

Practical Strategies for Trauma Informed Courts

Judge J. Corpening II & Judge C. Renee Little

School of Government, Chapel Hill, NC

April 18, 2024

PRESENTATION OVERVIEW

Trauma

Communication

Courtroom
Procedures

Consequences

Other
Considerations



Trauma is the lasting emotional response that often results from living through a distressing event.



Experiencing a traumatic event can harm a person's sense of safety, sense of self, and ability to regulate emotions and navigate relationships.



Judges who are trauma-informed expect the presence of trauma, take care not replicate it and understand that trauma may affect participant's feelings, behavior and overall success.

Communication

Introduce and Explain

Introduce yourself and greet parties

Explain the purpose of the hearing

Explain the roles of the parties

Discuss what to do if breaks are needed

Avoid Legal jargon

Be Respectful and Courteous

Demonstrate Active Listening

- Establish eye contact and be attentive
- Ask clarifying questions
- Eliminate distractions

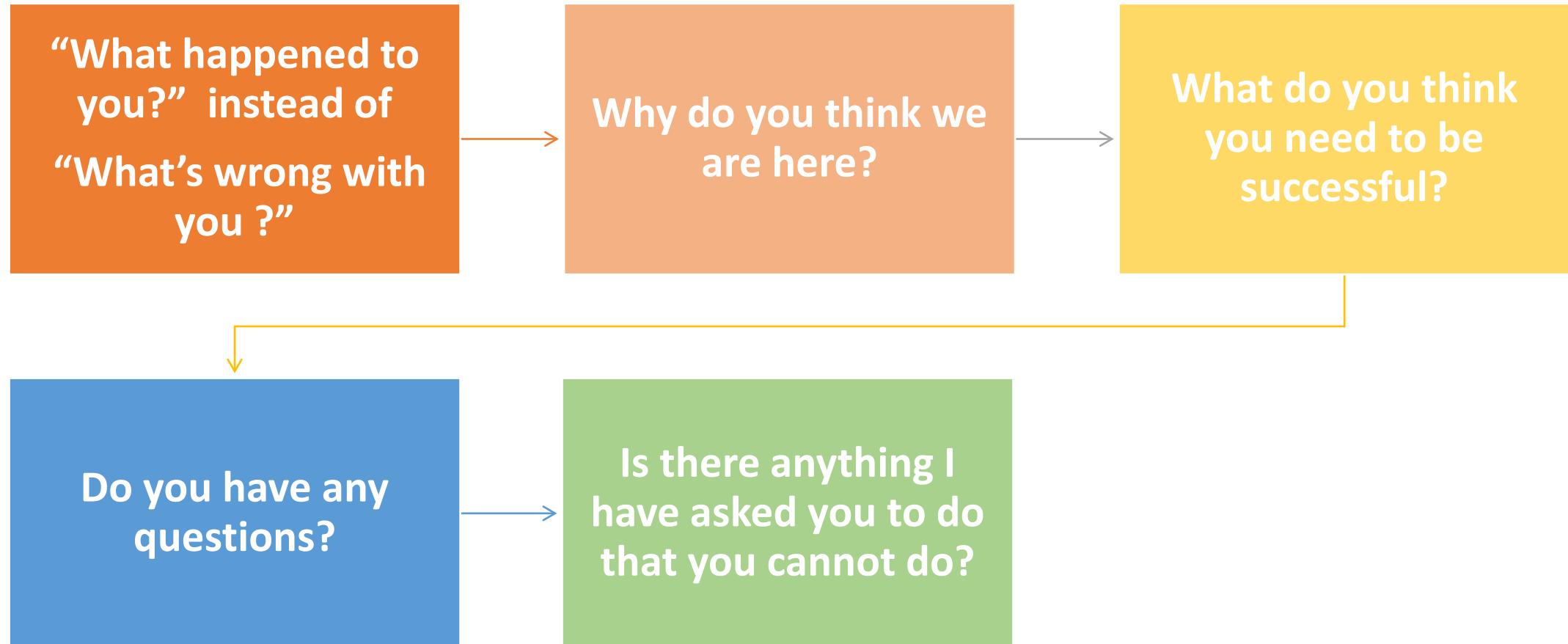
Be Mindful of Names

- Say names of parties ("Mr. Doe" instead of "Father"; "Tommy" instead of "juvenile")
- Use the name(s) the parties prefer

Affirm the Dignity of Parties

- Refrain from chastising participants for being late, dress, etc.
- Be mindful of barriers, triggers and shame

Ask Thoughtful Questions



COURTROOM COMMUNICATION

JUDGE'S COMMENT	PERCEPTION OF TRAUMA SURVIVOR	TRAUMA-INFORMED APPROACH
"Your drug screen is dirty."	" <i>I'm dirty.</i> There is something wrong with me."	"Your drug screen shows the presence of drugs."
"Did you take your pills today?"	"I'm a failure. I'm a bad person. No one cares how the drugs make me feel."	"Are the medications your doctor prescribed working well for you?"
"You didn't follow the contract, you're going to jail; we're done with you. There is nothing more we can do."	"I'm hopeless. Why should I care how I behave in jail? They expect trouble anyway."	"Maybe what we've been doing isn't the best way for us to support you. I'm going to ask you not to give up on recovery. We're not going to give up on you."
"I'm sending you for a mental health evaluation."	"I must be crazy. There is something wrong with me that can't be fixed."	"I'd like to refer you to a doctor who can help us better understand how to support you."

SAMHSA, Essential Components of Trauma-Informed Judicial Practice, https://www.nasmhpd.org/sites/default/files/DRAFT_Essential_Components_of_Trauma_Informed_Judicial_Practice.pdf

Be Positive

Encourage

- Lead with participant's strengths and close with positive comments
- Acknowledge milestones and celebrate progress and accomplishments

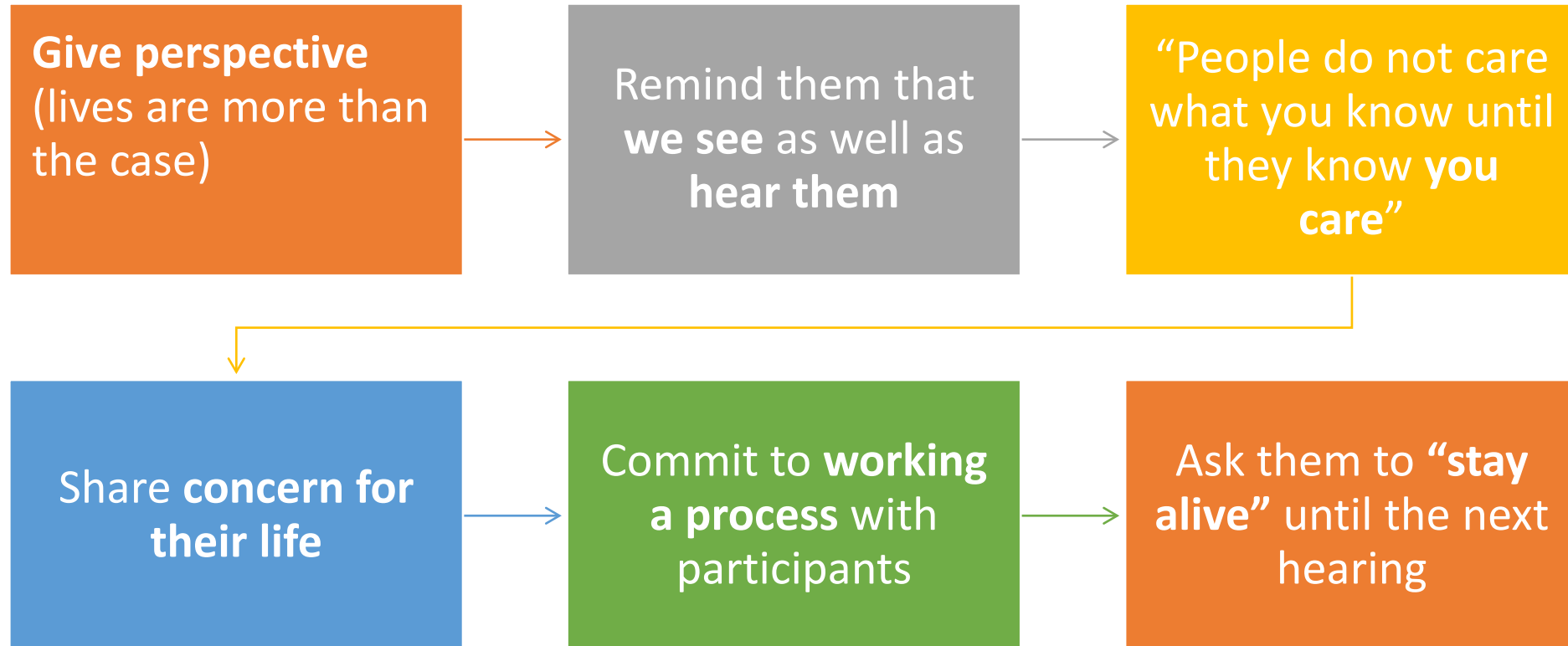
Recognize

- Recognize adversity
- Note pictures of the kids that are included in reports
- Acknowledge supporters in the Courtroom

Motivate

- Emphasize successes
- Motivate people to believe they can succeed
- Motivational interviewing

Cultivate Care, Concern, and Connection



Courtroom Policies & Procedures

Courtroom Management

PRE-HEARING CHAMBERS CONFERENCE

FOR UPDATES ABOUT ANY RECENT
TRAUMA (ILLNESS/ DEATH, MENTAL
HEALTH CRISIS, NEWLY DISCOVERED
HARM/ABUSE)

GIVE BREAKS AS NEEDED

(FOR PARTIES, LAWYERS, CLERKS,
AND DEPUTIES)

TAKE A “BEAT”

WHEN WITNESSES PRESENT AS SAD,
ANGRY, SCARED

*EMOTIONS ARE ALLOWED BUT RESPECT
CANNOT BE COMPROMISED*

**CONSIDER GOING WITHOUT A
ROBE** (E.G., MENTAL HEALTH COURT,
WITH KIDS IN DSS CASES, ON ZOOM)

Docket Management

- **Avoid cattle calls** (everyone comes at 9:00 am and stays all day waiting for their case)
- **Handle “quickest” cases first** to prevent waiting
- **Schedule specific times** for more involved cases
- **Staggered/grouped dockets**—being thoughtful about
 - School schedules
 - Employment schedules
 - Other conflicts
- **Consider adding a scheduling conference** each Friday to get necessary info to manage docket (instead of asking parties to wait while you schedule future cases)

Testimony

Give

- Give attorneys **use of courtroom** to prepare with witnesses

Ask

- Ask juveniles to testify **in chambers** where appropriate (no robe)

Permit

- **Permit service animal or adult** for child testimony; Use **Remote Technology**

Bifurcate

- **Bifurcate hearings** in some instances (e.g., DV: victim/batterer)

Reminders & Questions

Remind

- Remind **parties about respect** and the **confidentiality** and/or **sensitivity of** proceedings

Remind

- Remind parties that **we are all accountable** (this includes judges, attorneys, and service providers)

Ask about

- **Ask about support systems/“village”** and allow supports to attend hearings if needed

Use of assessments

**ASSUME
trauma**

**Order
assessments as
a default
(nearly always)**

**Order at least a
comprehensive
clinical assessment
(CCA) in every juvenile
case that is adjudicated
(pre-adjudication to
minimize # appearances)**

**Order
assessments first,
then treatments
(once
recommended by
a doctor)**

STATE OF NORTH CAROLINA

County

In The General Court Of Justice
District Court Division

NOTE TO COURT: Use this side of the form only if a juvenile adjudicated delinquent has a suspected mental illness, developmental disability, or intellectual disability and has not received a CCA or equivalent mental health assessment within the last 45 days before the adjudication hearing. Use form ADC-J-471 for the Court's review of the assessment and to order disclosure of the assessment for that review.

IN THE MATTER OF

Name Of Juvenile

Juvenile's Date Of Birth Age Date Of Hearing

**COMPREHENSIVE CLINICAL ASSESSMENT-
ORDER TO COMPLETE ASSESSMENT AND
PRODUCE RECORDS**

42 C.F.R. § 2.84, 45 C.F.R. § 184.512(d), G.S. 7B-2502(a), 122C-54(a)

FINDINGS

The Court hereby finds the following:

1. The juvenile has been adjudicated delinquent and has a suspected mental illness, developmental disability, or intellectual disability [G.S. 7B-2502(a2)].
2. A comprehensive clinical assessment or equivalent mental health assessment has not been conducted within the last 45 days before the adjudication hearing.
3. Pursuant to G.S. 7B-2502(a2), the Court is required to order a comprehensive clinical assessment or equivalent mental health assessment.
4. Further, it is necessary and required for the Court to review a copy of the assessment to determine whether a care review team must be ordered pursuant to G.S. 7B-2502(a3).

ORDER

It is hereby ORDERED that:

1. An assessment be completed that evaluates the developmental, emotional, behavioral, and mental health needs of the juvenile.
2. The provider identified below shall provide a written copy of the assessment to the Court to be filed under seal.
3. The records shall be transmitted to the Court in a sealed envelope addressed to the Clerk of Superior Court in this county with the file number clearly marked on the outside of the envelope.
4. The Clerk shall place these records under seal in the juvenile's court file.
5. This Order shall serve as notice to the juvenile and the provider of the Court's intent to disclose these records for review by the Court as required by G.S. 7B-2502(a3). At the time of filing the sealed records, the provider may, but is not required to, file written objections to the disclosure of these records, and may, but is not required to, further argue any objections at the court hearing set below.
6. The records shall be available for the Court at a hearing set for (specify date) _____ to determine whether to convene a care review team pursuant to G.S. 7B-2502(a3) and (a4).

Name And Address Of Provider

Date Name Of District Court Judge (type or print) Signature Of District Court Judge

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order To Complete Assessment And Produce Records was served on the provider named above by:

hand delivery to the provider named above

depositing a copy in a post-paid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the U.S. Postal Service, addressed to the provider if provider is a corporation officer, director, or managing agent of the corporation at the address shown above.

Other manner of service (specify): _____

Date Served Name Of Person Serving (type or print) Signature Of Person Serving

ADC-J-477, New 4/22
© 2022 Administrative Office of the Courts

Resources

Use of Community Resources

- **Programs**
- **Transportation**
- **System of care** coordinators
- Be involved in **Juvenile Crime Prevention Council**—statutorily required in each county
- Help build **resource network** in your role as judge
- Be **engaged** in the community

Resources not available?

- **Remember**—Resources do not always need to come from “systems”
- **What would we encourage our friends to do** if they were not court-involved?

Consequences

Consequences/Sentencing

- **Consequences are:**
 - tailored to the specific facts
 - imposed thoughtfully
 - geared toward addressing underlying behavior
 - doable for the participants (e.g., transport, time off work, etc.)
- **Judge always:**
 - considers less restrictive measures
 - balances needs of juvenile with needs of community

Judge explains the consequences clearly

- Facts and law that led to the ruling
- Be sure everyone understands the information/thinking that went into an order
- Connect consequences to real life (e.g., curfew)

Creating an Order

1

Ask for recommendations from both attorneys and from court counselors, as well as social workers, mental health providers, and other professionals

2

Be clear and direct about consequences and which behaviors will lead to certain consequences

3

Explain why you are imposing a consequence/sentence

Creativity, Positivity



Build creative orders

- Request book report/oral report
- Extra therapy sessions as “sanction” instead of detention
- Be sensitive to language barriers



Stay positive

- Encourage/affirm even if detention is necessary
- Provide parties ways to move forward following a sanction or set back

Juvenile-Specific Considerations

Secured custody reserved for juveniles whose actions show they pose a danger to the community

Pre-adjudication: In most cases, placement of juvenile with appropriate guardian, along with curfew and/or e-monitoring is sufficient

Remind DJJ to use parenting and community sanctions prior to request for detention

Remind Youth & Family Services Team to redirect parents instead of ceasing Family Time/Visits

Follow-ups so social workers/court counselors can make sure parents understood what the judge said

Suggested Alternative Approaches

Instead of: ordering drug testing as a matter of course

Try: ordering drug testing only if underlying offense involves drugs

Instead of: cookie cutter orders

Try: thinking about what would serve this particular person and best get to root of the issue

Instead of: defaulting to community service

Try: thinking outside the box (e.g., written essays)

Instead of: assuming the tasks included in an order can be done

Try: asking participants: "Is there anything you can't do?" (transportation, job requirements may be barriers)

Other Considerations

Remember . . . A B C

• Acknowledge Trauma

- Assume from the outset that **trauma is involved**
- Attend **trauma trainings**
- Refer to the **bench card**

• Be Positive (Be a Hope Dealer!)

- **Acknowledge** milestones
- Encourage families to never give up, to dream

• Cultivate and Communicate Care

- **Celebrate**: birthdays, graduations, reunifications, adoptions, probation terminations
- Ask ***What can we do better?***
- Court room **design** and **interior** (Books, Art, Plants)

The image shows a banner for "ACES-INFORMED COURTS" with the NCCOURTS.GOV/ACES URL. Below the banner is an infographic titled "KEYS TO TRAUMA-INFORMED COURTROOM INTERACTIONS" with six numbered points:

1. Attending court can be scary, especially for children. Those who have experienced trauma may act out. When possible, responding to hostility with patience and calm can help de-escalate situations.
2. Understand the signs and symptoms of trauma and how it impacts decision-making. Ask questions to learn more, and try to reframe thinking as "what happened to you?" rather than "what is wrong with you?"
3. The better those suffering from trauma understand what is happening to them and why, the more likely they are to comply and achieve intended outcomes. Explain court procedures and decisions; where appropriate, ask questions to involve those appearing before you ("what do you think brought you to this point?").
4. Be intentional in how you arrange and run your courtroom. The environment significantly impacts experiences and participation. There is flexibility to maximize safety and build trust, and you are encouraged to take the initiative to make positive changes (e.g., seat victims away from abusers; minimize loud noises).
5. One consistent and positive adult in the lives of children significantly buffers the impact of trauma and helps children thrive. Be intentional: help build positive relationships and experiences.
6. Trauma can be masked as another disorder (conduct disorder, bipolar disorder, ADHD). Order trauma assessments in combination with treatments so that the treatment plan can be tailored to what the assessment indicates. People are resilient and can heal from trauma if given the opportunity.

Finding Hope



Judge Heather Ferguson and Bruno the goldfish.

Self-Care Tips



- **Inside the Courtroom**

- **Relax** the formality of what we do
- **Encourage** attorneys to support each other
- **Promote collaboration** between attorneys
- **Promote positive work environment**
- **Remind lawyers/professionals** about their own self-care (We cannot adequately serve if we are not mindful of our own needs)

Self-Care Tips

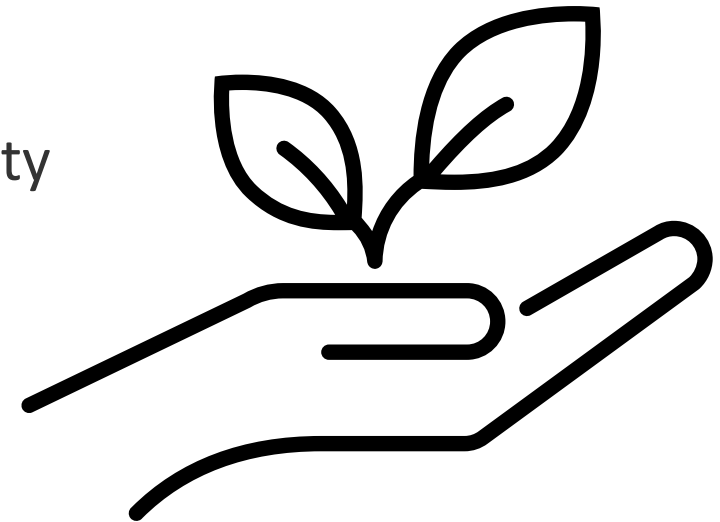
- **Outside the courtroom**

- Strive for balance
- Connect with friends and family
- Exercise
- Read
- iChill app
- Informal check-ins with colleagues
- Seek help/counseling if you need it



Self-Care Tips

- **In the moment**
 - **Personal time** for prayer, breathing, or quiet time during lunch breaks
 - **Take 10 minutes** to do something that affirms humanity (reading, walking, crossword puzzle)
 - **Remember your WHY** during tough cases
 - **Recognize the signs** of activation (“triggers”)



+



WHAT CAN YOU DO?

- HOMEWORK:
 - READ THE BODY KEEPS SCORE BY BESSEL VAN DER KOLK
 - READ WHAT HAPPENED TO YOU BY BRUCE PERRY AND OPRAH WINFREY
 - PARTICIPATE IN MOTIVATIONAL INTERVIEWING TRAINING IF YOU HAVE A CHANCE
 - CHECK OUT THE ICHILL APP



CREDIT & RESOURCES

- SAMSHA, Essential Components of Trauma-Informed Judicial Practice
- National Council of Juvenile and Family Court Judges, www.ncjfcj.org
- Special Thanks to:
 - Amelia Thorn, J. D., Bolch Judicial Institute
 - Eva McKinsey, Ph. D., Bass Connections

