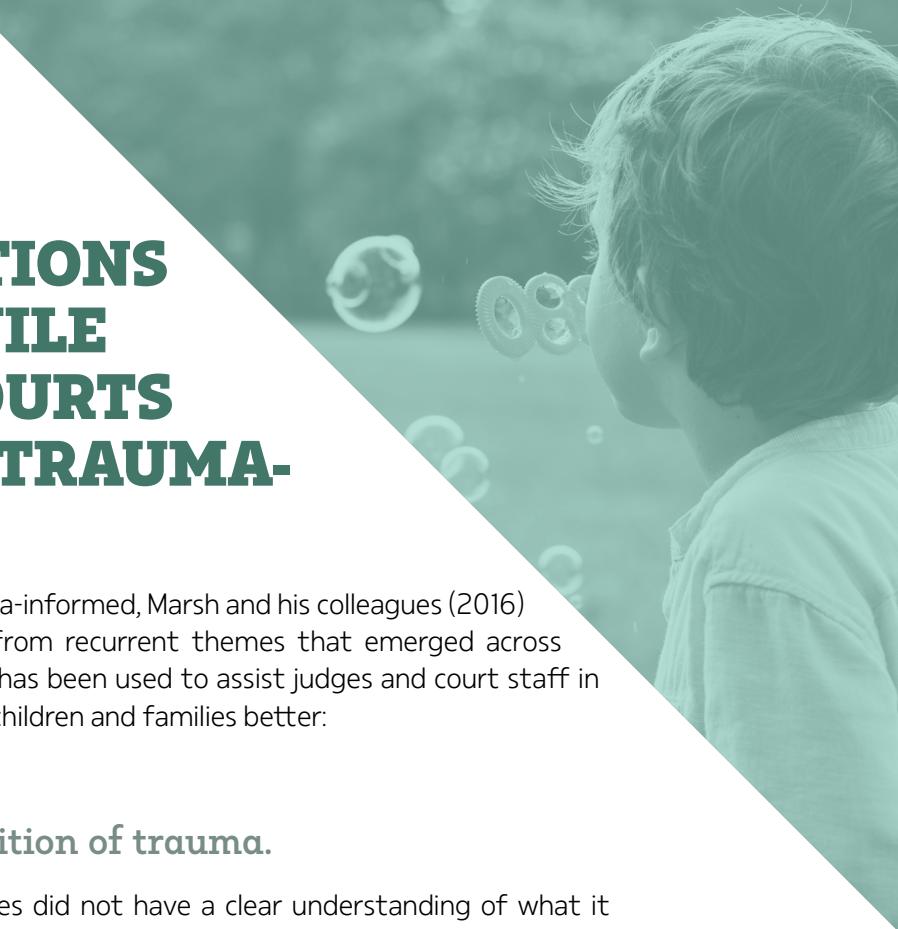


## Key Lessons Learned from Trauma Consultations

From 2013-2017, NCJFCJ staff and consultants generated 23 consultation reports with 269 recommendations for courts receiving trauma consultations. Each of these locations is unique, with its own organizational culture based on geographic region, local policy, court structure, size of the community, and a host of other factors. However, an analysis of these consultation reports revealed recurrent themes across all of the courts visited. Table 3 includes the 10 most common recommendations given by the NCJFCJ to the 23 courts visited.

<b>Table 3: TOP TEN MOST COMMON TRAUMA CONSULTATION RECOMMENDATIONS: 2013-2017</b>	
<b>Recommendation</b>	<b>Number (Percentage)</b>
Establish a trauma screening protocol.	<b>19 (82.6%)</b>
Renovate signage/ensure signs are in English and Spanish.	<b>14 (60.9%)</b>
Designate separate victim waiting areas.	<b>14 (60.9%)</b>
Adopt a universal precautions model throughout the court system.	<b>12 (52.2%)</b>
Train all staff on trauma, traumatic stress, and interpersonal skills.	<b>11 (47.8%)</b>
Make courtrooms more child- and family-friendly.	<b>11 (47.8%)</b>
Increase/diversify security monitoring in the courthouse.	<b>10 (43.5%)</b>
Enhance educational materials available to court consumers.	<b>8 (34.8%)</b>
Increase support for employees regarding secondary traumatic stress.	<b>8 (34.8%)</b>
Consider staffing an information desk during peak hours.	<b>6 (26.1%)</b>
<b>Total number of trauma consultations</b>	<b>23</b>

A review of these recommendations yields the following three themes: (a) the prevalence of secondary traumatic stress in court personnel; (b) the limited appreciation for the role of social and physical environments in shaping how people experience high impact institutions such as courts; and (c) the lack of shared meaning around trauma and how best to respond to those suffering injury.



# **RECOMMENDATIONS TO HELP JUVENILE AND FAMILY COURTS BECOME MORE TRAUMA- INFORMED**

To assist courts in becoming more trauma-informed, Marsh and his colleagues (2016) developed a list of recommendations from recurrent themes that emerged across the pilot trauma consultations. This list has been used to assist judges and court staff in making changes in courtrooms to serve children and families better:

## **1 Create a shared definition of trauma.**

Many trauma consultation sites did not have a clear understanding of what it means to be a trauma-informed court. Some stakeholders reported that they believed becoming trauma-informed was a fad or was being forced on them or was an attempt to excuse bad behavior. Creating a trauma-informed court requires open conversations among stakeholders about the complexity of trauma. Judges can facilitate this open exchange of perspectives to increase stakeholder engagement in creating a trauma-informed court, develop a shared vision of how to serve youth and children better, and allay fears that being trauma-informed is just a passing fad that won't be sustainable or lead to valuable, long-term system transformation.

## **2 Prioritize secondary traumatic stress.**

Professionals who work with domestic violence, child abuse and neglect, and juvenile cases are at high risk for experiencing secondary traumatic stress, but most courts have little training or resources to respond to this challenge. It is very difficult to provide the attention and support youth and families need to heal from trauma when helpers are themselves tired, unhealthy, or extremely stressed. Courts should consider conducting a self assessment with staff to determine their knowledge of and exposure to secondary traumatic stress. Courts can help employees identify available support resources and make sure they know how to access them. Providing opportunities to discuss stressful experiences or spaces to relax and unwind can make a difference in employee health and well-being, resulting in better work with vulnerable children and families.

“

In the Troup County Juvenile Court in LaGrange, GA, all juvenile court staff, including security officers, have completed 16 hours of trauma and brain development classes provided by the Georgia State Child Welfare Training Collaborative to understand better what trauma is, the impact traumas has, to acquire skills for working with trauma survivors, and to recognize signs and risks for secondary trauma. A trauma expert also consulted with court staff and security officers to teach stress reduction and management skills such as mindfulness techniques.

**Honorable R. Michael Key**

### 3

### Solicit opinions of community members.

Stressors in the court process or environment might not be as apparent to court system professionals as they are to system consumers. The feedback of youth and families can be very helpful in identifying systemic factors that may cause unnecessary stress and frustration. Depending on available resources, this feedback can be sought through focus groups, interviews, or anonymous surveys.

In the Pasco County Circuit Court in Dade City, FL, Judge Lynn Tepper walked around the courthouse with the local domestic violence advocate and an employee in the clerk's office so they could see the courthouse through the eyes of traumatized individuals. As a result of this tour, window blinds were put up to increase privacy and children's books and toys were added to the space where domestic abuse injunction interviews take place. They also noticed that signage needed to be translated into Spanish. To remedy the issue, court staff translated the signs into Spanish and posted them around the building.

**Dade City Project ONE Site**

### 4

### Promote diversity in court professionals.

Ensuring that a staff is diverse may not be an obvious consideration when courts or other institutions are trying to become more trauma-informed. However, it is critical for courts to ensure that personnel reflect the community they serve. If the court does not represent the community in which it is situated, consumers may not feel safe, heard, valued, or connected, and these are vital conditions contributing to an overall environment of healing and sense of fairness.



# 5

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

It is important for courts to have a formal protocol for screening clients for trauma. In courts that have a screening protocol already in place, it is important for stakeholders to know when screenings occur and how information obtained during the screening is used. Safeguards should be put in place to ensure that parties are not re-traumatized by the need for multiple retellings of their traumatic experiences and history. Court professionals also should be trained on the differences between screening and assessments or evaluations and how the information should be used in case planning. To ensure that traumatic histories are identified and families are best served in ways that support healing, validated screening tools should be used consistently and a shared understanding of how the results should be used needs to be developed.

# 6

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

Court professionals, particularly judicial officers, should engage in specific behaviors when parents and children are present for their hearings to reduce their stress and help them feel safe. These specific behaviors include: (a) speaking directly to the party; (b) addressing the party by name; (c) treating everyone in the courtroom with respect; (d) giving parties an opportunity to be heard; and (e) allowing parties to make choices. Giving parents and youths choices could be as simple as asking parents what time of day they would prefer to come to court or asking them which qualified service provider they would prefer.



The Troup County Juvenile Court in LaGrange, GA, has developed and implemented a trauma protocol and screening tool for delinquency cases. The screening tool is being implemented in phases. Phase 1, which began in February 2015, provided for screening youth alleged of committing a crime who are expected to be placed on probation. Phase 2, which began in 2017, provided for screening of first time offenders who are alleged to have committed a delinquent act but whose cases can be handled by the court's diversion programs. After analyzing the outcomes for Phase 1 and 2, the project will determine whether or not to implement Phase 3. In Phase 3, screening will be conducted in all cases irrespective of whether the case is anticipated to move forward by adjudication or diversion.

**Troup County Juvenile Court**

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At the Troup County Juvenile Court in LaGrange, GA, court staff interact with those who enter the court building by maintaining eye contact, smiling, speaking enthusiastically, and staying connected. Staff strive to have a positive influence on all who come in contact with the court by being courteous, respectful, and refraining from labeling people. Judicial officers should engage those who appear before them and call them by name. I explain to the parent (and youth or child when appropriate) what the hearing is about and allow family members to make informed decisions whenever possible. Prior to the proceeding, the parent is provided a packet of information including attorney contact information, a calendar to remind them of coming hearings and appointments, a permanency timeline, a description of what to expect at each hearing, a trauma resource brochure, an inspirational poem, and individualized information as appropriate. Nutritional snacks, including protein bars, are provided to children, youth, and families during court hearings. Participants also are provided wristbands with the inscribed words “Be Positive, Be Strong, #Believe” as a reminder to keep moving forward when things are difficult. The judge and court staff also wear these wristbands in support of the families they serve.

**Honorable R. Michael Key**

## 7 Match services to the unique needs of youths and families.

Sometimes trauma consultation teams noticed a discrepancy between the needs of families and the services being provided. This could be related to the availability of resources in some of the communities; however, in others it seemed that a standard set of services was being ordered for everyone regardless of the underlying issues in the case (e.g., domestic violence or substance abuse). When tailored services are offered to meet the unique needs of each family, the court sends a clear message about the value of the family, which may increase resiliency and reduce stress in that family. Providing tailored services also improves the court’s ability to respond to the actual conditions that contributed to the family’s coming before the court.

In the Pasco County Circuit Court in Dade City, FL, it is now an ingrained behavior with a high percentage of the judges in that jurisdiction to engage all of those who appear before them by name, have all of the parties introduce themselves before each hearing, and explain the purpose of the hearing. The consistent use of these procedures has helped to allay some of the fears that the parties may have about what is going to happen at the hearing.

**Honorable Lynn Tepper**

”

## 8 Provide separate waiting rooms.

An important aspect of being trauma-informed includes making sure that people feel safe at the courthouse. This is particularly true for families with a history of domestic violence. Courts should provide separate waiting areas for victims and perpetrators of domestic violence, and courts should maintain safety protocols to ensure victims experience a courthouse environment that is free from threats and intimidation by the perpetrator. Courts should also provide a separate child-friendly waiting area that provides a safe place for children to wait during their time at court.

In the Troup County Juvenile Delinquency Court in LaGrange, GA, separate waiting rooms are available for parents, children, youth, and victims who may feel threatened by the presence of other parties. Attorneys meet with clients in a quiet space with minimal distractions and outside the presence of other parties who may contribute to the parent feeling threatened.

**Honorable R. Michael Key**

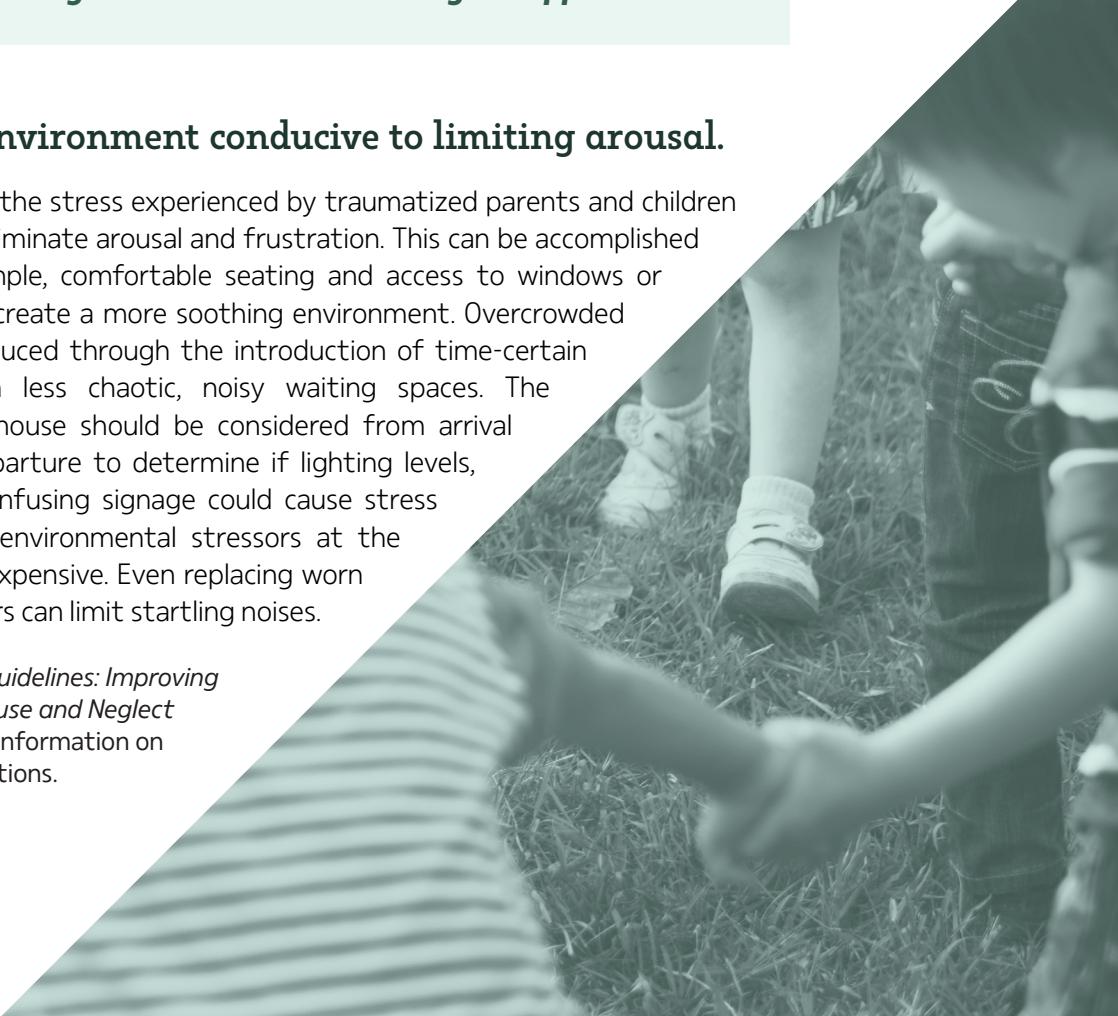
In the Pasco County Circuit Court in Dade City, FL, there are separate waiting rooms for parties involved in domestic abuse injunction hearings, but their trauma consultation revealed they had no procedure for segregating parties with domestic violence histories in their child welfare cases.

**Honorable Lynn Tepper**

## 9 Create an environment conducive to limiting arousal.

Courts can limit the stress experienced by traumatized parents and children by working to eliminate arousal and frustration. This can be accomplished by providing ample, comfortable seating and access to windows or green space to create a more soothing environment. Overcrowded waiting rooms can be reduced through the introduction of time-certain calendaring<sup>3</sup>, resulting in less chaotic, noisy waiting spaces. The navigability of the courthouse should be considered from arrival at the courthouse to departure to determine if lighting levels, temperature, noise, or confusing signage could cause stress or frustration. Reducing environmental stressors at the courthouse need not be expensive. Even replacing worn door stoppers and dampers can limit startling noises.

<sup>3</sup> See *Enhanced Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases*, page 38, for more information on calendaring recommendations.



”

In the Troup County Juvenile Delinquency Court in LaGrange, GA, loud noises, sudden movements, slamming a door, or unexpected news are minimized as they all can trigger a trauma response. Personal space is respected and officers do not approach juveniles or parents from behind. In December 2015, a mural was painted in the children's waiting room to make the room feel more welcoming and less institutional. Another mural was also painted in the upstairs waiting room. Positive quotes have been framed and placed throughout the courthouse. Art by local children, provided by the school system, also is displayed in waiting rooms.

**Honorable R. Michael Key**

In the Pasco County Circuit Court in Dade City, FL, there is a similar program in which local school children submit art for the wall on two floors of the courthouse.

**Honorable Lynn Tepper**

# 10

## Implement a policy that discourages shackling for juvenile offenders.

The routine use of shackles in juvenile court interferes with the healthy development of adolescents in numerous ways and can cause unintended harm. Indiscriminate shackling of children in court potentially increases bias against the child in court proceedings, interferes with the child's ability to communicate and participate in the proceeding, increases shame and stigma, erodes self-efficacy, triggers survival responses, re-traumatizes, and is redundant given the presence of security personnel and introduces additional security concerns. The NCJFCJ passed a resolution in July 2015 against the presumptive use of shackles in juvenile court.

”

In November 2015, the Troup County Juvenile Court in LaGrange, GA, implemented a shackle-free policy for juveniles in the courtroom. In January 2017, the shackling of parents was eliminated during dependency hearings.

**Honorable R. Michael Key**

## CONCLUSION

Court systems can play a key role in promoting a community of healing and create an environment that promotes resilience for the children and families served in their respective jurisdictions. By becoming more trauma-informed, courts have the potential to help end the cycles of abuse and violence that have brought a generation of children and families to the country's juvenile and family courts.

Judges can set the expectation early on in juvenile and family court cases that children, youth, and families be treated in a trauma-informed manner. Judges can make trauma-informed inquiries that can help identify what services children and families need in order to be supported best and not inflict further traumatic experiences. Judicial leaders are uniquely positioned to effect system change efforts to ensure that those suffering from traumatic stress feel safe and valued and receive effective treatment.

The NCJFCJ has continued performing trauma consultations across the country. Through contracts with individual states, tribes, and federal grant funding sources, the NCJFCJ stands ready to provide training, technical assistance, and trauma consultations to those jurisdictions interested in assessing their systems and implementing change.

**In 2015, the NCJFCJ passed a resolution regarding trauma-informed courts and encourages the following:**

The NCJFCJ urges juvenile and family courts to be trauma-informed by engaging stakeholders - including children, parents, and other court consumers - to jointly develop and implement universal precautions at an environmental, practice, and policy level that limit stress often associated with system involvement or working within courts.

The NCJFCJ urges juvenile and family courts to be trauma-informed by responding to the deleterious effects of trauma and associated conditions through proactive and consistent efforts to reduce potential trauma reminders, ensure safety, nourish self-determination, and promote prosocial connections for both consumers and staff.

The NCJFCJ recognizes small changes to practice, policy, or environment such as reducing noise levels, posting clear signage, treating consumers with respect and soliciting their perspective may reduce trauma reminders, promote engagement, and support healing.

The NCJFCJ supports integrating into juvenile and family courts applicable trauma-informed principles and practices from tribal courts and systems of care, including hospitals and behavioral health.

The NCJFCJ supports robust judicial education on the impact of trauma on development and behavior, traumatic stress symptoms, screening for trauma, evidence-based approaches to treating trauma, and secondary traumatic stress.

The NCJFCJ supports the application of trauma science in courts to improve the administration of justice and outcomes for injured children and families.

The NCJFCJ will continue to develop and support ongoing efforts to test a conceptual and operational model of trauma-informed courts.

The NCJFCJ supports the use of evidence-base screening and treatment for trauma.

The NCJFCJ recognizes the critical role of the judge and judicial leadership in developing trauma-informed juvenile and family courts.



## REFERENCES

- Buffington, K., Dierkhising, C.B., & Marsh, S.C. (2010). Ten things every juvenile court judge should know about trauma and delinquency. *Juvenile and Family Court Journal*, 61(3), 13-23.
- Child Welfare League of America. (n.d.). *The nation's children*. Washington, DC: Child Welfare League of America. Retrieved from: <http://www.cwla.org/wp-content/uploads/2014/11/NationalFactSheet.pdf>.
- DeVault, A., Helfrick, V.A., Marsh, S.C., & Snider, K.M. (2018). Environmental considerations for trauma-responsive juvenile and family courts: A review of the literature with recommendations for practice. *Juvenile and Family Court Journal* 69(2), 5-20.
- Dierkhising, C.B., Ko, S.J., Woods-Jaeger, B., Briggs, E.C., Lee, R., & Pynoos, R.S. (2013). Trauma histories among justice-involved youth: Findings from the National Child Traumatic Stress Network. *European Journal of Psychotraumatology*, 4(1), 1-12. doi: 10.3402/ejpt.v4i0.20274.
- Fang, X., Brown, D.S., Florence, C.S., & Mercy, J.A. (2012). The economic burden of child maltreatment in the United States and implications for prevention. *Child Abuse & Neglect*, 36(2), 156-165.
- Hamby, S., Finkelhor, D., Turner, H., & Ormrod, R. (2010). The overlap of witnessing partner violence with child maltreatment and other victimizations in a nationally representative survey of youth. *Child Abuse & Neglect*, 34, 734-741.
- Hamby, S., Finkelhor, D., Turner, H., & Ormrod, R. (2011). *Children's exposure to intimate partner violence and other family violence*. Office of Juvenile Justice and Delinquency Prevention (OJJDP) Bulletin (NCJ232272). Washington, D.C.: US Department of Justice. Retrieved from: <https://www.ncjrs.gov/pdffiles1/ojjdp/232272.pdf>.
- Herz, D.C., Ryan, J.P., & Bilchik, S. (2010). Challenges facing crossover youth: An examination of juvenile-justice decision making and recidivism. *Family Court Review*, 48(2), 305-321.
- Hughes, K., Bellis, M.A., Hardcastle, K.A., Sethi, D., Butchart, A., Mikton, C., Jones, L., & Dunne, M.P. (2017). *The effect of multiple adverse childhood experiences on health: A systematic review and meta-analysis*. *Lancet Public Health* 2(8) e356-e366. doi: doi.org/10.1016/S2468-2667(17)30118-4.
- Justice Policy Institute. (2014). *Calculating the full price tag for youth incarceration*. Washington, DC: Justice Policy Institute. Retrieved from: [http://www.justicepolicy.org/uploads/justicepolicy/documents/sticker\\_shock\\_final\\_v2.pdf](http://www.justicepolicy.org/uploads/justicepolicy/documents/sticker_shock_final_v2.pdf).
- Marsh, S.C. & Byer, J. (2013). Toward a conceptual framework for trauma-responsive practice in courts. *Criminal Law Practitioner*, 1, 101-103.
- Marsh, S.C., Dierkhising, C.B., Decker, K.B., & Rosiak, J. (2015). *Preparing for a trauma consultation in your juvenile and family court*. Reno, NV: National Council of Juvenile and Family Court Judges. Retrieved from: [http://www.ncjfcj.org/sites/default/files/NCJFCJ\\_Trauma\\_Manual\\_04.03.15.pdf](http://www.ncjfcj.org/sites/default/files/NCJFCJ_Trauma_Manual_04.03.15.pdf).

Marsh, S.C., Summers, A., De Vault, A., & Villalobos, J.G. (2016). Lessons learned from developing a trauma consultation protocol for juvenile and family courts. *Juvenile and Family Court Journal* 67(3), 5-22.

National Child Traumatic Stress Network, Secondary Traumatic Stress Committee. (2011). *Secondary traumatic stress: A fact sheet for child-serving professionals*. Los Angeles, CA, and Durham, NC: National Center for Child Traumatic Stress. Retrieved from: <https://www.nctsn.org/resources/secondary-traumatic-stress-fact-sheet-child-serving-professionals>.

National Council of Juvenile and Family Court Judges. (2015). *Resolution regarding shackling of children in juvenile court*. Retrieved from: [http://www.ncjfcj.org/sites/default/files/ShacklingOfChildrenInJuvenileCt\\_Resolution\\_July2015.pdf](http://www.ncjfcj.org/sites/default/files/ShacklingOfChildrenInJuvenileCt_Resolution_July2015.pdf).

Shdaimah, C. & Summers, A. (2014). Families in waiting: Adult stakeholder perceptions of family court. *Children and Youth Services Review* 44, 114-119.

Sprang, G., Craig, C., & Clark, J. (2011). Secondary traumatic stress and burnout in child welfare workers: A Comparative analysis of occupational distress across professional groups. *Child Welfare*, 90(6), 149-168.

U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (2016). *Child maltreatment 2016*. Retrieved from: <https://www.acf.hhs.gov/sites/default/files/cb/cm2016.pdf>.

