

A Trauma Informed Approach to Attorney/Client Relationships and Collaborations: Strategies for Divorce, Custody, Protection Orders, and Immigration Cases

July 29, 2015
Workshop II, Session A
New Orleans, LA

Introductions

Mercedes V. Lorduy

- Co-Director, VIDA Legal Assistance Inc.

Mary Ann Dutton

- Professor of Psychiatry, Georgetown University Medical Center

Aparna Bhattacharyya

- Executive Director, Raksha

Learning Objectives

By the end of this training , you will be better able to:

- Recognize how trauma plays a role in all aspects of a client's case
- Recognize the benefit of trauma informed collaborations among advocates and other professionals to improve outcomes for victims in legal matters
- Develop a trauma informed approach to legal advocacy that will improve case outcomes and increase access to justice

Ice Breaker

- Share
 - Your name, where you work, your profession, and
 - A trauma informed technique or practice that has helped you re-center, calm down, or refocus when you were in crisis or shutting down during a difficult moment

How many clients have you worked with who have suffered trauma?

- How did the trauma affect
 - Your relationship with the client, and/or
 - Your ability to do your work

Many of our clients have suffered trauma

- Challenges encountered
 - Trauma affects how a person perceives and interacts with others
 - Communication
 - Decision-making
 - Lack of trust
 - Emotions
 - Dissociation

Levels of Trauma Exposure

- Individual-level
- Community-level
- Social/political-level
- Historical legacy

What are signs of a traumatic reaction?

Types of Interpersonal Trauma

- Domestic violence
- Sexual assault
- Psychological or emotional abuse
- Coercive control
- Racism, xenophobia, heterosexism
- Institutional re-victimization

Types of Trauma Informed Interventions or Tools for Trauma Informed Care

- Grounding
- Breathing techniques
- Asking what brings the client comfort
- Asking open ended questions
 - Learn about feelings, fears
- Validating concerns and experiences while showing positive aspects
- Ensuring access to support system after meetings

Materials

- SIQI
- Tool for family lawyers using the SIQI
- Grounding tool
- Self-care tool
- Video on working with victims who are re-living trauma

Grounding Techniques

- Role play
- Discussion

Validation and Positive Response

- Role play
- Discussion

Access to Support System for Client

- Support following meetings during which clients discuss traumatic events
 - Resources for this support you have used
 - Large group discussion
 - How this network can help clients
 - Example: potentially suicidal client

Working with Advocates

Advocates can connect to other resources so the attorneys can focus on the case and ensure the survivor gets other services they need

LANGUAGE ACCESS AND TRAUMA INFORMED APPROACH

How does a client's Limited English Proficiency affect their ability to discuss their experiences of trauma?

Trauma Informed Approach and Language Access

- Providing meaningful access to Limited English Proficient (LEP) individuals is not only the law (Title VI), it is also an important step in developing a trauma informed approach
- Ensure interpreters understand confidentiality provisions
- Train interpreters on trauma and the dynamics of domestic violence, sexual assault, and trafficking in persons
- Bilingualism and biculturalism

Trauma Informed Advocacy...

What does this mean?

Case Scenario

- Maria is a native of Guatemala. She is married to Juan, a Lawful Permanent Resident. They live in Florida and have a daughter in common, Alexandra, who was born in Guatemala and is 4 years old. During their marriage, Juan physically assaulted and beat Maria many times. Although they had been married for a long time, Juan never filed the papers for Maria or their daughter to obtain legal immigration status.
- Throughout their marriage, Juan always threatened Maria by telling her that if she called the police she would be deported and he would get custody of their daughter. He also told her the police would not believe her because she was undocumented. After Maria was brutally beaten she called the police for help. On two occasions police responded, spoke only to Juan in English, and left. The third time Maria called the police, Juan had broken her arm. The police arrived and arrested Juan, who was charged with felony assault and released on bail.
- Maria was referred to a family lawyer for a protection order and an immigration lawyer for VAWA-related immigration relief. Juan filed for divorce and custody, arguing that Maria is undocumented and a flight risk.
- Maria and Alexandra continue to live with Juan, and Maria's undocumented status makes it difficult for her to earn enough money to support herself and Alexandra if they leave Juan's home.

Small Group Activity: Case Scenario

1. What are Maria's primary concerns?
2. How many systems will Maria need to navigate?
3. What role could advocates and attorneys each play in helping Maria?
4. How might learning about Maria's full trauma history affect safety planning and case strategy?

Large Group Report Back: Case Scenario

1. What are Maria's primary concerns?
2. How many systems will Maria need to navigate?
3. What role could advocates and attorneys each play in helping Maria?
4. How might learning about Maria's full trauma history affect safety planning and case strategy?

Working with Advocates

- Advocates can be bridges to help connect immigration and family law attorneys (with client's consent) or ensure communication
- Advocates can let attorneys (or vice versa) know about triggers and what trauma informed practices have worked in the past

Confidentiality

- Know victim/advocate privilege laws, if any, in your state
- Know VAWA grant confidentiality rules
- Understand how immigration law's VAWA confidentiality protections impact safety and protection from deportation

Confidentiality When Working in Collaborative Relationships

- Know the confidentiality statutes for your profession in your state
 - Each member of a collaboration should be aware of his/her particular obligations
- Obtain an informed release/consent from the client
 - Consent must be *informed*
 - *Written* and
 - *Reasonably time limited*
- Each agency/service provider must have signed consent to share information

Trauma Informed Approach: Building a Collaborative Relationship & Trust

- Acknowledges the impact of trauma
- Creates an environment of emotional safety
- Non-judgmental:
 - Dignity, respect, empathy
- Acknowledges rule of language & culture
- Promotes healing and better legal case outcomes

Large Group Discussion

Share examples from your work with victims in which you learned about a significant trauma late in your case that would have been helpful to know sooner

How would your work be different if you also learned

- That Maria's husband had raped her in front of their daughter, and the rape resulted in bruises all over her body and her mouth?
- That Maria had also experienced sexual assault at her workplace?
- What types of trauma symptoms might Maria be experiencing?

Trauma Informed Care

Clients who have experienced trauma might be narrowly focused and may have difficulty seeing the big picture

What can you do about that?

RETURNING TO CASE SCENARIO

Case Scenario

- Assume all facts you know, including the sexual assault history
- Case planning: Pros/cons of
 - Filing a VAWA self-petition first
 - Filing a protection order first
- Discuss impact from each perspective
 - Trauma healing
 - Protection from deportation
 - Victim safety
 - Custody

How can a Trauma Informed Approach Benefit your Client: Protection Orders

- Informed decisions
- Capability to convey details of her story in preparation for testimony
- Collaboration with other service providers on needs of the client, e.g., family attorney, custody, immigration

Trauma Informed Approach to Story Writing

Trauma Informed Approach to Story Writing

- **Story Writing Intervention**
 - Process by which advocate/attorney supports and helps survivors write their own story
 - By capturing trauma history through narrative, survivors are helped to heal from trauma
 - What research tells us about importance of writing the trauma narrative

Immigration Story Writing Intervention Method

- 1. Invite the survivor to write/tell her story**
 - Support, witness, listen without judgment, allow space
 - Goal: story comes out unedited/uninterrupted
- 2. Follow up with interview**
 - Structured Interview Questionnaire for Immigration (SIQI)
 - Take notes for follow up during story telling interview
- 3. Edit together**
 - Story + structured interview responses into affidavit
- 4. Survivor reads back the final story**

Trauma-Informed Approach: Writing Interventions Help Victims Heal

Writing intervention

- Identification of trauma: *“What happened to me?”*
- Preparing the client for writing the story
- Getting the story on paper
 - Structured interview
 - Screening tool

Small Group Exercise

- How to use the SIQI
- Review the SIQI and the tool for using the SIQI in family law cases
- Discuss how it strengthens
 - Family law cases
 - Immigration law cases
 - Collaborations

Trauma Informed Legal Advocacy

- Building a relationship of trust
- Transparency – Explain your role, why you ask certain questions, why you need certain information
- Be aware of traumatic triggers
- Validation of the client's feeling is important

What are the benefits of this approach for....

- Client's family court case(s)?
- Client's immigration case?
- Victim advocacy?

How A Trauma Informed Approach Can Benefit Your Client: Family Attorneys

- Improved communication between client and attorney
- Better able to elicit the client's story for purposes of testimony, making client more credible before the judge
- Client can make more informed decisions
- Attorney can see and prepare for all areas that impact the client's life due to the trauma

How A Trauma Informed Approach Can Benefit Your Client: Immigration Attorneys

- Sensitivity to the client's priorities or needs at the time he/she is before you helps build trust
- Proving the elements of your case for your client requires knowledge of painful intimate details and can cause triggers
 - Reviewing paper documentation and information provided by other attorneys and advocates minimizes the need for the client to relive all events

How A Trauma Informed Approach Can Benefit Your Client: Immigration Attorneys

- Use the Structured Interview Tool for clients with difficulty expressing their feelings or telling their story:
 - Can bring out important details
 - Can guide you in asking the right questions
 - Effective to elicit information needed

Technical Assistance and Materials

- Power Point presentations and materials for this conference at www.niwap.org/go/NOLA2015
- **NIWAP Technical Assistance:**
 - Call (202) 274-4457
 - E-mail niwap@wcl.american.edu
- Web Library: www.niwaplibrary.wcl.american.edu

Questions



Evaluations



Thank you!

THIS PROJECT WAS SUPPORTED BY GRANT NO. 2013-TA-AX-K009 AWARDED BY THE OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEPARTMENT OF JUSTICE. THE OPINIONS, FINDINGS, CONCLUSIONS AND RECOMMENDATIONS EXPRESSED IN THIS PUBLICATION/PROGRAM/EXHIBITION ARE THOSE OF THE AUTHOR(S) AND DO NOT NECESSARILY REFLECT THE VIEWS OF THE DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN.

NIWAP

National Immigrant Women's
Advocacy Project, American
University Washington 46
College of Law