



WHAT SHOULD **TRIBAL JUDGES** AND **TRIBAL LEADERS** KNOW ABOUT BEING A **TRAUMA-INFORMED COURT?**

A trauma-informed court is one that approaches court involved individuals from a perspective of **“what happened to you?”** instead of “what is wrong with you?” and does so to create a more healing approach to environment, policy and practice. Most families that come into court with child welfare cases are in crisis, therefore courts could be considered “socio-legal emergency rooms.”¹ By approaching the view of the court this way, stakeholders can prevent re-triggering and re-traumatizing families.

TIME-CERTAIN CALENDARING

Reduction of waiting time for agency caseworkers and other witnesses can result in major reductions in government expenditures. Implementing time-certain calendaring helps the court facilitate the participation of working parents, caregivers, and school-aged children in court by reducing the wait time for hearings. A strict timeline for all court events should be adopted and, to every extent possible, court hearings should be scheduled in accordance with those timelines. Time-certain calendaring creates and maintains an expectation that events will occur when they are scheduled.²

STAKEHOLDER COLLABORATIVE

The court system is made up of a variety of individuals, all of whom play a significant role in ensuring the court is trauma-informed. It is therefore important to hold regular meetings to support an effort of continuous improvement. A typical stakeholder team might contain

a combination of individuals from different disciplines and perspectives. Often this team is comprised of a judge, representatives from prosecution and defense counsel, child welfare and juvenile probation staff, court administration, security or law enforcement, and a court school liaison or clinical staff (e.g., court clinician) if available. Court Appointed Special Advocate (CASA) volunteers and community mental health professionals from outside the court system also can often provide unique perspective and expertise. Involving people from other systems that impact the lives of court-involved youth and families can bring in the broader perspective from those who may see a different part of the lives of those youth and families.³

ENVIRONMENTAL CONSIDERATIONS

Courts can aid families in the healing process by creating a trauma-informed physical environment. By taking into account general comfort (noise, lighting, temperature, etc.), families will have the ability to be more present in their hearings. In addition, by addressing disabilities and language barriers, courts can also ensure everyone has equal access to justice. Finally, feeling safe is also very important to court consumers, so having metal detectors outside of the courtroom and bailiffs or deputies within the courtroom can go a long way in sense of security that will lend itself to better engagement with families.⁴

POLICY CONSIDERATIONS

One policy consideration is having children in court. If not already instituted, courts need to develop policies and protocols to ensure that children have the opportunity to attend the preliminary protective hearing and subsequent hearings. Judges should expect that substitute caregivers and child welfare agencies will work collaboratively to ensure that children are able to appear in court.⁵

For cases involving domestic violence, safeguards from further emotional and physical abuse should be identified and implemented, and separate parental engagement strategies should be employed (e.g., separate waiting areas, a security presence, etc.). Policies around each one of these safeguards help ensure practices continue independent of staff turnover.⁶

SECONDARY TRAUMA

Secondary traumatic stress is the emotional duress that results when an individual hears about the firsthand trauma experiences of another. Its symptoms mimic those of post-traumatic stress disorder (PTSD). Accordingly, individuals affected by secondary stress may find themselves re-experiencing personal trauma or notice an increase in arousal and avoidance reactions related to the indirect trauma exposure. They may also experience changes in memory and perception; alterations in their sense of self-efficacy; a depletion of personal resources; and disruption in their perceptions of safety, trust, and independence.⁷

CHECKLIST FOR DEVELOPMENT OF TRAUMA-INFORMED COURTS

Listed below are factors for tribes to consider when thinking about trauma-informed policy, practice, and environment.

- Does the court have a policy on working with domestic violence survivors and respondents, including separate waiting areas if necessary?
- Does the court have a way of scheduling that allows families to know exactly when their case is held and gives them assurance that it will not be continued?
- Is the courthouse and the courtroom child and family friendly?
- Do all the stakeholders involved with the court have the ability to attend trauma training, collaborate with one another, and receive support around secondary trauma?

¹ Marsh, S. C., Dierkhising, C., Decker, K., & Rosiak, J. (2015). *Preparing for a trauma review 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.

² Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016) *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. Reno, NV: National Council of Juvenile and Family Court Judges. Retrieved from <http://www.ncjfcj.org/sites/default/files/%20NCJFCJ%20Enhanced%20Resource%20Guidelines%2005-2016.pdf>. at 39 see also [https://www.ncjfcj.org/sites/default/files/Time%20Certain%20Calendaring%20Report_FINAL%20\(2\).pdf](https://www.ncjfcj.org/sites/default/files/Time%20Certain%20Calendaring%20Report_FINAL%20(2).pdf).

³ See *supra* n. 1.

⁴ Helfrick, V., DeVault, 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.

⁵ Gatowski et.al, *supra* note 2 at 73.

⁶ Id. at 123 citing to Goodmark, L. (2008). *Reasonable efforts checklist for dependency cases involving domestic violence*. Reno, NV: NCJFCJ.

⁷ Sprang G., Ross, L.M. & The National Child Traumatic Stress Network (2011). *Secondary Traumatic Stress; A Fact Sheet for Child Serving Professionals*. Retrieved from https://www.nctsn.org/sites/default/files/resources/factsheet/secondary_traumatic_stress_child_serving_professionals.pdf.