

## **Pathways for Becoming a Trauma-Informed Juvenile Court Judge**

Every hearing is an opportunity for a judge to exercise compassion and understanding for litigants and, at the very least, to do no harm. Unless a judge is performing a wedding, adoption, or granting a stipulated dismissal of a case, most hearings are rife with stress, confusion, and dismay. At first glance, a judge's ability to make decisions depends on concrete factors: facts, law, legislative history, and the lawyers or litigant(s). However, judges must delve beneath these concrete factors to decipher and recognize if and how trauma has driven or is driving behavior.

Before becoming a judge, I was an assistant public defender in Florida and Oregon. I recall asking (begging) judges for leniency regarding the conduct of my adult clients due to traumas experienced as children. I was not making excuses; I explained the circumstances that brought about (often) abhorrent behaviors. The phrase I used most was "he/she/they grew up in foster care." I used this wording before I was representing children in child welfare cases. I had not yet experienced the gut-wrenching emotions involved in telling a child that he/she/they were not going home (yet) or going to their third, fifth, or tenth foster care placement. I had not yet felt the hands and arms of five- and seven-year-olds gripping my legs and begging me to take them home with me. These experiences were gut-wrenching and informed both my rulings and treatment of families as a judge.

Judges should understand the complex system of trauma and its effects. Judges should be experts in how not to re-traumatize a victim or litigant. Judges are in the best position to utilize best practices and trauma-informed care to promote healing, encourage treatment, and support children and parents who have suffered tremendously due to systemic racism, poverty, food and housing scarcity, addiction, and homelessness.

Potential state coordinators for linking systems on behalf of child victims can examine current court systems and procedures and decide how to approach judicial officers

about their roles. Below I have devised different tactics to motivate, inspire, and catalyze your judges:

## 1. The Trauma-Informed Judge

Judges must understand the negative synergy among brain chemistry, child development, mental and physical health, and behavior. Research shows that youth behavioral issues correlate directly with early childhood trauma, such as abuse, neglect, poverty, and violence. Judges need presentations and education from scientists and mental health therapists regarding tools, methods, advances in trauma-informed care, and brain development to treat trauma and prevent further damage. All judicial officers and their staff should be trained on adverse childhood experiences (ACEs) and the effects of childhood trauma.



National Center for Injury Prevention and Control  
**Adverse Childhood Experiences  
Prevention Strategy**



### **Additional Resources:**

[CDC, Violence Prevention, Adverse Childhood Experiences](#)

[SAMHSA Trauma Training for Criminal Justice Professionals](#)

[The Disturbing Connection Between Foster Care and Domestic Child Sex Trafficking](#)

[Voices from the Bench, Judicial Perspectives on Handling Child Sex Trafficking Cases](#)

[NCJFCJ Domestic Child Sex Trafficking Series](#)

[Missing Children, State Care, and Child Sex Trafficking](#)

[Creating a Human Trafficking Strategic Plan to Protect and Heal Native Children and Youth](#)

[National Judicial Institute on Domestic Child Sex Trafficking Online Resources](#)

## 2. The Judge as Architect of Cultural Competence and Inclusivity

Assistance, education, and manuals are available to assure procedural and substantive justice through the lens of inclusivity and cultural sensitivity. Court appearances can be triggering. Litigants feel judged, intimidated, and frightened. The physical space should reduce the intimidation felt by persons entering the courtroom. In treatment courts, judges often sit across from the participant rather than above the participants. The tables might be circular rather than squares. Perhaps the colors on the walls should be soothing rather than institutional. What photos or art are on the walls? Do the photographs represent the races of the litigants? Does the art reflect outdated cultural stereotypes? Is there cultural humility?

### Additional Resources:

[Cultural Responsiveness and the Courts](#)

[Cultural Competence in the Courtroom: A Judge's Insight](#)

[Cultural Sensitivity in the Courtroom](#)

FROM THE BENCH  
**Cultural Competence  
in the Courtroom:**  
*A Judge's Insight*

By Hon. Gail S. Texas  
& Sharon Obiale



## 3. The Judge as Collaborator

Self-assessment tools examine the systemic environment of justice. The National Child Traumatic Stress Network (NCTSN) and the National Center on Substance Abuse and Child Welfare (NCSACW) have developed self-assessment tools and aspirational standards aiming/targeting trauma-informed justice systems. Judge involvement is pivotal in accessing resources, motivating stakeholders, and stewarding these projects.

### Additional Resources:

[NCTSN Trauma-Informed Juvenile Court Self-Assessment](#)

[NCSACW Trauma-Informed Care Walkthrough Project Report](#)

[NCJFCJ Assessing Trauma for Juvenile and Family Courts](#)

#### 4. The Skilled Judge

Education regarding safe harbor laws to protect children and young adult victims of trafficking from criminal prosecution are necessary for all judicial officers. Early screening and treatment for victims of trafficking must occur outside the justice system. Judges must be aware of these scenarios and recognize the signs and symptoms of a justice-involved child or young adult who is unjustly or inappropriately prosecuted.

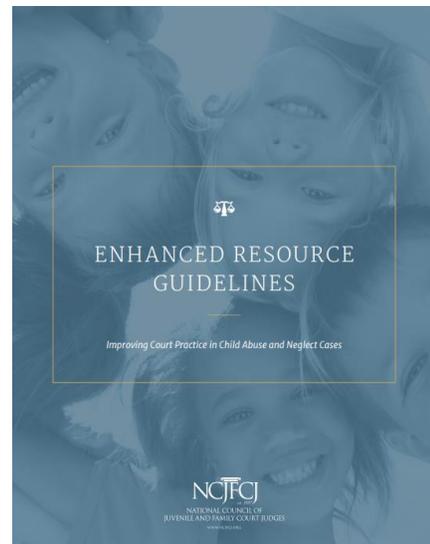
##### **Additional Resources:**

[Safe Harbor Laws: Changing the Legal Response to Minors Involved in Commercial Sex, Phase 2](#)

[The State of Ohio vs. A Sex-Trafficked Teenager](#)

[NCTSN About Child Sex Trafficking](#)

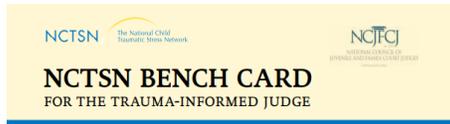
[Enhanced Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases](#)



#### 5. The Trauma-Sensitive Judge

Trauma-informed interventions, policies, procedures, and practices can only be effective if viewed through a trauma lens. Judges need to know what questions to ask to figure out how to connect with the youth and help them. Has the judge reviewed school records, psychological evaluations, mental health records, and/or foster care records (how many times a youth has been in foster care)? What traumatic events have occurred in the youth's life: domestic violence, assault, incarcerated parent(s), homelessness, sexual assault, or bullying? Judges must know these answers before addressing the youth. Retraumatizing with shaming or blaming questions will evoke a trauma response and worsen mental health. The ultimate question the judge must ask is: "How can I reduce the anxiety of this youth before me so they trust me and I can help them?" Both dependency and delinquency justice systems must innovate and develop trauma-informed approaches to benefit the youth and their families. Judges can steward these practices with resources available through the NCTSN and the National Council of Juvenile and Family Court Judges (NCJFCJ).

##### **Additional Resources:**



Research has conclusively demonstrated that court-involved children and adolescents present with extremely high rates of traumatic stress caused by their adverse life experiences. In the court setting, we may perceive these youth as inherently disrespectful, defiant, or antisocial, when, in fact, their disruptive behavior may be better understood in the context of traumatic stress disorders. These two Bench Cards provide judges with useful questions and guidelines to help them make decisions based on the emerging scientific findings in the traumatic stress field. These cards are part of a larger packet of materials about child and adolescent trauma available and downloadable from the [NCTSN Trauma-Informed Juvenile Justice System Resource Site](#) and are best used with reference to those materials.

1. Asking trauma-informed questions can help judges identify children who need or could benefit from trauma-informed services from a mental health professional. A judge can begin by asking, "Have I considered whether or not trauma has played a role in the child's behavior?" Use the questions listed below to assess whether trauma-informed services are warranted.

**TRAUMA EXPOSURE:** Has this child experienced a traumatic event? These are events that involve actual or threatened exposure of the child to death, severe injury, or sexual abuse, and may include domestic violence, community violence, assault, severe bullying or harassment, natural or man-made disasters, such as fires, floods, and explosions, severe accidents, serious or terminal illness, or sudden homelessness.

**MULTIPLE OR PROLONGED EXPOSURES:** Has the child been exposed to traumatic events on more than one occasion or for a prolonged period? Repeated or prolonged exposure increases the likelihood that the child will be adversely affected.

**OUTCOMES OF PREVIOUS SANCTIONS OR INTERVENTIONS:** Has a schedule of increasingly restrictive sanctions or higher levels of care proven ineffective in this case? Traumatized children may be operating in "survival mode," trying to cope by behaving in a defiant or especially uncooperative manner. As a result, they might respond poorly to traditional sanctions, treatments, and placements.

**CAREGIVERS' ROLES:** How are the child's caregivers or other significant people helping this child feel safe or preventing (either intentionally or unintentionally) this child from feeling safe? Has the caregiver been a consistent presence in the child's life? Does the caregiver acknowledge and protect the child? Are caregivers themselves operating in survival mode due to their own history of exposure to trauma?

**SAFETY ISSUES FOR THE CHILD:** Where, when and with whom does this child feel safe? Where, when and with whom does he or she feel unsafe and distrustful? Is the home chaotic or dangerous? Does a caregiver in the household have a restraining order against another person? Is school safe or unsafe place? Is the child being bullied at school or does the child believe he or she is being bullied?

**TRAUMA TRIGGERS IN CURRENT PLACEMENT:** Is the child currently in a home, out-of-home placement, school, or institution where the child is being re-exposed to danger or being "triggered" by reminders of traumatic experiences?

**UNUSUAL COURTROOM BEHAVIORS:** Is this child behaving in a highly anxious or hypervigilant manner that suggests an inability to effectively participate in court proceedings? (Such behaviors include inappropriate smiling or laughter, extreme passivity, quickness to anger, and non-responsiveness to simple questions.) Is there anything, as a judge, can do to lower anxiety, increase trust, and enhance participation?

## [NCTSN Bench Cards for the Trauma-Informed Judge](#)

## [NCTSN Essential Elements of a Trauma-Informed Juvenile Justice System](#)

An additional evidenced-informed resource for juvenile judges is the *Justice Policy Journal*, Fall, 2019: Justice-Involved Youth and Trauma-Informed Interventions. These resources are invaluable for judges seeking to assure justice with trauma-informed practices. Judges may also inquire whether child welfare agencies are training employees on trauma-informed practices. [The Office for Victims of Crime](#) has manuals and support materials to guide children who are victims or witness crime.

## 6. The Cross-Trained Judge

Juvenile and treatment court judges often have the most intensive knowledge and training regarding evidenced-based trauma-informed practices. Treatment and family court judges are the best trained in educating their colleagues on issues of trauma. Online training offers the latest on substance abuse issues, trauma, family systems, mental health, and training that is necessary and appropriate for all judges, not just specialty judges. Reach out to the well-trained judges and inquire about teaching others. Local bar associations often have noon educational seminars and provide continuing legal education credits for lawyers and judges. Yearly and bi-yearly state judges meetings and state bar associations are ripe for training for lawyers and judges on the practices necessary to create a trauma-informed justice system.

### **Additional Resources:**

[The Urgency to Address Trauma in Our Treatment Courts: What it Means to be Trauma-Informed](#)

[The Urgency to Address Trauma in Our Treatment Courts: What It Means to be Trauma-Informed](#) (document)

[The Urgency to Address Trauma in Our Treatment Courts: What It Means to be Trauma-Informed](#) (webinar)

Additional annual training opportunities are offered by the [National Council of Juvenile and Family Court Judges](#) at the National Conference on Juvenile Justice and the NCJFCJ Annual Conference.



**NCJFCJ** NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

NATIONAL CENTER FOR JUVENILE JUSTICE

FAMILY VIOLENCE AND DOMESTIC RELATIONS

CHILD WELFARE AND JUVENILE LAW

## Who We Are

The National Council of Juvenile and Family Court Judges is the oldest judicial membership organization in the country and provides all judges, courts, and related agencies involved with juvenile, family, and domestic violence cases with the knowledge and skills to improve the lives of the families and children who seek justice.

## About the Author – Judge Ilisa Rooke-Ley



Judge Rooke-Ley is committed to serving individuals and families involved in the justice system. She worked as a public defender in Florida and Oregon for 14 years. She recently retired from the Lane County bench and now works as a senior judge throughout Oregon. She led Lane County’s treatment courts (veterans, adult, and mental health) for four years and a juvenile treatment court for two. She presents on judicial ethics issues for treatment court judges and has written on a veterans’ treatment court.

She has extensive training in best practices and evidence-based trauma-informed practices. She has served on numerous boards, including the Eugene Human Rights Commission, Legal Aid and Legal

Services, Sponsors, Inc., Trauma Healing Project, and Friends of the Children.

Her passion is the holistic health and wellness of families – this includes support/advocacy for health care, housing, access to family planning, employment, mental health and SUDs treatment, nutrition, and education. She believes the response to trauma is:

1. screening/recognizing its origins (ACEs);
2. understanding how it manifests in justice-involved youth/families; and
3. interventions/programming supporting/driving justice-related policy.

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