TRAUMA-INFORMED COURTROOM PRACTICES: A BENCH CARD FOR JUDGES

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Judges and system stakeholders should have a shared understanding of trauma and how it affects the behavior of the youth and families involved in the system. They should also have the capacity to respond effectively to victims of trauma by creating a healing environment that promotes safety, agency, and meaningful social connections.

1. UNDERSTANDING TRAUMA

Difference Between Stress and Trauma

- **Stress:** A natural response to high-stakes events, beneficial when managed, but extreme stress can mimic trauma.
- **Trauma:** A distressing event that threatens one's sense of safety and often causes lasting emotional and psychological effects.

Adverse Childhood Experiences (ACEs)

- **ACEs highlight** childhood adversity's impact but shouldn't solely define trauma. Prioritize observable behaviors and emotional responses.
- **Avoid Pathologizing:** Use ACEs as context, not a diagnostic tool, as they don't define capacity or prognosis.

The Four R's of Trauma-Informed Care

- **R**ealize trauma's widespread impact, including intergenerational effects
- **R**ecognize signs of trauma in those who appear before you
- **R**espond by integrating trauma-informed practices into court procedures
- **R**esist re-traumatization by minimizing triggers (e.g., trauma activation) and promoting emotional safety

2. RECOGNIZING TRAUMA

Recognize Signs of Trauma Activation

- Trauma activation occurs when a current situation causes emotional or physical responses rooted in past trauma (also known as trauma triggers)
- Responding emotionally in ways that don't match the situation (may impact communication, testimony, and credibility)
- Court settings may bring up past trauma, resulting in heightened agitation or aggression (hyperarousal), withdrawal, and disconnection (hypoarousal). Trauma-activated litigants may feel fear, powerlessness, anger, or emotional pain. They may adopt dysfunctional behaviors. For example:

Using alcohol or drugs to numb emotions and block memories	Reacting with anger or aggression for protection with no real danger	Withdrawing and isolating themselves because being alone feels safer	Struggling with relationships due to a lack of trust in others	Experiencing a quick fight, flight, or freeze response activated by fear

3. RESPONDING TO TRAUMA IN THE COURTROOM

Preventing Trauma Activation in Court

Proactively addressing trauma activation can prevent escalations, enhance trust in the legal process, support participant well-being, and improve outcomes.

- ✓ Reduces Emotional Escalation: Keeps emotions stable, avoiding courtroom disruptions and additional stress
- ✓ Promotes Fairness: Individuals are more likely to think clearly and present their case effectively, leading to fairer outcomes
- ✓ Enhances Compliance: Builds trust, making individuals more likely to comply with court orders and engage in the process positively
- ✓ Saves Time and Resources: Reduces the need for interventions, making the court process more efficient
- ✓ Supports Well-being: Supports litigants' mental and emotional well-being, helping them feel respected and safe

Preventing Activations: The C.A.R.E.S. Courtroom Approach

Communicate with empathy and understanding	**A**sk simple, open-ended questions to ease tension	**R**espect the need for breaks to manage emotions	**E**ngage in cooperative dialogue, avoiding shame or blame	**S**how respect through body language and attentive gestures

Examples of the C.A.R.E.S. Courtroom Approach

Inappropriate things to say/do	Appropriate things to say/do	Why it's important
Blaming: "What's wrong with you? You need to be locked up."	Empathy: "I'd like to understand the circumstances that led to court involvement, can you please explain?"	Blaming leads to trauma activation and deters compliance. Empathy makes a person feel connected and supported.
Interrupting: "I'm done, I've heard enough."	Attention: "What you have to say is important. Unfortunately we need to reschedule."	Acknowledging points of view and providing opportunities to be heard can calm the litigant's nervous system.
Indifference: "I've given you enough chances- I'm holding you in contempt."	Respect: "What barriers are preventing your compliance?"	Disrespect can drive negative behavior, whereas respect strengthens future compliance.

Intervening when Trauma has been Activated: The RESPOND Approach

This approach provides a structured, empathetic way to handle situations where trauma has been activated, prioritizing the individual's well-being.

Recognize the Signs: Identify symptoms of trauma activation	**E**xude Calm: Stay composed and use a calm tone	**S**uspend Proceedings: Take breaks to allow composure	**P**ractice De-Escalation: Speak gently and acknowledge emotions	**O**ffer Clear Guidance: Provide simple, straight forward instructions	**N**urture Emotional Safety: Create a supportive environment	**D**ouble-Check Readiness: Proceed cautiously, checking in periodically

4. JUDICIAL INTERVENTIONS

Writing Trauma-Informed Court-Orders

Integrate Trauma-Informed Principles:

- Ensure court orders use language that acknowledges the emotional and psychological needs of individuals involved
- Specify that therapeutic or support services must be provided by trauma-informed professionals

Enhance Safety Through Specific Orders:

- Include provisions to protect individuals from further trauma, such as no-contact orders or safe parent/child contact arrangements, particularly in cases involving safety concerns
- Clearly outline the steps required for each party, including timelines, expectations, and specific interventions

Leverage Community Resources and Therapies:

- Identify local trauma-informed resources in the court order, providing clear instructions
- Mandate evaluations to identify trauma, incorporating the resulting recommendations into the court's orders

Reduce Ambiguity and Ensure Clarity:

- Write specific and easily understandable orders to ensure compliance and accountability
- Include detailed instructions on implementing, monitoring, and following up, ensuring all steps are tailored to address trauma

Additional Resources and Information for Judges

For additional resources, check out our Bench Card Resource Center by scanning the QR code here, or by going to **ncjfcj.org/bench-card-resource-center**

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Supplemental Document **Q&A**

Q: Who was involved in the creation of this Bench Card?

A: The committee members involved in the development and review of the NCJFCJ Bench Card include individuals from various legal and mental health backgrounds:

- Judge Gayl Branum Carr – Fairfax Juvenile & Domestic Relations District Court.
- Michael Saini, PhD, MSW, RSW – Professor at the University of Toronto
- Judge Jill Moss – New Zealand judiciary.
- Sarah Calvert, PhD – Clinical Psychologist.
- Bill Eddy, LCSW, JD – High Conflict Institute.
- Judge David Katz – New Jersey Courts.
- Judge Jane Pearl (Ret.) – Legal expert.
- Katrina Volker – OurFamilyWizard representative.
- Lyn Greenberg, PhD, ABPP – Family Forensic Psychologist.
- Elle Barr, Esq. – OurFamilyWizard representative.
- Robert Simon, PhD -Mental health and forensic professional.
- NCJFCJ Leadership

Q: Why was the Bench Card developed?

A: The Bench Card was developed to provide judges with a practical, evidence-informed guide to recognizing and addressing trauma in the courtroom. Courts can be intimidating spaces that inadvertently activate trauma responses in litigants, particularly children and families experiencing high-stress legal proceedings. This tool equips judges with strategies to create a courtroom environment that minimizes trauma activation, fosters trust, and improves case outcomes by promoting safety, engagement, and fairness.

Q: How is the Bench Card consistent with other NCJFCJ products?

A: This Bench Card aligns with NCJFCJ's long-standing commitment to trauma-informed judicial practices. It builds on previous NCJFCJ resources, such as the Pathways for Becoming a Trauma-Informed Juvenile Court Judge guide, the Enhanced Resource Guidelines, and training initiatives emphasizing trauma-sensitive approaches. Like other NCJFCJ materials, the Bench Card prioritizes fairness, evidence-based interventions, and procedural justice while integrating the latest research on trauma, resilience, and effective judicial engagement.

Q: Why does the Bench Card focus on trauma activation instead of ACEs?

A: While Adverse Childhood Experiences (ACEs) research has been instrumental in understanding long-term health and social outcomes, it is not a comprehensive screening or diagnostic tool for individual litigants. ACEs are valuable for retrospective epidemiological studies but do not fully capture the complexity of trauma responses in a courtroom setting. The Bench Card instead emphasizes trauma activation, which refers to the immediate emotional and physiological reactions individuals experience when past trauma is triggered. This shift allows judges to focus on observable behaviors and interventions rather than historical risk factors. By addressing trauma activation, the Bench Card helps prevent escalations, improve communication, and enhance judicial decision-making.

Q: How can judges use the Bench Card effectively?

A: Judges may integrate the Bench Card into their daily practice by recognizing trauma activation and identifying when a litigant exhibits heightened emotional responses such as fear, anger, withdrawal, or difficulty processing information. Preventing escalation involves using strategies from the C.A.R.E.S. Approach, which includes communicating with empathy, asking open-ended questions, respecting the need for breaks, engaging in cooperative dialogue, and showing understanding through body language. Implementing trauma-informed court orders requires writing clear, specific orders that acknowledge trauma history and provide for safe and supportive interventions, such as access to trauma-informed services. When trauma activation occurs, judges may use the RESPOND Framework, which includes recognizing signs, exuding calm, suspending proceedings if necessary, practicing de-escalation, offering clear guidance, nurturing emotional safety, and double-checking readiness before proceeding.

Q: What is the difference between trauma-informed and trauma-responsive approaches?

A: Trauma-informed care focuses on recognizing the widespread impact of trauma and integrating that understanding into policies and practices. Trauma-responsive care takes it a step further by actively adjusting court processes and judicial interactions to prevent trauma activation and promote healing.

Q: How does this approach improve court outcomes?

A: By addressing trauma activation rather than reacting to disruptive behavior, judges create a courtroom environment where litigants feel heard and respected. This approach reduces emotional escalation, preventing unnecessary outbursts and noncompliance. It promotes fairness by ensuring that individuals may effectively present their cases. It enhances compliance, as litigants are likelier to follow court orders when they feel the process was just. It saves time and resources by minimizing the need for repeated interventions and delays. Finally, it supports litigants' well-being by reinforcing procedural justice and fostering long-term stability for families involved in court proceedings.

Q: How should judges address "rule-follower" litigants who may still be experiencing trauma?

A: Trauma may manifest in many ways, including strict compliance with rules as a survival strategy. Judges should not assume that compliance indicates an absence of trauma but should look for patterns in case histories, assess context, and remain aware that outward behavior does not always reflect internal experiences.

Q: Should trauma-informed principles extend beyond just the judge's interactions?

A: Yes. A trauma-responsive approach should be applied court-wide, including how clerks, security, attorneys, and other staff interact with litigants. This ensures that all touchpoints within the legal system support trauma-sensitive engagement.

Q: Can judges use trauma-informed language when issuing court orders?

A: Yes, court orders should use clear, direct language that acknowledges emotional and psychological needs. Avoiding ambiguous or punitive language may improve compliance and reduce additional stress for litigants.

Q: How can judges address trauma in youth without causing further harm?

A: Instead of asking direct, potentially shaming questions such as, "Why do you keep running away?" judges should use trauma-sensitive language such as, "I was concerned about you when you were missing. What made you feel like you had to leave?" This reduces stigma and encourages meaningful dialogue.

Q: Should Positive Childhood Experiences (PCEs) be considered in judicial decision-making?

A: Yes, while ACEs highlight adversity, PCEs emphasize resilience factors such as supportive relationships, community belonging, and opportunities for meaningful participation. Judges may help promote stability by reinforcing positive supports in court interventions.

Q: Why is this Bench Card specifically for judges and not for the broader family law field?

A: The Bench Card is tailored to judges because they play a unique and central role in shaping the courtroom environment, issuing decisions, and influencing case outcomes. While trauma-informed practices benefit all legal professionals, judges are in a distinct position to set the tone of proceedings, structure interactions in ways that prevent trauma activation, and ensure that court orders reflect trauma-responsive principles. However, the principles in the Bench Card may and should be integrated into the broader family law field by all courts, judges, and related professionals, to create a fully trauma-responsive legal system.

Q: What are the next steps for judges and court staff in using this Bench Card?

A: Judges and court staff should familiarize themselves with the Bench Card's principles and approaches, apply the strategies in daily court proceedings, and observe their impact. Engaging in continued education and seeking additional training on trauma-informed judicial practices is crucial. Finally, sharing feedback with NCJFCJ will help refine and enhance trauma-informed resources, ensuring ongoing improvement in courtroom practices.

Q: What resources are available to support trauma-informed judicial practices?

A: For further reading and resources, judges and court staff may refer to:

- National Council of Juvenile and Family Court Judges (NCJFCJ) Bench Cards: NCJFCJ Bench Card Resource Center
- Pathways for Becoming a Trauma-Informed Juvenile Court Judge: NCJFCJ Pathways Guide
- Adverse Childhood Experiences (ACEs) Overview – Centers for Disease Control and Prevention (CDC): CDC ACEs Resource
- National Child Traumatic Stress Network (NCTSN) Judicial Resources: NCTSN Trauma-Informed Judge Bench Cards
- Substance Abuse and Mental Health Services Administration (SAMHSA) – Trauma and Justice Initiatives: SAMHSA Trauma Resources