

Trauma Fact Sheet for Working with Court-Involved Youth

Children and Family Law Division and Youth Advocacy Division of the Committee for Public Counsel Services

People Who Work with Court-involved Youth Should Know about Trauma

Children who experience trauma have disproportionate contact with the justice system.¹ Some studies show that 75-90% of youth entering the justice system have experienced some level of traumatic victimization.² Being abused or neglected as a child increases the likelihood of arrest as a juvenile by 59%.³ LGBTQI youth are more likely than their straight peers to experience rejection or abuse by their families, victimization at school, and homelessness.⁴

Exposure to traumatic events can produce profound and lasting changes in physiological arousal, emotion, cognition, and memory.⁵ Children exposed to traumatic events are at heightened risk for adverse outcomes such as placement or school failure, delinquency, poor mental and physical health, and may develop emotional and behavioral problems such as dysregulation, i.e., out-of-balance emotions that lead to out-of-control behavior.⁶ Some of the features inherent in both the juvenile justice system and the child welfare system such as removal of a child from a primary caregiver or repeated changes in placement are themselves sources of trauma.⁷ Additionally, trauma is often misdiagnosed and many of the behaviors that precipitate our clients' court involvement may be manifestations of trauma.⁸ The American Bar Association has recommended that all professionals working with children exposed to trauma integrate trauma knowledge and awareness into daily legal practice.⁹

"Trauma is the experience of overwhelming demands placed upon the physiological and psychological systems of the body resulting in a profoundly felt sense of betrayal, vulnerability, and immobilization." Robert D. Macy, Ph.D

Youth are Resilient

Resilience is the capacity to adapt after a traumatic event. It is not an inherent quality in a person but rather something that can be developed.¹⁰ Research on resiliency suggests that youth are more likely to overcome adversity when they have caring adults in their lives. Through positive relationships with adults, youth experience a safe and supportive connection that fosters self-efficacy, increases coping skills, and enhances natural talents.¹¹ There are mental health treatments that are effective in helping youth who are experiencing traumatic stress.¹²

What You Can Do

Become trauma-informed - This means having a basic understanding of how trauma affects people and using this understanding to respond appropriately to those who have been exposed to traumatic events.¹³

Avoid re-traumatizing youth – Certain practices in the juvenile justice and child welfare system cause trauma and/or re-traumatize youth. Advocate to minimize: out of home placements; multiple placements; school disruptions; shackling; the use of physical restraints; and detention. Ensure that the child-serving agencies (including courts) protect and respect your client's privacy rights.¹⁴

Encourage resilience - While negative early life relational experiences have the ability to shape the child's developing brain, positive relationships can be protective and reparative.¹⁵ The most significant protective factor for children and adolescents who have experienced trauma is a healthy relationship with at least one caring adult. Connect your client with appropriate providers. Focus on your client's strengths and give them a voice in the proceedings.

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What You Should Know

While knowledge of trauma and resiliency is essential to zealous advocacy, it is important to remember the youth must consent to any use of the information. Practitioners must exercise caution before disclosing a client's trauma history in court. Courts may not have the proper processes in place to deal with these issues. Educating the court and focusing on your client's strengths and resilience may alleviate some of these potential problems. Here are some considerations:¹⁶

- Some judges may equate a youth's trauma history to mean that the youth is too damaged to be safe in the community.
- Addressing trauma without discussing the racial biases that have caused the over-representation of youth of color in court risks the implication that youth of color are system-involved because of family problems rather than system biases.
- Providing the court with a youth's trauma history may bring the youth further into the system when those youth would do better with voluntary services from other systems.
- A court may use a youth's trauma history to justify sentencing the youth to adult penalties.
- The process of identifying trauma by service providers, agencies, or attorneys may cause self-incrimination problems.

Potentially Traumatic Events Include: Emotional, physical, or sexual abuse, neglect, physical assaults, witnessing violence, racism, bullying, serious accidents, serious injuries, loss of loved ones, abandonment, or separation.¹⁷

Tips on Client Engagement

When developing a relationship with a client who has experienced trauma, one should consider the importance of establishing trust and the fact that a child who has experienced trauma may have difficulty processing verbal communications. Here are a few tips:

- If your client does not want to talk, wait until your client is ready.
- Check and make sure your client feels safe and help them identify what makes them feel unsafe and assist them in making a safety plan.
- Give age-appropriate explanations.
- Keep your word - follow through.
- Listen actively, carefully, and responsively.
- Ask your client to repeat back what you have discussed with them in order to gauge their understanding.
- Maintain a neutral posture and expression.
- Ask open ended questions when possible.
- Do not be afraid to talk about the traumatic event.

Secondary Trauma: Any professional who works directly with traumatized children is at risk of secondary traumatic stress. Secondary traumatic stress, sometimes called "compassion fatigue," 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). Part of being trauma-informed is recognizing this and taking the necessary steps to keep healthy so you can continue to help your clients. It is important for those who work in juvenile court to be aware of secondary traumatic stress and to have a plan that provides positive coping strategies.¹⁸

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Trauma Reactions

An event that is traumatic for one person may not be traumatic for another and it is important to note that each child experiences a traumatic event differently.¹⁹ The impact of trauma depends on a variety of factors such as the child's temperament, the accumulated number and type of experienced traumatic events, the child's support network of family and friends, and the child's access to professional assistance to cope with trauma.²⁰ Children who have experienced trauma may have increased difficulty concentrating and learning at school and may engage in unusually reckless or aggressive behavior.²¹

The "Fight, Flight, or Freeze Response" to Trauma:

These are key behaviors to be cognizant of so that you will be better able to assist your client during the court process.

Avoidance/Withdrawal: Children, when faced with reminders of the traumatic event they suffered, may experience so much pain and anxiety that they become overwhelmed. In situations when they cannot physically withdraw from those reminders, they may dissociate. Following a traumatic experience, children may act stunned or numb.²² Some responses:

- Feeling numb, shut down, or separated from normal life
- Pulling away from activities and relationships
- Avoiding things that prompt memories of the trauma

Hyperarousal: The anxiety or arousal states associated with a traumatic event can be stored. Re-exposure to cues (triggers) associated with the trauma (sights, sounds, and smells) can elicit these stored "memories." Not only will the thoughts of the event be recalled, the emotions and feelings (fear, anxiety, pain) of being out of control and threatened will be re-experienced as well.²³ Some responses:

- Anxiety
- Sleep problems
- Hypervigilance
- Behavioral impulsivity

Hyper-Vigilance: Children who have been exposed to trauma are often vigilant and guarded in their interactions with others and are more likely to perceive situations as stressful or dangerous. While this defensive posture is protective when an individual is under attack, it becomes problematic in situations that do not warrant such intense reactions.²⁴

Here is What the Manifestations of Exposure to Trauma May Look Like in Some Youth:²⁵

Young children (birth – 5 years old)

- Withdrawal and passivity
- Exaggerated startle response
- Aggressive outbursts
- Sleep difficulties (including night terrors)
- Separation anxiety
- Fear of new situations
- Difficulty assessing threats and finding protection
- Regression to previous behaviors (baby talk, bed-wetting)

School-age children (6-12 years old)

- Abrupt and unpredictable shifts between withdrawn and aggressive behaviors
- Social isolation and withdrawal
- Sleep disturbances that interfere with daytime concentration and attention
- Preoccupation with the traumatic experience(s)
- Intense, specific fears related to other traumatic event(s)

Adolescents (13-18 years old)

- Increased risk taking (substance abuse, truancy, risky sexual behaviors)
- Heightened sensitivity to perceived threats (may respond to seemingly neutral stimuli with aggression or hostility)
- Social isolation (belief that they are unique and alone in their pain)
- Withdrawal and emotional numbing
- Low self esteem (may manifest as a sense of helplessness or hopelessness)

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Definitions²⁶

Complex Trauma: This term describes both children's exposure to multiple traumatic events, often of an invasive, interpersonal nature, and the wide-ranging, long-term impact of this exposure.

Post Traumatic Stress Disorder (PTSD): An anxiety disorder defined in the DSM-5 that can develop after exposure to a terrifying event or experience in which grave physical harm occurred or was threatened. Diagnostic criteria for PTSD include exposure to a traumatic event, re-experiencing of the event (e.g., nightmares, flashbacks), persistent avoidance of things associated with the trauma (e.g., avoiding certain activities, avoiding talking about the event), and increased physiological arousal. To meet diagnostic criteria for PTSD, an individual must exhibit a certain number of symptoms, for a duration of more than one month, and experience clinically significant distress or impairment.

Toxic Stress: Toxic stress is the strong, unrelieved activation of the body's stress management system. Without adequate adult support, the unrelenting stress caused by extreme poverty, neglect, abuse, or severe maternal depression can weaken the architecture of the developing brain, with long-term consequences for learning, behavior, and both physical and mental health.²⁷

Traumatic Reminders (triggers): People, places, activities, internal sensations, or other things that trigger memories of a trauma experience. Trauma reminders can cause feelings of fear or distress. Trauma reminders can "restart" posttraumatic stress reactions or behavior even years after a traumatic event has occurred.

References:

¹Justice Policy Institute, *Healing Invisible wounds: Why Investing in Trauma Informed Care For Children Makes Sense* (July 2010).

²*Id.*

³Widom, C.S., *Victims of Childhood Abuse Later Criminal Consequences*, Research in Brief, U.S. Department of Justice, Office of Justice Programs, National Institute of Justice (1995) <https://www.ncjrs.gov/pdffiles1/nij/184894.pdf>.

⁴SAMSHA's Gain Center, *How Being Trauma-Informed Improves Criminal Justice System Responses, Fact Sheet: LGBTQ Youth*.

⁵Putnam, F.W., *The Impact of Trauma on Child Development*, *Juvenile and Family Court Journal* (Winter 2006).

⁶Child Welfare Information Gateway Issue Brief, *Understanding the Effects of Maltreatment on Brain Development* (November 2009).

⁷Vandervort, F., *The Impact of Traumatic Stress and Alcohol Exposure on Youth: Implications for Lawyers, Judges and Courts*, *Michigan Child Welfare Law Journal* (Winter 2007-2008).

⁸Focal Point Vol. 21, *Complex Trauma in Children and Adolescents*, (Winter 2007).

⁹ABA policy on Trauma-informed Advocacy for Children and Youth, February 10, 2014; NCTSN Bench Card for the Trauma-Informed Judge, *Ten things Every Juvenile Court Judge Should Know About Trauma and Delinquency*.

¹⁰Vandervort, Henry, Sloane, *Building Resilience in Foster Children: The Role of the Child's Advocate*, 32 *Child. Legal Rts. J.* 1 (2012).

¹¹NCTSN, *Ten things Every Juvenile Court Judge Should Know About Trauma and Delinquency*.

¹²<http://www.nctsn.org/resources/topics/treatments-that-work/promising-practices>

¹³See, Bassuk, Konnath, Volk, *Understanding Traumatic Stress in Children*, National Center on Family Homelessness, (February, 2006); *Victimization and Trauma Experienced by Children and Youth: Implications for Legal Advocates Safe Start Center Series on Children Exposed to Violence, Issue Brief 7*.

¹⁴Pilnik, Lisa, J.D., Kendall, Jessica., J.D., *Identifying Polyvictimization and Trauma Among Court-Involved Children and Youth: A checklist and Resource Guide for Attorneys and Other Court-Appointed Advocates*.

¹⁵Ludy-Dobson C. & Perry B., *The Role of Healthy Relational Interactions in Buffering the impact of Childhood Trauma* (2010).

¹⁶The Juvenile Law Center, *Trauma and Resilience: A New Look a Legal Advocacy for Youth in the Juvenile Justice and Child Welfare Systems*.

¹⁷See, Bassuk, Konnath, Volk, *Understanding Traumatic Stress in Children*, National Center on Family Homelessness, (February, 2006);

¹⁸NCTSN, *Secondary Traumatic Stress*. See, <http://www.nctsn.org/resources/topics/secondary-traumatic-stress> for more information.

¹⁹NCTSN, *Understanding Traumatic Stress in Adolescents: A Premier for Substance Abuse Professionals*.

²⁰Vandervort, Henry, Sloane, *Building Resilience in Foster Children: The Role of the Child's Advocate*, 32 *Child. Legal Rts. J.* 1 (2012).

²¹NCTSN, *The Effects of Trauma on Schools and Learning*.

²²Child Trauma Academy, *Surviving Childhood: An Introduction to the Impact of Trauma* (2005).

²³*Id.*

²⁴NCTSN, *Effects of Complex Trauma*.

²⁵NCTSN, *Helping Traumatized Children: Tips for Judges*.

²⁶From NCTSN, Glossary of Terms except where noted.

²⁷Center on the Developing Child, Harvard University, <http://developingchild.harvard.edu/science/key-concepts/toxic-stress/>

Online Resources:

The Juvenile Law Center, <http://www.jlc.org/resources/publications/trauma-and-resilience>

National Child Traumatic Stress Network (NCTSN), <http://www.nctsn.org/>

The Substance Abuse and Mental Health Services Administration, <http://www.samhsa.gov/traumaJustice/>

Trauma Center at the Justice Resource Institute, <http://www.traumacenter.org/>

Child Trauma Training Center, <http://www.umassmed.edu/cttc/>