How to Prepare Your Case Through a Trauma Informed Approach: Tips on Using the Trauma Informed Structured Interview Questionnaires for Family Court Cases (SIQI)[1]

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Developing a survivor's story is a critical component of preparing for any case in which a client has a history of domestic violence, sexual assault, dating violence, and/or stalking. When working with immigrant survivors applying for immigration relief as a result of the abuse, it is necessary to collect a detailed story to submit as part of the immigration application. While this focused story collection is not *required* for family court cases, there are significant advantages to obtaining a full history for clients who have experienced trauma, particularly in family court cases when the opposing party is the abuser.

Helping a trauma survivor work through telling you her whole story can benefit her in divorce, custody, protection orders, and support hearings. Having the knowledge and understanding of the full contour of the abuse helps attain useful information, not only about criminal acts of abuse, but also provides a broader picture of the coercive control and the power dynamics in the relationship that will be very useful in crafting remedies in family court cases. Providing courts a more complete picture of the abuse tactics may affect outcomes in protection order hearings, support proceedings, and cases regarding care, custody, and visitation of children, especially if requesting supervised visitation, prohibiting overnight visits or other types of limited visitation.

Eliciting the details of abuse from survivors of trauma can be very difficult. Individuals may not identify every instance of abuse as abuse, or may have a difficult time discussing the events. Additionally, the process may bring those experiences back into the present moment, which may cause the survivor to relive the trauma. The NIWAP, together with national experts on trauma informed care, developed a Structured Interview Questionnaire to assist attorneys and advocates working with survivors of trauma to facilitate meaningful information gathering with your client to get better results in the legal system while helping to heal at the same time.[2] Sections XI-XVIII draw questions from the evidence based research tools that have been used and proved effective over the years for research into and treatment of domestic and sexual violence and trauma victims.

This Questionnaire is designed to encourage trauma survivors to disclose in-depth information. Some of the questions prompt responses that will obviously help build a stronger family court case, while others may be helpful details you can include as evidence. These questions are designed to produce detailed information that is persuasive to courts and useful in demonstrating patterns of abuse, coercive control, stalking, and sexual assault that your client may not initially disclose because it is not overtly obvious as necessary for her case.

When discussing the complexities of trauma, the reactions and realities of living with trauma vary drastically based on the unique experiences of each survivor. To help you effectively use this Questionnaire, Dr. Mary Ann Dutton collaborated with NIWAP to produce a training for advocates and attorneys on trauma informed work that illustrates different scenarios that could arise when working with trauma survivors that cause obstacles in attaining information, such as anxiety, lack of confidence, fear, avoidance, unexpected triggers, minimization, inability to discuss, and suicidal thoughts,[3] and illustrates ways to overcome those barriers.

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[2] Trauma Informed – Structured Interview Questionnaires for Immigration Cases (SIQI)(July 12, 2018) https://niwaplibrary.wcl.american.edu/pubs/siqi-trauma-informed-tool. The SIQI is available in Spanish https://niwaplibrary.wcl.american.edu/pubs/trauma-informado-spanish; Chinese https://niwaplibrary.wcl.american.edu/pubs/trauma-tool-chinese; and Russian https://niwaplibrary.wcl.american.edu/pubs/siqi_russian_complete-9-2-15.

[3] February 24, 2014: "Helping Survivors in Crisis: Hands On Training for Advocates and Attorneys on Trauma-Informed Work with Immigrant Women Who Are Survivors of Domestic Violence and Sexual Assault" (Webinar) https://niwaplibrary.wcl.american.edu/hands-on-trauma-crisis-training

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SPARC collaborated with NIWAP on the updated 2023 version of the SIQI to include questions that document patterns of stalking your clients may have experienced.

The following chart breaks down the Questionnaire with suggestions for sections most helpful for family lawyers, the type of information the questions are intended to produce, and how responses may be helpful.

How to Use the Trauma Informed Structured Interview Questionnaire

Section I Relationship with abuser and cohabitation	• These questions may appear obvious to some, as they ask details about the history of the relationship between your client and the abuser; however, they are especially helpful in identifying details of abuse that are not overt abuse, but rather part of the power and control. • Includes sections directed toward abusive parents and step-parents that may be especially relevant in custody cases; includes question on child support and visitation rights.
Section II Battering or extreme cruelty	• Relevant to help you learn more detail about the contours of the domestic violence and totality of abuse, especially helpful for protection order and custody cases. • Elicits details of the different types of physical abuse, verbal abuse, and threats.
Section III Good moral character	• "Good moral character" is a necessary component for some immigration relief. While it is not traditionally considered in family cases, it can be very useful to gather information on the identity of the primary caretaker, family dynamics, personal attributes, and community relationships.
Section VI Abuse suffered historically	• Similar to Section I but distinct in that it asks about a range of other possible abusers, providing your client with an opportunity to discuss other instances of abuse.
Section VII Criminal Activities	• This section discusses victimization by a spouse, partner or parent and reviews a list of possible criminal activities suffered that may be useful in learning details of the abuse and identifying instances she may not have considered abusive or that client may have been too intimated to previously disclose.
Section VIII Physical, physiological, and emotional harm	• Direct questions about the types of physical, emotional, and physiological harm endured by the survivor; opens the door to provide examples of abuse she may not have considered abusive. • May be relevant in alimony/disproportionate share of property; custody; and protection order remedies. • Information gathered from here may be especially helpful in showing the effect of the abuse on the client; this is useful to show the court how the abusers actions have injured your client.
Section IX Helpfulness	• Questions about interactions with law enforcement, prosecutors, adult or child protective services, the EEOC, DOL, and other potential government certifiers that can provide very important information about witnesses and may capture additional sources of evidence (police report, social worker assessment, etc.).
Section X Inadmissibility	• This section is typically immigration specific, but questions 1 through 5 and question 9 seek information about possibly damaging aspects of your client's personal history, including any criminal history. These responses will help you be aware of and prepare responses to adverse facts the opposing party can bring up.
Section XI Danger Assessment	• The danger assessment is incredibly useful in safety planning with your client. • Identifies key areas of evidence to support your case. • Helps you recognize risk factors in the opposing party's behavior.
Section XII Conflict Tactics Scale (CTS-2)	• Quantifies the abuse to help you build a stronger narrative in court and collect evidence.

Section XIII Psychological Maltreatment of Women Inventory (PMWI) Section XIV Interpersonal Violence Coercion Measure	• Sections XIII and XIV are combined here, as they both assess the level of emotional abuse. They also include questions that assess coercive control.[4] • Information is crucial in designing protection order remedies to best serve individual clients. • Helpful in designing any kind of a visitation schedule or plan with the abusive partner for navigating interactions while sharing custody and visitation of children. • Many of the coercive control factors may also be criminal activities committed by the abuser.
Section XV Interpersonal Violence Threat Appraisal and Fear Scale	• Assessing the client's expectations of future abuse can be very helpful in protection order and custody cases; these questions ask her to reflect on the future of her relationship with the abuser.
Section XVI Identification of Trauma Related Distress PCL-5 (DCM –V)	• Allows the client to quantify levels of distress from the abuse. This helps document and assess how to describe to the court the impact that the abuse has had on your client in any kind of family law case.
Section XVII Patient Health Questionnaire (PHQ-9)	• Responses provide an overall picture of the client's psychological mood. This will help assess the impact the abuse has had on your client for safety planning, mental health care assistance, referrals, etc. • Recognizing signs early and getting your client assistance will help her heal and make her a better witness. It may also affect your strategy and how you pace the legal proceedings.
Section XVIII Stressful Life Events Screening Questionnaire (SLESQ)	• Uncovers multiple types of trauma in a client's past. The history of physical, sexual, and emotional abuse will help you understand how those experiences influence how she reacts or copes with situations. • Having this knowledge is important in family court cases in particular, when the opposing party had an intimate relationship with your client and may possess this knowledge. It is important for you to be aware of it because it helps you prepare yourself and your client for it to come up in court. • Understanding her past experience with trauma will also help you articulate to the court why seemingly innocuous behavior by the abuser is distressful and abusive to your client.
Section XIX Stalking and Harassment Assessment and Risk Profile (SHARP)	• The Stalking and Harassment Assessment and Risk Profile (SHARP) is a 43-item web-based assessment developed from the empirical research, clinical literature, stories from stalking victims, case studies, as well as feedback from victims, advocates, and other professionals in the field. SHARP provides an assessment of the "big picture" of the stalking situation. The conceptual framework for assessing stalking is based on three key components of stalking: (1) Intentional course of conduct; (2) That causes fear, concern for safety, or other emotional distress; and (3) Is unwanted. • It also provides a situational risk profile that consists of 12 factors associated with a wide variety of harms including physical or sexual attack, harm to close others, ongoing and escalating stalking and harassment, and life sabotage.

[4] October 16, 2020: Coercive Control in Families, the Impact on Children and Extreme Cruelty (Presentation by Evan Stark) https://niwaplibrary.wcl.american.edu/coercive-control-extreme-cruelty

Section XX Stalking Behaviors and Risk Factors	• The questions in this section are meant to screen for stalking and gather information about the context of the situation. When considering a stalking situation, use the SLII framework to describe stalking behaviors: SLII = Surveillance, Life invasion, Interference (through sabotage or attack), Intimidation. When considering each of these four categories, consider the duration, intensity, and frequency of the behavior
Section XXI Sample Questions for Identifying a Trafficked/Enslaved Person	• This section provides screening questions designed to help identify when victims of sex or labor trafficking. Included are questions related to recruitment, migration, arrival in the U.S., working conditions, and psychological coercion. This is a helpful tool to use to detect human trafficking occurring within families, in workplaces, and other settings.
Section XXII Predatory Helpfulness Screener	• Through recent scientific advances in our understanding of abuse and exploitation assessments trace how most abusive relationships marked by coercive control begin with an initial period of deception—labelled as predatory helpfulness—marked by offers of help and or romance prior to coercing victims to engage in harmful forms of sex including commercial sex or other domestic violence situations. This Predatory helpfulness screener helps attorneys identify and recognize this initial relational phase of coercion that brings context to the larger situation of abuse and help professionals working with crime victims understand how these behaviors connect to and make later coercive control tactics succeed. Understanding and documenting predatory behaviors of coercive control will aid courts in adjudicating human trafficking and domestic violence cases that involve assessments of victims' credibility and provide the necessary tools to make informed decisions where it concerns, criminal, family and civil justice interventions.
Section XXIII Identifying Involuntary Servitude Or Forced Sex As Human Trafficking Within Domestic Violence and Family Relationships	• The U.S. Department of Homeland Security's U.S. Citizenship and Immigration Services in its April 30, 2024, human trafficking regulations and policy manual recognize that human trafficking can occur in intimate partner relationships and in families and that involuntary servitude and domestic violence may coexist in relationships. Involuntary servitude is a form of labor trafficking. The questions in this section were designed to help advocates and attorneys identify when involuntary servitude, a form forced labor that constitutes human trafficking is co-occurring in domestic violence relationships, in parent-child or stepparent-stepchild relationships and within families. • In screening for and identifying human trafficking occurring in domestic violence and family relationships and determining when sexual assault is co-occurring with human trafficking it is helpful to use the End-Means-Process (EMP) model to identify cases that meet the legal definition of a "severe form of trafficking in persons."
Section XXIV TEN GUIDING PRINCIPLES	• This section of the SIQI sets provides the TEN GUIDING PRINCIPLES for the Ethical and Safe Conduct of Interviews with Women Who Have Been Trafficked developed and published by the World Health Organization (WHO) Ethical and Safety Recommendations for Interviewing Trafficked Women (2003). These provide helpful guidance for trauma informed interviewing of survivors of human trafficking that also apply for family lawyers interviewing victims of domestic and sexual violence, stalking, child abuse, and dating violence.