



NATIONAL COUNCIL OF
JUVENILE AND FAMILY COURT JUDGES

Trauma-Informed Courts and the Role of the Judge

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Research continues to clarify how traumatic or multiple adverse experiences can negatively impact human development and functioning across physiological, psychological and social domains. Many people seeking justice in our nation's courts have histories of trauma or adversity; and from a public health perspective, it is wise to assume court-involved children and families have sustained some level of psychological or physical injury. Viewing court consumers as injured—versus a traditional 'victim or offender' or 'sick or well' classification—embraces a public health approach within the justice system. Moreover, it reflects a more sophisticated appreciation of the complexities of human development, behavior and relationships. An assumption of injury then suggests courts develop and implement universal precautions across practice, policy and environment in working with system-involved children and families. Universal precautions are conditions and responses designed to avoid additional harm or promote healing in persons whether or not injury is actually present. Specifically, universal precautions in the context of administration of justice should support the core conditions of healing from trauma or adverse experiences. These conditions include safety, self-determination and social connectedness—and ultimately apply to those seeking justice as well as those administering justice.

This basic conceptual framework for 'trauma-informed justice' continues to be refined and operationalized through the work of the National Council of Juvenile and Family Court Judges (NCJFCJ) and partners such as the National Child Traumatic Stress Network (NCTSN). This work to date, much of it supported by funding from the Office of Juvenile Justice and Delinquency Prevention, has involved training thousands of judges and allied court professionals about trauma, developing trauma bench cards, and publishing articles [1] and technical assistance materials. [2] Most recently, it also has involved developing a methodology for assessing the degree to which juvenile and family courts are trauma-informed. This methodology—currently called a 'court trauma audit'—has been piloted in over a dozen juvenile and family courts across the country since May of 2013. A typical audit involves a NCJFCJ/NCTSN team conducting a systematic review of court environment and operations through a trauma lens, with activities including: walkthroughs of the facility, hearing observation, policy and procedure reviews, file reviews, and stakeholder interviews or focus groups. Initial findings from these pilot audits highlight the importance of reducing unnecessary environmental stress, implementing a formal trauma screening protocol, using evidence-based treatments, and identifying and reducing secondary stress in court personnel.

Integrating our understanding of trauma into court culture is nuanced and complex, and in many cases—represents a major shift in philosophy and practice. In the constellation of stakeholders that comprise the healing community, judges are uniquely positioned to facilitate the incorporation of trauma-informed research and practice into the justice system. Indeed, application of an understanding of trauma to the betterment of those seeking justice requires strong judicial leadership. Judges have the status and authority to constantly motivate stakeholders—including the court itself—to ensure institutions are focused on meeting the needs of children and families versus the needs of the institution (i.e., maintain mission fidelity and consumer orientation). Further, judges can model a critical perspective change within trauma-informed care by asking “What happened to you?” versus “What is wrong with you?” in their interactions with parties. Judges also can use their position to lead efforts to identify trauma or adverse experiences within children and families, align appropriate services, and hold parties accountable for provision of services. To accomplish these tasks, judges must be broadly competent in what science tells us about the impacts of traumatic exposure and effective approaches to promote healing. Together, robust judicial training coupled with strong judicial leadership can nourish the kinds of system changes required to nurture well-being and the conditions of healing in all that appear before or work within courts.

The NCJFCJ is committed to continue training, technical assistance and research support to judges and courts working to become increasingly trauma-informed in the administration of justice. As an important next step in this work, we envision using the initial conceptual framework outlined here to focus efforts to precisely define and apply principles of trauma-informed justice—*for* judges and courts *by* judges and courts. Accomplishing these important goals will not only promote a fundamental, widespread and meaningful change in how juvenile and family courts work with children and families, but also will set the foundation for future lines of research on the outcomes associated with implementing trauma-responsive justice practices. Although much work remains to be done, these are exciting times for judges and courts as they learn about and apply trauma science to better serve people touching the justice system who are injured or are at-risk for injury.

[1] e.g., see Marsh, S. C., & Byer, J. (2013). Toward a conceptual framework for trauma-responsive practice in courts. *Criminal Law Practitioner*, 1(1), 101-103.

[2] e.g., see Buffington, K., Dierkhising, C. B., & Marsh, S. C. (2010). Ten things every juvenile court judge should know about trauma and delinquency. *Juvenile and Family Court Journal*, 61(3), 13-23.

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Shawn C. Marsh, PhD, is the Chief Program Officer of Juvenile Law at the National Council of Juvenile and Family Court Judges. Dr. Marsh is a social psychologist with research and teaching interests in the areas of psychology and the law, adolescent development, trauma, and juvenile justice. His background includes working with youth in detention and correction settings as an educator and mental health clinician, and he is a licensed school counselor, professional counselor, and clinical professional counselor. Dr. Marsh is affiliated with several academic departments at the University of Nevada, and his publications include numerous articles in scholarly journals such as *Youth Violence* and *Juvenile Justice and Victims & Offenders*, as well as chapters in textbooks such as *Correctional Psychiatry* and *Juvenile Crime and Justice*.

Mari Kay Bickett, JD, joined the National Council of Juvenile and Family Court Judges (NCJFCJ) as Chief Executive Officer on April 1, 2011. She leads the oldest and largest judicial membership organization in the nation dedicated to supporting judges in the critical work they do to improve outcomes for children and families. NCJFCJ provides training, technical assistance, and research to courts across the United States.

From 1994-2010, Ms. Bickett served as CEO/Executive Director of the Texas Center for the Judiciary, the primary provider of specialized judicial education and training for trial and appellate judges in Texas. During her tenure, the organization received the 2006 ABA Judicial Education Award, the Excellence in Education Award from the Governor and Lt. Governor of Texas, as well as the State Bar of Texas President's Recognition for outstanding contribution to the education of the Texas Judiciary. While in Texas, Ms. Bickett served on various committees of the Supreme Court of Texas Permanent Judicial Commission for Children, Youth, and Families, and as an executive officer and board member on the Texas CASA Board of Directors.

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