

# SO, YOU'RE A "TRAUMA INFORMED" ATTORNEY – NOW WHAT?



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# Overview

The Impact of Childhood Trauma

Trauma-Informed Legal Advocacy

Critical Case Junctures

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# The Impact of Childhood Trauma

**Childhood Trauma** – An event that a child finds overwhelming stressful or emotionally painful, often resulting in lasting physical and emotional effects.

**Early Childhood Trauma** – Trauma experienced between ages 0 – 6, a critical time for brain, attachment and social/emotional development. Pre-verbal infants and toddlers are impacted by trauma.

**Complex Trauma** – Common among children served by child welfare – multiple types of abuse/neglect starting at a young age. Traumatic events are persistent, repeated, prolonged, and severe and usually occurring early in life. Often invasive or personal in nature – by caregiver/someone close to the child. Impact can be more significant and long-term if not addressed.

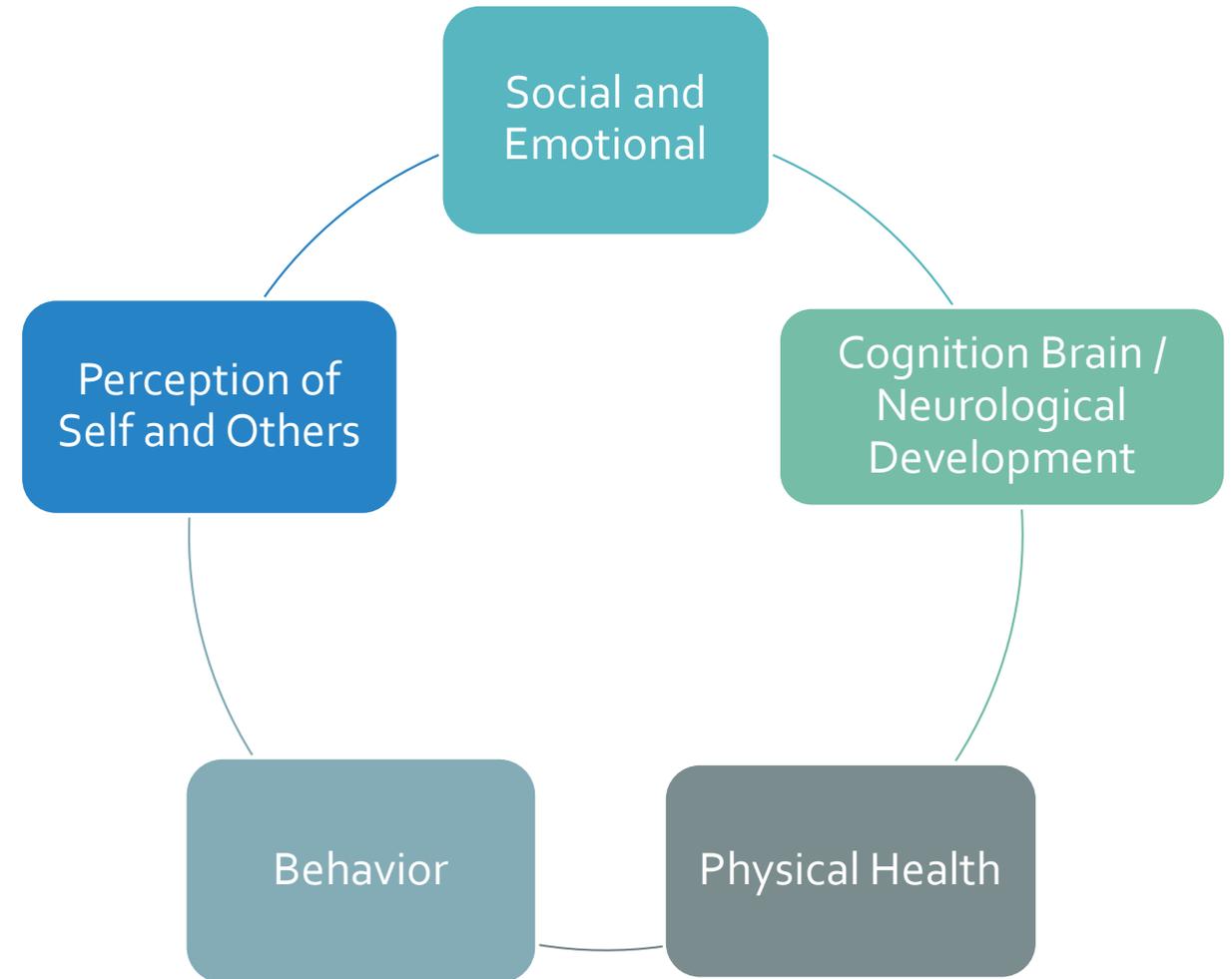
# The Impact of Childhood Trauma

## Toxic Stress

- ✓ Exposure to intense, frequent, or sustained stress without the buffering care of a supportive adult, can change children's brains and bodies.
- ✓ Complex trauma and toxic stress are common among children served by child welfare.
- ✓ Can disrupt attachment, learning, behavior, growth, hormonal systems, immune systems, nervous system, cardiovascular system, ability to assess and communicate threats.
- ✓ Can even impact the way DNA is read and transcribed – "Epigenetics."

# The Impact of Childhood Trauma

- ✓ **Adverse childhood experiences (ACEs)** impact children across multiple areas and in varying degrees
- ✓ Determined by factors such as: age of the child, nature and severity of abuse, protective and coping factors, and temperament
- ✓ Many areas of a child's development and functioning may be impacted by trauma – all must be considered



# The Impact of Childhood Trauma



Why are foster youth at higher risk for human trafficking and juvenile justice involvement?

1. Teen brain development - Prefrontal cortex not fully developed until late 20's (planning, prioritizing, consider consequences prior to action, controlling impulses).
2. Trauma impact across multiple areas – disrupted social, emotional and behavioral self-regulation, feeling scared, angry, unsafe.
3. Life circumstances – Living in foster care. Instability, multiple living and school placements, limited opportunity to form positive and stable relationships, uncertainty about future .

# The Impact of Trauma

**If trauma impacts our youth so drastically, what about the parents and caregivers we interact with?**

## **Intergenerational Trauma**

The transmission of negative consequences resulting from trauma to future generations. Children can be impacted by the traumatic experiences of their parents - inheritance of their genes and exposure to their trauma-related symptoms.

- ✓ Many studies (not all) have found that parents who experience trauma are more likely to abuse / neglect their own children.
- ✓ Parent / Caregiver trauma may impact:
  - Quality of parenting and attachment (caregiver protective capacities).
  - Parental response to court proceedings.
  - Relationship with attorneys.

# The Impact of Trauma

**Resilience** - The ability of a child to recover and show early and effective adaptation following a potentially traumatic event.

- Resilience can be learned and fostered through supportive relationships or interactions.
- Effects of trauma can be minimized / reversed by increasing protective factors, reducing / buffering risk factors and skill development.

*"I am not afraid of storms, for I am learning to sail my ship"* - Louisa Mae Alcott



# The Impact of Trauma

Understanding the impact of trauma is important – **actively enhancing resilience is critical.**

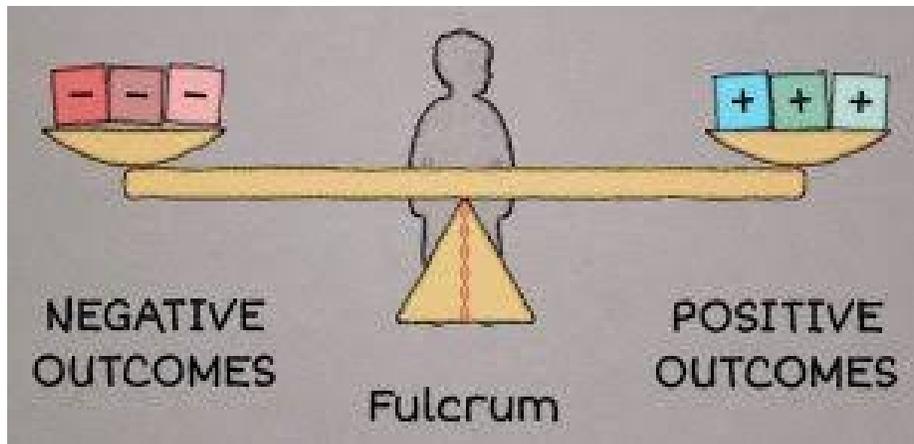


***"Resilience rests, fundamentally, on relationships."*** Suniya Luthar, PhD, professor of psychology, Arizona State University

- ✓ Three key principles:
  - Reduce sources of stress
  - Supportive positive relationships
  - Strengthen core life skills
- ✓ A supportive, consistent and protective primary caregiver has the biggest impact on healthy development.
- ✓ Placement stability is critical.

# The Impact of Trauma

Tip the scale toward positive outcomes by **increasing positive experiences and adaptive skills** to counterbalance adversity.



- ✓ Supportive relationships and the opportunity to learn new self-regulation and coping skills.
- ✓ Research: **Positive Childhood Experiences** may have lifelong consequences for mental and relational health despite co-occurring ACEs.
- ✓ It's never too late to develop new adaptive coping skills - implications for teens and parents / caregivers.
- ✓ Requires stability for the child over a period of time to tip the scales!

# Secondary Trauma

**Secondary Trauma** - results from bearing witness to a traumatic event(s) experienced by others.

This may occur when hearing stories from or about a child, reading a case file, or hearing graphic court testimony.



- ✓ **People working in child welfare are at higher risk** - may be impacted themselves and in varying degrees.
  
- ✓ Risk factors include:
  - Exposure to trauma experienced by others
  - Empathy
  - **A personal history of trauma and the extent of resolution**
  - Unaware of secondary trauma (impact, risk & warning signs, strategies to avoid / cope)

# Trauma-Informed Legal Advocacy

## What is it?

Understanding and recognizing the impact of trauma in order to:

- ✓ respond appropriately
- ✓ avoid legal practices that re-traumatize children and families

Understanding secondary trauma and taking self-care measures to avoid / minimize the impact of the trauma of others.

## Why is it Important?

- ✓ Improve relations with child and family members
- ✓ Enhances opportunities to advocate for trauma-informed services
- ✓ Enhance prevention and recognition of secondary traumatic stress

# The Impact of Trauma

## Attorney Relationships with Children and Families

Trauma can interfere with an attorney's relationship with a child or family members – may impact their ability to:

- Trust others
- Process information
- Communicate effectively
- Respond to stressful situations

- ✓ Child welfare and court proceedings may trigger or re-traumatize – *parents may have been involved with child welfare*
- ✓ Focus on physical and psychological safety, communication, and support
- ✓ *Attorneys can enhance* – advocacy for trauma-informed treatment and interactions, recognition of trauma symptoms, and avoidance of triggers



# Trauma-Informed Legal Advocacy

View children and families through trauma lens - *What happened to them vs. what's wrong with them.*

Identify trauma early on, consider the impact, and identify opportunities to promote resilience.

- Services and supports for child and caregiver to promote stability
- Leveraging / developing social supports / Involvement in activities and positive experiences
- Planned transitions and visitations that prepare and support the child / family
- Trauma-informed mental health treatment and evidenced-based interventions

Focus on physiological and psychological safety.

- Structure, predictability, meaningful opportunities for decision-making
- Adequate explanation to the child and caregivers / parents about key things (court proceedings, your role, case plan)

# Critical Junctures

During critical junctures in a case, **attorneys can impact safety, placement, and visitation in a trauma-informed way**, starting at the time of shelter.

## Critical junctures include:

- ✓ Placement Decisions
- ✓ Visitation
- ✓ Transitions
- ✓ Engagements

It is important to remember that at each juncture those you are working with could experience trauma by things we do everyday as professionals (i.e., walking into a courtroom, interacting with law enforcement, engaging with a particular service provider).

# Critical Junctures

## Placement Decisions:

Removal and placement changes can be traumatic, although necessary at times.

- ✓ Give kids, parents, and caregivers a voice and consider their wishes while making best interests decisions;
- ✓ Place children in a home community to maintain connection to family, support systems, and with or near siblings when possible;
- ✓ Consider the caregivers' need for information regarding trauma-informed practices and support to appropriately care for the child to avoid placement disruption.

# Critical Junctures

## Visitation

Visitations can be scary, emotional, confusing, and traumatic and should be conducted in a trauma-informed way.

- ✓ Protect the psychological and physical safety of the child.
- ✓ Should be intentional, well-planned and in a neutral location.
- ✓ Encourage positive interactions, prepare the child and advocate for necessary supports afterward.
- ✓ Consult with child's therapist regarding parameters of visits.

# Critical Junctures

## Transitions

Changes are common for families in foster care (placements, schools, therapists, friends, case managers, etc.) – can be traumatic and impede recovery / resilience.

- ✓ Advocate for stability - home, school, positive relationships, providers.
- ✓ If changes are necessary, prepare the child and family and allow them time to transition in a positive way (say goodbye to foster parent and other kids).
- ✓ Reunification, although a positive experience, can also be traumatic in ways. Planning and having input from all involved is key.

# Critical Junctures

## Engagements With Others

It's important that as practitioners we are mindful of the times we engage with children and families, both in formal and informal settings.

- ✓ Rapid Family Engagement meetings
- ✓ Settlement Conferences / Case Plan Conferences / Mediations
- ✓ Permanency Staffings
- ✓ Evaluations with Providers

# Critical Junctures



## Practice Tips:

- ✓ Attorneys should examine whether all available resources to avoid removal were investigated and attempted.
- ✓ If you know a placement disruption is coming, staff all together to brainstorm now to minimize re-traumatization.
- ✓ Identify a safe / stable adult for the child, and a mentor for the parents, and work to facilitate that relationship.
- ✓ Advocate for child's physical and psychological safety and emotional well-being, while considering parent desires.
- ✓ Consider the child's age, developmental level, challenges, and strengths and listen to what they have to say.

# Enhance Legal Advocacy

## Trauma Screening

Screening tools are brief, used universally, and **designed to detect exposure** to traumatic events and symptoms.

Help determine whether the child or parent needs a professional, clinical, trauma-focused assessment.

Examples:

- ✓ Functional Family Assessments (FFAs) and Comprehensive Behavioral Health Assessments (CBHAs)
- ✓ Child Health Check-Up screens for emotional well-being and mental health
- ✓ ACEs screening tool is commonly used by service providers

# Enhance Legal Advocacy

## Trauma-Focused Mental Health Assessment

A comprehensive assessment conducted by a trained mental health professional to **determine the impact of trauma on an individual's functioning.**

### Purpose

Assess traumatic stress and symptoms or other mental health conditions and make recommendations for treatment and other support services.

## Considerations

- ✓ Gathers Information from several sources, including the child / parent.
- ✓ Should assess the individual's functioning in key areas and make recommendations specific to the trauma symptoms.
- ✓ Children and Adolescent Needs and Strengths (CANS) - commonly used in CBHAs
- ✓ CANS Comprehensive assess the impact of trauma on the child.

# Enhance Legal Advocacy

## Effective Trauma Treatment

Children, teens and adults can recover from trauma with the right services and supports, including trauma- focused and evidenced-based treatment



### ✓ Trauma-Focused Treatment

- An approach to treatment
- Focuses on the impact of trauma on the individual's mental, behavioral, emotional, physical, and spiritual well-being.

### ✓ Evidenced – Based Trauma Treatment

- Research shows effective under certain conditions.
- Some focus on individual and others on parent-child / caregiver relationship.

# Enhance Legal Advocacy

## Trauma-Focused Treatment

Not all providers have been trained in providing trauma-focused treatment.

The core elements of trauma-focused treatment provide guidelines on what to advocate for.

## Core Elements of Trauma-Focused Treatment

- ✓ Educate about trauma and its impact
- ✓ Increase sense of physical and psychological safety
- ✓ Help develop emotional regulation skills
- ✓ Develop trauma-informed communication
- ✓ Address grief and loss
- ✓ Processing traumatic memories

# Enhance Legal Advocacy

## Neuropsychological Assessment

In-depth assessment of skills and abilities linked to brain function - completed by a neuropsychologist.

Measures attention, problem solving, memory, language, I.Q., visual-spatial skills, academic skills, and social-emotional functioning.

## Considerations

- ✓ Neurodevelopmental impact of trauma - language, memory, sensory processing, executive functioning, and cognition - often unrecognized.
- ✓ Child neuropsychologists evaluate factors that contribute to functioning across settings (home and school).
- ✓ Kids most commonly referred: victims of abuse / neglect, substance exposed newborns, head trauma / traumatic brain injury.

# Enhance Legal Advocacy

## Misdiagnosis

It is estimated that over a million children are diagnosed with a mental illness in the U.S. each year that can be explained by trauma.

Many trauma responses look the same as symptoms of mental health conditions.

One study from Johns Hopkins Bloomberg School of Public Health suggests more than 60% of people who receive depression diagnosis don't actually have it.

- ✓ ADHD and childhood traumatic stress - research found they effect the same region of the brain - controls emotions, impulses, and decision-making.
- ✓ Misdiagnosis may be due to lack of training and can lead to inappropriate treatment, a feeling of severe confusion or guilt, and incorrect medications which may actually cause impairments.
- ✓ Trauma-informed assessments by a trained person consider the trauma responses to past and current traumatic / stressful events.

# Enhance Legal Advocacy

## Practice Tips:



- ✓ Gather key information early-on to understand the family's needs as soon as possible.
  - CBHA, FFA, and CPT recommendations and determine if they are in place – **the purpose is to stabilize the family unit early on.**
- ✓ Advocate for quality trauma-informed assessments (the use of CANs Comprehensive).
- ✓ Consider questions / areas of concern and discuss with assessor prior as part of the referral.
- ✓ Obtain the actual trauma screenings and assessments and **share with the advocacy team and make a plan.**
  - **Review assessments with a trauma lens.**
- ✓ Include trauma screening and assessment findings and recommendations in Court Reports.
  - Helps the Court understand the impact of trauma on an individual and strategies to enhance resilience and avoiding re-traumatization.
- ✓ Advocate for trauma-informed therapy for the children and parents receiving therapeutic assistance.
- ✓ Listen to the preferences of the individual.
  - Do they have preference of gender of therapist, location of services, treatment approach, etc.

**“I'm a lawyer who's committed to good social work through good legal work. You cannot separate child development from adult development – they really are the same thing.”**

**– Chris Andriacchi, Managing Attorney for the Guardian ad Litem Program 7<sup>th</sup> Circuit**

# Resources

## Trauma

1. Trauma types and impact -National Child Traumatic Stress Network (NCTSN): <https://www.nctsn.org/what-is-child-trauma/trauma-types>
2. *Complex trauma in System Involved Youth* (NCTSN): [https://www.nctsn.org/sites/default/files/resources/complex\\_trauma\\_in\\_juvenile\\_justice\\_system\\_involved\\_youth.pdf](https://www.nctsn.org/sites/default/files/resources/complex_trauma_in_juvenile_justice_system_involved_youth.pdf)
3. Adverse Childhood Experiences (ACEs) Study: <https://www.cdc.gov/violenceprevention/childabuseandneglect/cestudy/index.html>

## Trauma-Informed Legal Advocacy

1. *Trauma: What Child Welfare Attorneys Should Know*: National Child Traumatic Stress Network (NCTSN): <https://www.nctsn.org/resources/trauma-what-child-welfare-attorneys-should-know>
2. Trauma-Informed Law Resources: <http://www.traumainformedlaw.org/resources>

# Resources

## Secondary Trauma

1. Short video: *Strong at the Broken Places* - Wayne Scott  
<https://www.youtube.com/watch?reload=9&v=1l1mFSoTF1A>
2. Short video: *All it Takes if 10 Mindful Minutes:*  
[https://www.ted.com/talks/andy\\_puddicombe\\_all\\_it\\_takes\\_is\\_10\\_mindful\\_minutes?referr=playlist-the\\_importance\\_of\\_self\\_care](https://www.ted.com/talks/andy_puddicombe_all_it_takes_is_10_mindful_minutes?referr=playlist-the_importance_of_self_care)
3. *Taking Care of Yourself* (Natl. Child Traumatic Stress Network):  
<https://www.nctsn.org/print/2038>

# Resources

## Resilience

1. *Positive Childhood Experiences and Adult Mental and Relational Health in a Statewide Sample Associations Across Adverse Childhood Experiences Levels:*  
<https://jamanetwork.com/journals/jamapediatrics/fullarticle/2749336>
2. Risk and Protective Factors: [https://www.publicsafety.gc.ca/cnt/cntrng-crm/crm-prvntn/fndng-prgrms/rsk-fctrs-en.aspx#rf\\_examples](https://www.publicsafety.gc.ca/cnt/cntrng-crm/crm-prvntn/fndng-prgrms/rsk-fctrs-en.aspx#rf_examples)
3. Protective Factors to Promote Well-Being: Child Welfare Information Gateway  
<https://www.childwelfare.gov/topics/preventing/promoting/protectfactors/>
4. Harvard Center on the Developing Child: <https://developingchild.harvard.edu/>
5. Promoting Social and Emotional Well-Being in Children (Admin. For Children and Families):  
<https://www.acf.hhs.gov/sites/default/files/cb/im1204.pdf>

# Resources

## Enhanced Legal Advocacy

### Screening, Assessment, Treatment

1. Trauma Screening and Assessment (nctsn): <https://www.nctsn.org/treatments-and-practices/screening-and-assessment>
2. Trauma Focused Interventions (nctsn): <https://www.nctsn.org/treatments-and-practices/trauma-treatments/interventions>
3. Child Adolescent Needs and Strengths (CANS) Comprehensive (nctsn): <https://www.nctsn.org/measures/nctsn-cans-comprehensive-trauma-version-cans-trauma>
4. List of trauma-focused interventions (nctsn): <https://www.nctsn.org/treatments-and-practices/trauma-treatments/interventions?page=1>
5. Core Elements of trauma-focused Interventions (nctsn): <https://www.nctsn.org/print/784>

# Resources

## Misdiagnosis of children with Trauma

The most common misdiagnosis in children (ChildMind): <https://childmind.org/article/the-most-common-misdiagnoses-in-children/>

## Placement Stability

*Using Trauma-Informed Child Welfare Practice to Improve Placement Stability Breakthrough Series Collaborative* (nctsn):  
[https://www.nctsn.org/sites/default/files/resources//using\\_trauma\\_informed\\_child\\_welfare\\_practice\\_to\\_improve\\_placement\\_stability.pdf](https://www.nctsn.org/sites/default/files/resources//using_trauma_informed_child_welfare_practice_to_improve_placement_stability.pdf)

# Special Thanks

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