

Essential Element 1

Your Role: Maximizing Physical & Psychological Safety for the Child & Family

1) Ensure both physical and psychological safety

- Pay attention to child/parent interactions
- Identify how the child's caregivers or other adults are assisting the child in feeling safe or preventing him or her from feeling unsafe
- Recognize behaviors resulting decreased physical and psychological safety
 - Hyper vigilant
 - Withdrawal-lack of engagement
 - Hostile Behavior

2) Communication

- This can be healing or harmful
- Engage the caregiver(s) and children in court discussion
- Understand the story behind their behaviors, how what may have occurred in the past is linked to current behavior
- Ask for their ideas/suggestions on what will help their family
- Understand how language can be perceived by a trauma survivor

Judge's Comment	Perception of Trauma Survivor	Trauma-Informed Approach
"Your drug screens are dirty"	"I'm dirty. There is something wrong with me." "The judge thinks I'm failing. I'm a failure."	"Your drug screen show the presence of drugs." "I see that you've had a positive screen. I'm sorry to see that you're struggling with this aspect of your plan."
"I want you to have a mental health evaluation"	"I must be crazy. There is something wrong with me that can't be fixed." "The judge thinks I'm crazy and there must be something wrong with me that can't be fixed."	"I'd like to refer you to a doctor/specialist who can help us better understand how to support you."

3) Court Processes

- Explain court proceedings in plain English - let children and families know what will happen next
- Understand that this process can be very frightening and it is important to be transparent and let participants know the steps in the proceedings and what they mean

4) Court Environment

- The court environment can be very intimidating and dehumanizing for trauma survivors
- Consider the following:

Judge's Comment	Perception of Trauma Survivor	Trauma-Informed Approach
A judge requests the parent to explain the impact of abuse without acknowledging the impact of others in the courtroom.	Fear of abusers who may be in the courtroom; reluctance to share information in front of others who do not believe them.	Save questions about sensitive issues for when the courtroom is empty or allow the party to approach the bench. If ongoing abuse or intimidation is suspected, remove the intimidator from the courtroom while the participant shares her story.
The county attorney's request to have the child's foster parent sit near the child while the child testifies or to exclude the perpetrator from the courtroom is denied by the judge.	She hurt me and it makes me remember the pain. I cannot tell my story.	Use Minn. Stat. 260C.163, subd.. 6 to arrange for the child's testimony to be given in an informal manner. Exclude the perpetrator from the courtroom.
There are not separate waiting areas for the perpetrator and victim; or The perpetrator and the victim have to sit in close proximity in the courtroom	"I am afraid of the perpetrator. Why do I have to be with her?"	Courthouse should have physically separate waiting areas for the child and perpetrator.

References:

Essential Components of Trauma Informed Judicial Practice, SAMHSA, 2013