



## Trauma and Trauma-Informed Responses

**Think of a time** a court participant did or said something startling, failed to follow through with a court order, or acted in a way contrary to their best interest. It may be difficult to understand why they acted in that manner. For some individuals, their actions and reactions are a result of having experienced trauma.

Many people who come into contact with the justice system, across all case types and courtrooms, have experienced traumatic events in their lives. Seventy percent of adults in the U.S., 223.4 million people,<sup>1</sup> have experienced some type of traumatic event at least once in their lives. Youth in foster care are more likely than the general population to have directly experienced violence themselves, specifically abuse and/or neglect.<sup>2</sup> Over 90 percent of youth in the justice system have experienced at least one trauma, 84 percent experienced more than one trauma, and over 55 percent reported being exposed to trauma six or more times.<sup>3</sup>

Experiences of trauma influence the way individuals act and react to a perceived threat. Judges who are trauma-informed expect the presence of trauma, take care not to replicate it, and understand that it may affect court participants' feelings and behavior, as well as their success in treatment. Understanding trauma and applying trauma-informed responses helps judges to more effectively engage court participants and increase their likelihood for success.

### TRAUMA

"Trauma has no boundaries regarding age, gender, socioeconomic status, race, ethnicity, or sexual orientation. Trauma is a common experience for adults and children in American communities, and it is especially common in the lives of people with mental and substance use disorders."<sup>4</sup> For this reason, the need to identify and address trauma is increasingly seen as an important part of effective court practices, behavioral health care, and the healing and recovery process. "Individual trauma results from an event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or threatening and that has lasting adverse effects on the individual's functioning and physical, social, emotional, or spiritual well-being."<sup>5</sup> There are three components to trauma: the event, experience, and effects.

<sup>1</sup> The National Council for Behavioral Health, How to Manage Trauma, <https://www.thenationalcouncil.org/wp-content/uploads/2013/05/Trauma-infographic.pdf?daf=375ateTbd56>

<sup>2</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3667554/>

<sup>3</sup> [https://www.nctsn.org/sites/default/files/resources//judges\\_child\\_trauma\\_findings\\_nctsn\\_njcfj\\_focus\\_groups.pdf](https://www.nctsn.org/sites/default/files/resources//judges_child_trauma_findings_nctsn_njcfj_focus_groups.pdf)

<sup>4</sup> SAMHSA, Trauma and Violence, <https://www.samhsa.gov/trauma-violence#:~:text=SAMHSA%20describes%20individual%20trauma%20as,physical%2C%20social%2C%20emotional%2C%20or>

<sup>5</sup> *Ibid.*

**Event.** Trauma can include a direct encounter with a dangerous or threatening event, or it can be an event that is witnessed. Events are traumatic when they overwhelm a person's capacity to cope and elicit intense feelings such as fear, terror, helplessness, hopelessness, and despair. Traumatic events vary in intensity and duration. Examples of traumatic events include living in combat and warzones, physical or sexual abuse, witnessing or experiencing domestic violence, rape, school violence, forced displacement, accidents, natural disasters, fires, or acts of terrorism. Common examples of traumatic events for children include the sudden death of a loved one or living with a caregiver with substance use disorder or severe mental health needs. Historical and cultural trauma can be experienced over time and across generations by groups of people who have been subject to oppression.

**Experience.** Everyone reacts differently to traumatic events, depending on the type, severity, duration, and frequency of the event. An individual's existing health issues, coping mechanisms, and ability to build resistance, are also factors. The ability to adapt well in the face of adversity is referred to as resiliency. Individuals who have strong family ties, extensive social networks, connection to the community, employment, or strong cultural or religious beliefs are often more resilient and better able to cope with a traumatic event.<sup>6</sup>

**Effects.** Trauma has a pervasive impact in numerous aspects of a person's life and overall functioning. Experiencing trauma can cause long-term emotional, behavioral, and physical difficulties. Individuals can become hypervigilant living in a constant state of fight or flight response; they may flee from triggering events through social isolation or dissociation, or they may be quick to respond to perceived threats with aggression, violence, rage, and threats. They may develop coping strategies that were protective at the time of the traumatic event but become maladaptive over time, such as self-harming behaviors, substance use, or eating disorders. They often have difficulty assessing risk to themselves or their children, regulating their emotions, and helping their children to regulate their emotions. Some individuals develop mental health issues such as depression or anxiety as a result of trauma. Further, experiencing trauma as a child has been linked to physical health complications as an adult, including heart disease and cancer.

Moreover, trauma can influence the person's ability to feel safe and to trust and engage with judges, probation officers, caseworkers, service providers, and others.

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<sup>6</sup> American Psychological Association, Building Your Resilience, <https://www.apa.org/topics/resilience>

## THE COURT'S ROLE IN IDENTIFYING AND ADDRESSING TRAUMA

When court professionals are aware of how traumatic experiences impact behavior, they can better understand how to effectively support the individual. Sometimes this means diverting the individual from the justice system entirely to a treatment option, and other times it means being intentional about how to interpret their actions, work with them, and manage cases.

There are standardized screening tools to help court professionals identify whether an individual has experienced trauma and whether there is a need for further assessment by a clinician. "Trauma screening is a brief, focused inquiry to determine whether an individual has experienced one or more traumatic events, has reactions to such events, has specific mental or behavioral health needs, and/or needs a referral for a comprehensive trauma-informed mental health assessment."<sup>7</sup>

**ACEs = Adverse Childhood Experiences**

The 3 types of ACEs include

ABUSE	NEGLECT	HOUSEHOLD DYSFUNCTION	
 Physical	 Physical	 Mental Illness	 Incarcerated Relative
 Emotional	 Emotional	 Abuse toward Parent	 Substance Abuse
 Sexual		 Divorce	

Adverse Childhood Experiences Study (ACES)  
– Advokids: A Legal Resource for California Foster Children and Their Advocates, <https://advokids.org/adverse-childhood-experience-study-aces/>

There are several trauma screenings available. Some are self-administered, while others must be conducted by a clinician. When courts decide to implement a trauma screening, there must be a process for using the information gathered to refer the individual for further assessment or other support services. It can be damaging and retraumatizing to conduct a trauma screening, ask an individual to disclose traumatic events, and then do nothing beneficial with the information.

A commonly used trauma screening tool is the **Adverse Childhood Experiences (ACEs)**<sup>8</sup>. This self-administered screener poses questions regarding three types of trauma: abuse, neglect, and household dysfunction. The ACEs screener identifies the number and type of traumatic events an individual has experienced but does not describe how those events have affected an individual's thinking or behavior.

Other types of screening tools describe physical and mental symptoms that may be present in individuals who have experienced trauma. For example, the **PTSD Checklist for DSM-5 (PCL-5)**<sup>9</sup> is a screening tool

for use with adults. This tool can be self-administered or administered by a clinician and can indicate the need for further mental health assessment. There are several similar tools for children and youth, such as the **Child Trauma Screen (CTS)**.<sup>10</sup> The CTS does not require a clinician and can be administered by professionals who have been trained in child trauma and screening. Other trauma screens can be found at the **National Center for PTSD**.<sup>11</sup>

<sup>7</sup> National Child Traumatic Stress Network.

<sup>8</sup> <https://www.acesaware.org/learn-about-screening/screening-tools/>

<sup>9</sup> U.S. Department of Veterans Affairs, National Center for PTSD <https://www.ptsd.va.gov/professional/assessment/adult-sr/ptsd-checklist.asp>

<sup>10</sup> Child Health and Development Institute of Connecticut, <https://www.chdi.org/our-work/mental-health/trauma-informed-initiatives/ct-trauma-screen-cts/>

<sup>11</sup> U.S. Department of Veterans Affairs, National Center for PTSD, <https://www.ptsd.va.gov/professional/assessment/adult-sr/ptsd-checklist.asp#obtain>

## TRAUMA-INFORMED APPROACH

The description “trauma-informed” means that there is an underlying understanding that trauma is a common experience, that traumatic experiences impact the way individuals respond and react, and there is intentional effort not to worsen or retraumatize individuals. SAMHSA promotes six key principles of a trauma-informed approach,<sup>12</sup> and these principles can be applied to the court experience.



Centers for Disease Control and Prevention, Infographic: 6 Guiding Principles to a Trauma-Informed Approach, [https://www.cdc.gov/cpr/infographics/6\\_principles\\_trauma\\_info.htm](https://www.cdc.gov/cpr/infographics/6_principles_trauma_info.htm)

- 1. Safety.** All individuals in the courthouse feel physically and psychologically safe.
- 2. Trustworthiness and Transparency.** Operations and decisions are transparent with the goal of building trust between court participants and court professionals.
- 3. Peer Support.** The court supports opportunities for peer support and mutual self-help.
- 4. Collaboration and Mutuality.** There is a culture of building relationships and problem-solving both among court professionals and in interactions with court participants.
- 5. Empowerment, Voice, and Choice.** The court honors the court participant’s ability to advocate for themselves and ensures that court participants have an opportunity to share in decisionmaking.
- 6. Cultural, Historical, and Gender Issues.** The court recognizes and addresses historical trauma and provides access to culturally responsive services.

## TRAUMA-INFORMED JUDICIAL PRACTICE

Many judges have found that understanding and acknowledging the impact of trauma can help them to engage court participants in services, treatment, and judicial interventions. Communicating effectively and respectfully with individuals, eliminating court procedures that could be perceived as threatening, and modifying the physical environment, where possible, to create a sense of safety are some of the ways that judges can adopt a trauma-informed approach.<sup>13</sup>

SAMHSA’s publication, *Essential Components of Trauma-Informed Judicial Practice*, states “Trauma-informed judicial interactions begin with good judicial practice, treating individuals who come before the court with dignity and respect. Judges who are trauma-informed expect the presence of trauma, take care not to replicate it, and understand that it may affect court participants’ feelings and behavior, as well as their success in treatment. Trauma-informed

<sup>12</sup> [https://ncsacw.samhsa.gov/userfiles/files/SAMHSA\\_Trauma.pdf](https://ncsacw.samhsa.gov/userfiles/files/SAMHSA_Trauma.pdf)

<sup>13</sup> SAMHSA, *Essential Components of Trauma-Informed Judicial Practice*, [https://www.nasmhpd.org/sites/default/files/DRAFT\\_Essential\\_Components\\_of\\_Trauma\\_Informed\\_Judicial\\_Practice.pdf](https://www.nasmhpd.org/sites/default/files/DRAFT_Essential_Components_of_Trauma_Informed_Judicial_Practice.pdf)

judges work closely with court personnel and other members of the team—attorneys, court coordinators, case managers, and treatment providers— to ensure an individualized approach that maximizes opportunities for a positive treatment outcome.”

Judges who are trauma-informed are intentional about the language used in their courtroom and the way that they interact with court participants. The table below provides some examples of comments a judge might make; how a trauma survivor might hear or perceive that comment; and another, more trauma-informed method. For more information about trauma-informed courtrooms, see [SAMHSA’s Essential Components of Trauma-Informed Judicial Practice](#).

#### 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](https://www.nasmhpd.org/sites/default/files/DRAFT_Essential_Components_of_Trauma_Informed_Judicial_Practice.pdf)

### RECOMMENDATIONS FOR BECOMING A TRAUMA-INFORMED COURT

Communication, processes and procedures, and courtroom environment all play a role in creating a trauma-informed courtroom. Both system-level and courtroom-level changes are needed to improve court participants’ sense of safety, reduce exposure to traumatic reminders, and equip individuals with tools to cope with traumatic stress.<sup>14</sup> Experts recommend several strategies to instill a trauma-informed approach in a court.

**Assess current courtroom practices and environment.** Walk through the courthouse and processes as a court participant would, applying a trauma-informed lens. Look for potential environmental triggers, such as dark spaces or poorly marked hallways and processes that are confusing or difficult for court participants to navigate. Elicit input from court participants and stakeholders on their experiences in the court and ideas they have for improvement. The [National Council of Juvenile and Family Court Judges](#) and the [National Childhood Traumatic Stress Network](#) have resources to assist with a trauma audit.

<sup>14</sup> 10 Things Every Juvenile Court Judge Should Know about Trauma

**Implement a trauma screening and referral process.** Screen all individuals who come to the attention of the court for exposure to trauma. Select screening tools for the population(s) served by the court and the court professionals who will be administering the screener. Partner with mental health professionals to implement a protocol for referring individuals for further assessment when the need is identified on the screener. Ensure that the clinicians completing the comprehensive mental health assessment, when warranted, use evidence-based assessments and interventions. Often, people with multiple adverse childhood experiences are misdiagnosed with behavioral disorders, and their treatment does not address underlying trauma. To increase positive outcomes and maximize resources, clinicians should use evidence-based assessments to make accurate diagnoses that inform appropriate treatment.<sup>15</sup>

**Collect and review data on trauma-informed practices and perceptions of court participants.** Monitoring the efficiency and effectiveness of court processes while making efforts to be more trauma-informed helps to quantify the differences the changes are making. This data should also include the number of individuals who are screened for exposure to trauma, and the percentage of those who were referred for further assessment. Additionally, courts should regularly ask participants for their input, either informally or more formally through surveys, like the Access and Fairness survey in [NCSC's CourTools](#). Courts should also strongly encourage treatment providers to collect and share data on the effectiveness of trauma-informed programs.

**Promote collaboration between systems.** Courts should encourage all systems to be aware of how traumatic events impact a person and make efforts to implement trauma-informed protocols, practices, and environments. Court officials, prosecutors, defense attorneys, law enforcement, schools, community organizations and advocates can attend trainings together, share information, and engage in efforts to ensure all court participants receive the support and services they need.

## CONCLUSION

**We need to change the paradigm from "What's wrong with you?" to "What's happened to you?"**

Many individuals who come to the attention of the court have experienced traumatic events. When judges acknowledge the impact of trauma, they are better positioned to respond to court participants in ways that support healing and avoid retraumatization. Being trauma-informed gives judges a different lens to view court participants' behavior and decisions and can increase the likelihood of successful outcomes. As Judge Mary Triggiano (WI) says, "We need to change the paradigm from "What's wrong with you?" to "What's happened to you?"<sup>16</sup>

<sup>15</sup> [10 Things Every Juvenile Court Judge Should Know about Trauma](#)

<sup>16</sup> Triggiano, Mary Hon., "Childhood Trauma: Essential Information for Courts," Wisconsin Association of Treatment Court Professionals, (Mar. 26, 2015)

## RESOURCES

- Adverse Childhood Experiences Questionnaire, <http://www.odmhsas.org/picis/TraningInfo/ACE.pdf>
- American Institutes for Research, Trauma-Informed Care and Trauma Specific Services: A Comprehensive Approach to Trauma Intervention, [https://www.air.org/sites/default/files/downloads/report/Trauma-Informed%20Care%20White%20Paper\\_October%202014.pdf](https://www.air.org/sites/default/files/downloads/report/Trauma-Informed%20Care%20White%20Paper_October%202014.pdf)
- Centers for Disease Control and Prevention, Adverse Childhood Events (ACEs), <https://www.cdc.gov/violenceprevention/aces/index.html>
- Center for Disease Control, Preventing Adverse Childhood Experiences: Leveraging the Best Available Evidence, <https://www.cdc.gov/violenceprevention/pdf/preventingACES.pdf>
- Clinician Administered PTSD Scale for DSM-5 (CAPS-5), <https://www.ptsd.va.gov/professional/assessment/adult-int/caps.asp>
- Felitti, V. J., Anda, R. F., Nordenberg, D., Williamson, D. F., Spitz, A. M., Edwards, V., Koss, M. P., & Marks, J. S. (1998). Relationship of childhood abuse and household dysfunction to many of the leading causes of death in adults. *American Journal of Preventive Medicine*, 14(4), 245-258.
- Justice Speakers Institute, The Trauma-Informed Courtroom, <http://justicespeakersinstitute.com/the-trauma-informed-courtroom/>
- Justice Speakers Institute, Effective Judging: Trauma in the Courtroom, [http://justicespeakersinstitute.com/%ef%bf%bceffective-judging-trauma-in-the-courtroom/?utm\\_campaign=shareaholic&utm\\_medium=email\\_this&utm\\_source=email%3cBR%3e%3cBR%3e%3cBR%3e%3cBR%3e--%3cBR%3eShared](http://justicespeakersinstitute.com/%ef%bf%bceffective-judging-trauma-in-the-courtroom/?utm_campaign=shareaholic&utm_medium=email_this&utm_source=email%3cBR%3e%3cBR%3e%3cBR%3e%3cBR%3e--%3cBR%3eShared)
- Lessons Learned from Developing a Trauma Consultation Protocol for Article by Dr. Shawn Marsh and Dr. Alicia Summers); NCJFCJ Journal, <https://onlinelibrary.wiley.com/doi/epdf/10.1111/jfcj.12059>
- Mental Health.org, Trauma-Informed Approach and Specific Interventions, <https://www.mentalhealth.org/get-help/trauma>
- National Council for Behavioral Health, How to Manage Trauma Infographic, <https://www.thenationalcouncil.org/resources/how-to-manage-trauma-2/>
- National Association of State Mental Health Program Directors, <https://www.nasmhpd.org>
- National Council of Juvenile and Family Court Judges, Trauma-informed Courts, Pima County Trauma Audit Report 2013.docx (Article by Dr. Shawn Marsh); <https://www.ncjfcj.org/child-welfare-and-juvenile-law/trauma-informed-courts/>
- Office of the Victims of Crime, Trauma-Informed Courts, <https://www.ovcttac.gov/taskforceguide/eguide/6-the-role-of-courts/63-trauma-informed-courts/>
- PCL-5 <https://www.ptsd.va.gov/professional/assessment/adult-sr/ptsd-checklist.asp#obtain>

SAMHSA Concept of Trauma and Guidance for a Trauma-Informed Approach, [https://ncsacw.samhsa.gov/userfiles/files/SAMHSA\\_Trauma.pdf](https://ncsacw.samhsa.gov/userfiles/files/SAMHSA_Trauma.pdf)

SAMHSA, Essential Components of Trauma-Informed Judicial Practices, [https://www.nasmhpd.org/sites/default/files/DRAFT\\_Essential\\_Components\\_of\\_Trauma\\_Informed\\_Judicial\\_Practice.pdf](https://www.nasmhpd.org/sites/default/files/DRAFT_Essential_Components_of_Trauma_Informed_Judicial_Practice.pdf)

SAMHSA Interagency Task Force for Trauma-Informed Care, <https://www.samhsa.gov/trauma-informed-care>

SAMHSA – TIP 57 Trauma-Informed Care in Behavioral Health Services, <https://www.samhsa.gov/resource/ebp/tip-57-trauma-informed-care-behavioral-health-services>

SAMHSA – Trauma and Violence, <https://www.samhsa.gov/trauma-violence>

Texas Children’s Commission, Trauma-Informed Care, <http://texaschildrenscommission.gov/media/83503/trauma-informed-care-final-report.pdf>

The National Child Traumatic Stress Network, Bench Card for the Trauma-Informed Judge, <https://nationalcenterforstatecourts.box.com/s/bvoahc1d1wl80vbk1cb21x0x9p580jsz>

The National Child Traumatic Stress Network, Ten Things Every Juvenile Court Judge Should Know about Trauma and Delinquency, <https://www.nctsn.org/resources/ten-things-every-juvenile-court-judge-should-know-about-trauma-and-delinquency>

Trauma-Informed Care Implementation Resource Center, <https://www.traumainformedcare.chcs.org/what-is-trauma/>

University of Minnesota Extension, Historical Trauma and Cultural Healing, <https://extension.umn.edu/mental-health/historical-trauma-and-cultural-healing#how-historical-trauma-is-perpetuated-today-378611>



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