

TRAUMA-INFORMED PRACTICE & FAMILY LAW

Feel the feeling but don't
become the emotion.
Witness it. Allow it.
Release it.



OVERVIEW

- * Understanding Trauma
- * Examine the Neurobiology of Trauma
- * Trauma-Informed Practice & relevance to Law
- * Trauma Informed Practice
- * Understanding Vicarious Trauma
- * Dealing with Vicarious Trauma & Self Care



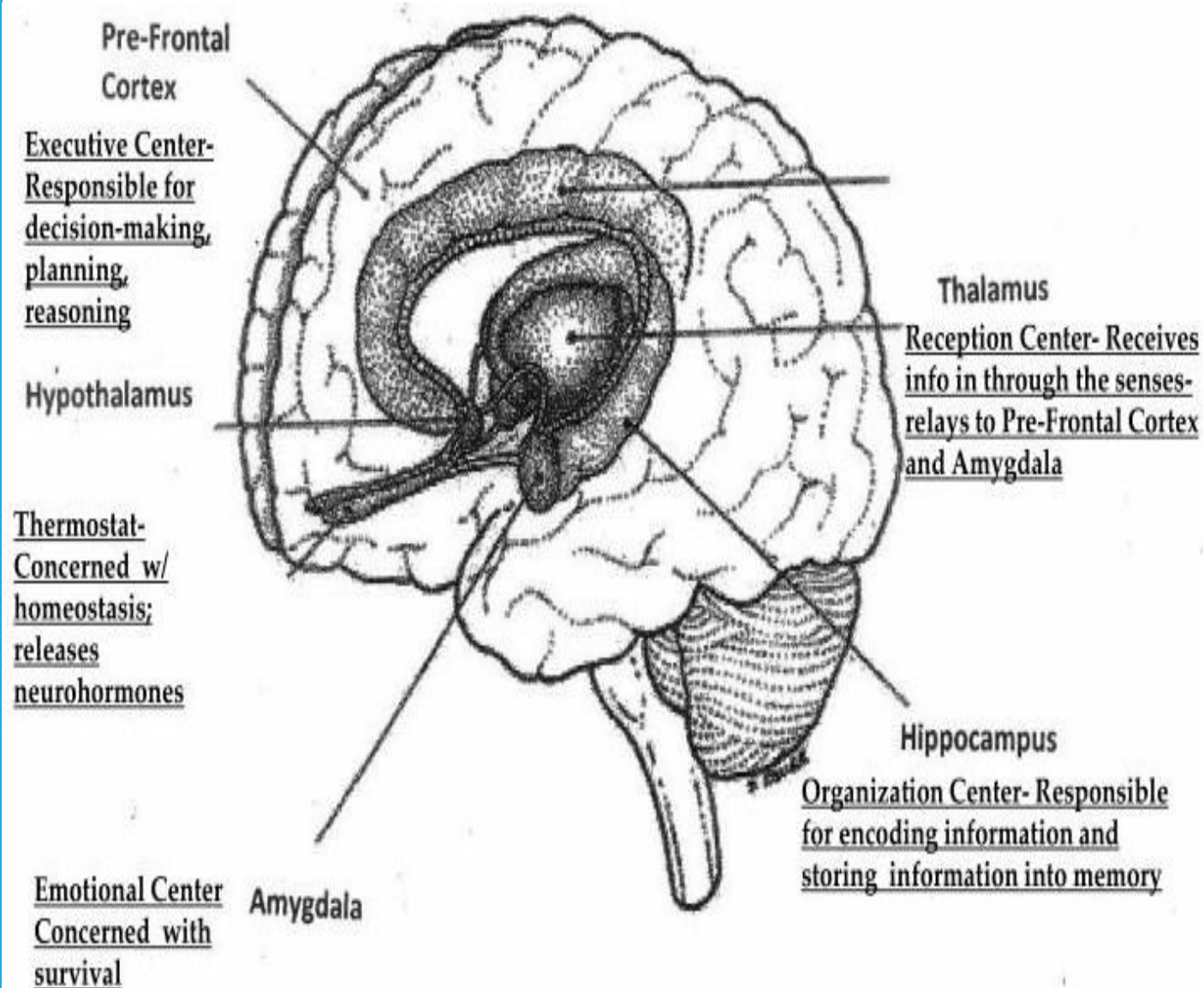
UNDERSTANDING TRAUMA

“Trauma is when we have encountered an out of control, frightening experience that has disconnected us from all sense of resourcefulness or safety, or coping or love.” (Tara Brach, Trauma Toolkit 2013)

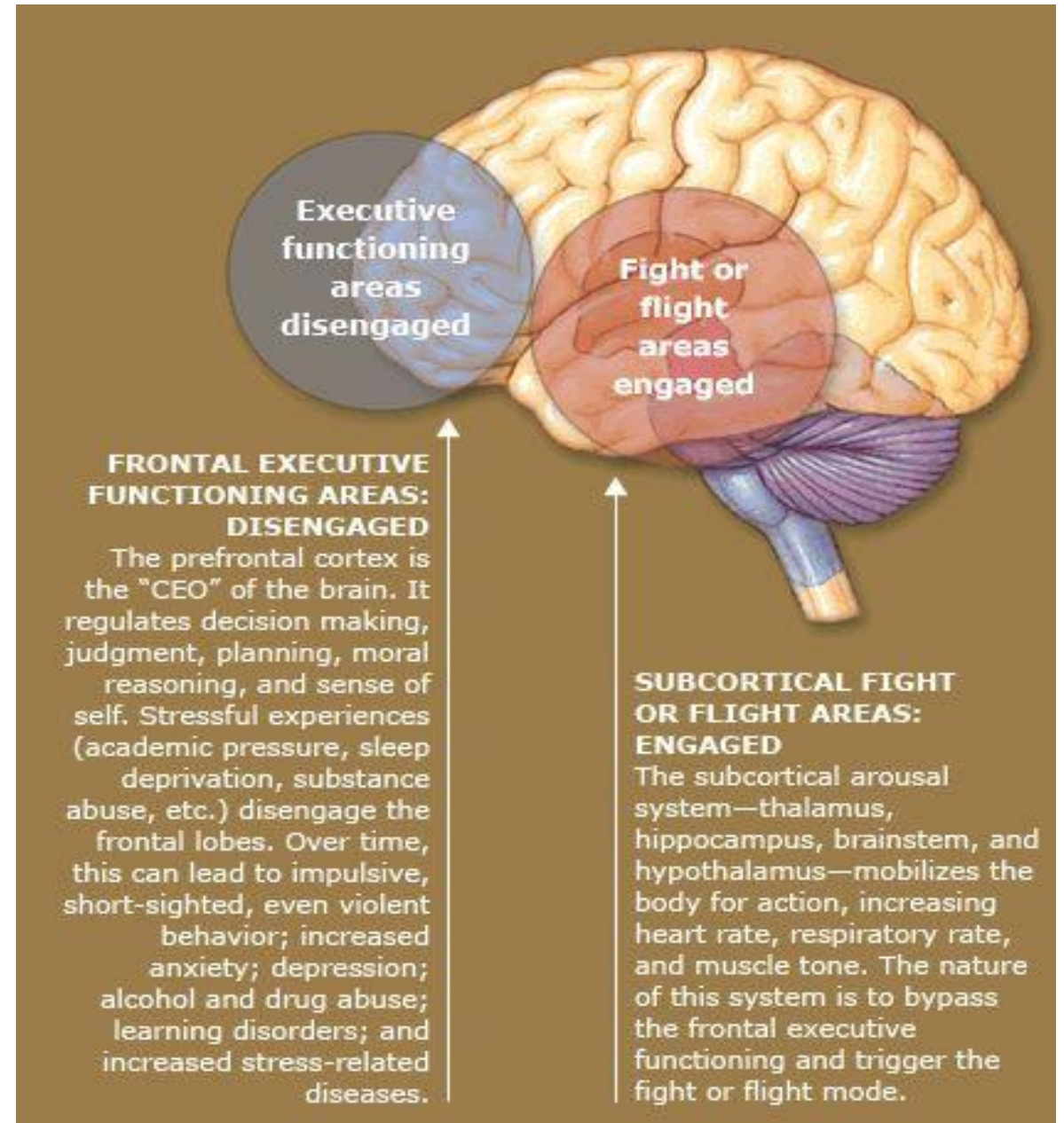
Judith Herman (1992) defines complex trauma as *“typically the result of exposure to repeated or prolonged instances or multiple forms of interpersonal trauma, often occurring under circumstances where escape is not possible due to physical, psychological, maturational, family/environmental, or social constraints.”*



NEUROBIOLOGY OF TRAUMA



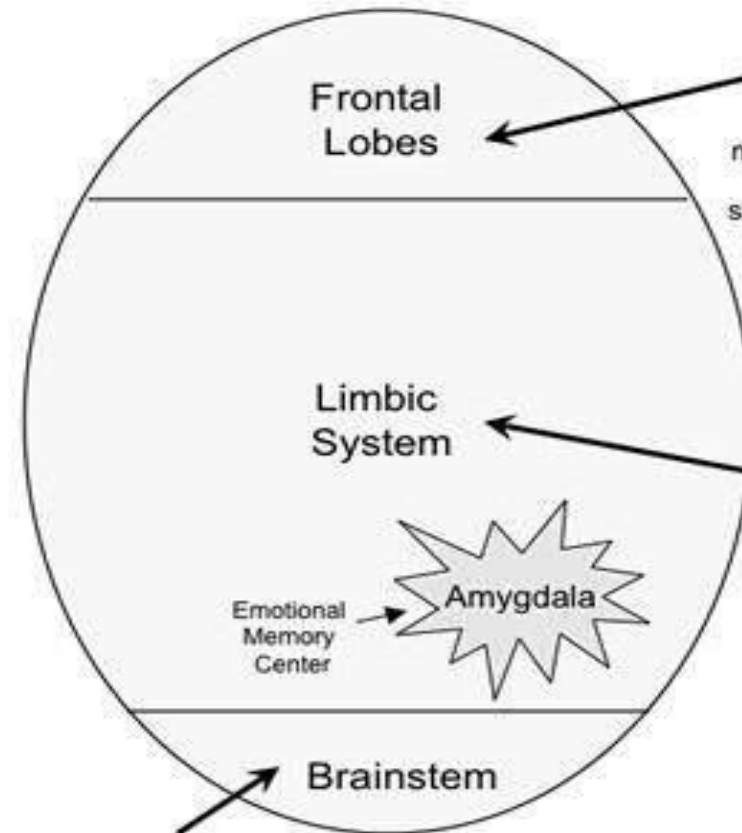
NEUROBIOLOGY OF TRAUMA



NEUROBIOLOGY OF TRAUMA

We remember trauma less in words
and more with our feelings and our
bodies

[van der Kolk & Fisler, 1995]



Brain scan research shows that, when we remember a traumatic event, memory centers in the frontal lobes shut down, and we get overwhelmed by feelings and impulses or driven to action.

The limbic system responds to memories with increased activity, especially in the **amygdala**, the brain's and emotional memory center. The amygdala "sounds the alarm" as if we were in danger right now.

The reptilian brain reacts instinctively to the amygdala's 'alarm.' Heart rate increases. We stop breathing or hyperventilate. Muscles tense. We either speed up or shut down.

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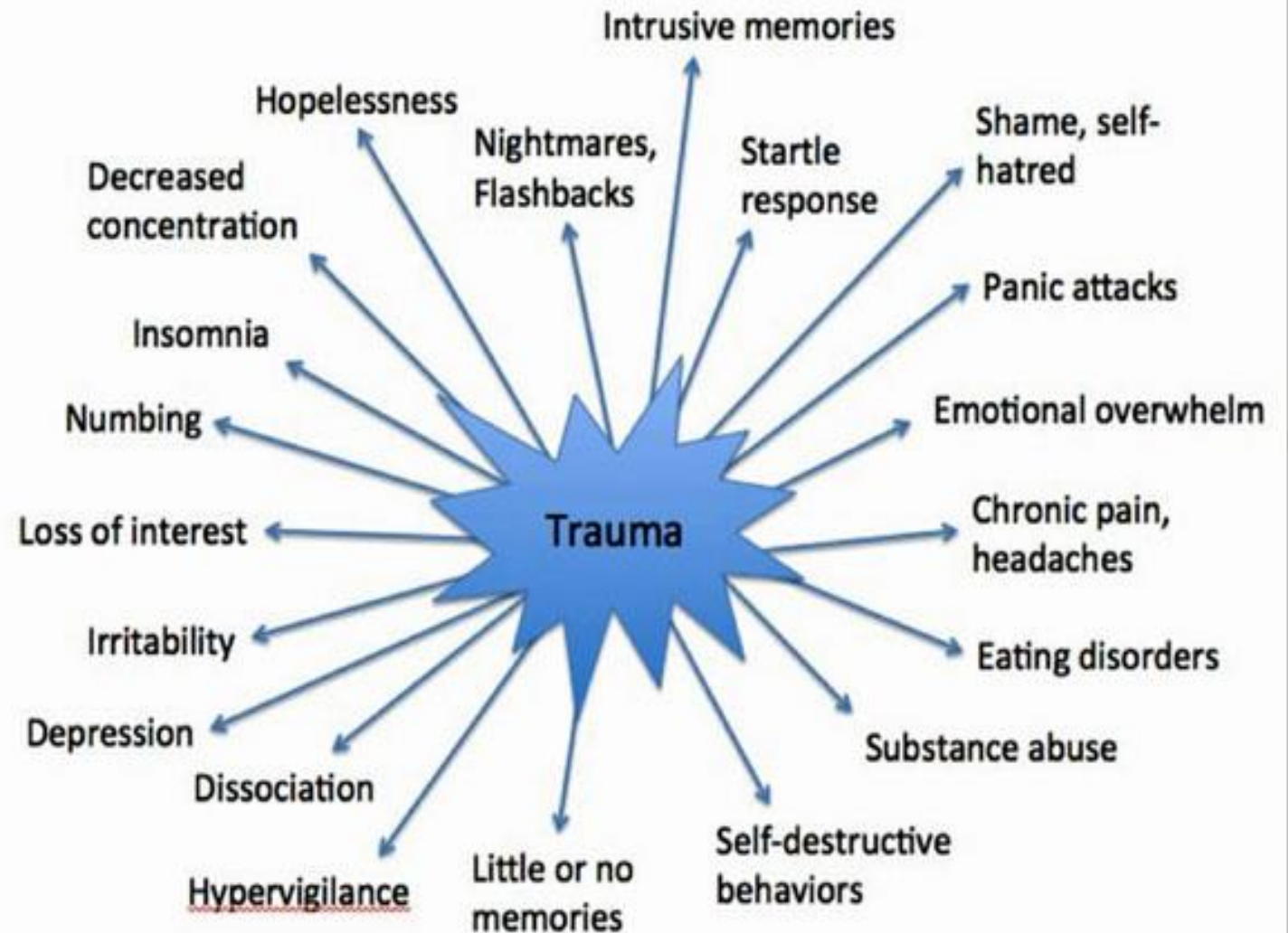
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FLIGHT OR FIGHT



TRAUMA RESPONSE



Adapted from Janina Fisher



TRAUMA INFORMED PRACTICE & LAW

As a powerful institution in society, law regularly encounters and deals with people, both as victims and offenders, whose lives have been shaped by traumatic events and interpersonal trauma.

The law plays a pivotal role in regulation of, and responses to, human behaviour.

The reality is that there are few areas of legal practice to which trauma-informed principles do not apply.

“Most if not all, situations of conflict and harm involve questions of justice and injustice, and situations of injustice frequently involve trauma.”



TRAUMA INFORMED PRACTICE & THE LAW

Trauma-Informed practice is also highly pertinent to the judiciary. This includes all stakeholders including judges, magistrates as well as court staff and all who appear before the courts.

Comments by Justice Marshall in 2015, who disclosed his own experience of depression, has become a vocal advocate for mental health issues to be addressed by the legal profession as “a necessity not an option.”

Trauma-informed practice applies to all levels of service delivery and means attuning to all aspects of a service and how it is delivered (formal & informal, policy & procedures, first contact, and the manner of client engagement).



TRAUMA INFORMED PRACTICE

“Trauma Informed services do not need to be focussed on treating symptoms or syndromes related to trauma...their commitment is to provide services in a manner that is welcoming and appropriate to the special needs of those affected by trauma.” (Harris & Fallot, 2001)



TRAUMA INFORMED PRACTICE

Four Key Characteristics of Trauma-informed Lawyering

- Identifying trauma
- Adjusting the lawyer/client relationship
- Adapting litigation strategies
- Preventing vicarious trauma

Katz & Haldar (2016) argue that these are the hallmarks of trauma-informed practice, when the practitioner puts the realities of their client's trauma experiences at the forefront, by engaging with their client and adjusts the practice approach, informed by the individual client's trauma experience.

A trauma informed perspective asks clients not; “what is wrong with you?” but, instead; “what happened to you?”



TRAUMA INFORMED PRACTICE

The five core trauma-informed principles you need to incorporate in your service today;

1. Safety – Ensuring Physical & Emotional Safety
2. Trustworthiness
3. Choice
4. Collaboration
5. Empowerment



TRAUMA INFORMED PRACTICE

1. Safety:

- Be transparent with your information

Such as;

- Location of your office, mediation venue, or Court
- Time and day of appointments
- Implement a safety plan
- Ensure access to & from locations are clear and safe



TRAUMA INFORMED PRACTICE

2. Trustworthy:

- Clear communication
- Follow through with actions
- Be clear who will be doing what & why
- Ensure informed consent



TRAUMA INFORMED PRACTICE

3. Choice:

- * Discuss options (if applicable)
- * Discuss limitations of options
- * Gender preference of the other service providers if possible
- * Provide clear & appropriate messages to the client
- * Be clear of their rights & responsibilities



TRAUMA INFORMED PRACTICE

4. Collaborations:

- Give clients a significant role in planning interventions & process (where possible & where appropriate)
- Consult re: goal setting, developing legal approach/treatment priorities
- Cultivate an environment of “doing with” rather than “doing to” or “for”
- Convey a message that your client is the expert in their own life & their children’s life.



TRAUMA INFORMED PRACTICE

5. Empowerment:

- Recognising the client's strengths & skills
- Build a realistic sense of hope and expectation
- Provide an atmosphere that allows your client to feel validated & affirmed with each and every contact with your service



TRAUMA INFORMED PRACTICE

Interviewing people who are traumatised

- Their story may jump from place to place & not seem to make a lot of sense
- They may repeat some things & leave out other things
- They may have periods of “vague-ing out.”
- They may be emotional – crying, screaming and may even become personally abusive
- They may seem emotionless and disconnected when describing awful things
- They may minimise violence (trauma event) e.g. laughing, making jokes
- They may not immediately disclose violence (or traumatic events)



TRAUMA INFORMED PRACTICE

Practical tips for getting the best out of a traumatised person

❖ Physical office set up

- ✓ Quiet, calm, private
- ✓ Tissues
- ✓ Visible material (posters...) that demonstrate awareness of dv issues, mental health issues, respect, safety etc...
- ✓ Have things available to touch e.g. stress balls, small toys, smooth stones
- ✓ Have a protocol for support people attending the interview and communicate this to the client in advance
- ✓ Ask the client if they want the door closed or left open
- ✓ Ask the client where they want to sit, if there is an option
- ✓ Tell the client that they can take a break at any time



TRAUMA INFORMED PRACTICE

Practical tips for getting the best out of traumatised person cont...

➤ **Don't expect a linear story**

- ✓ What do you remember now? – sounds, smell, sensations (remember neurobiology of trauma)
- ✓ Grounding questions – do you want a glass of water? Do you want to take a break? Take some deep breaths.

➤ **More time is usually needed**

- ✓ May need a longer appt, or more appts

➤ **Ways to maximise your time with the client:**

- ✓ Any other documents that tell your story?
- ✓ Utilise support people (with the client's written consent)
 - May help the client write their story
 - May be able to provide you directly with some of the background
 - Provide emotional support – at Court



VICARIOUS TRAUMA

The Brain & Mind Research Institute released results of a survey in 2009, where 741 students, 924 solicitors and 756 barristers were interviewed and it was found that 31% of solicitors and 16.7% of barristers suffered from high to very high distress levels, severe enough to warrant clinical assessment.



VICARIOUS TRAUMA

What is Vicarious Trauma?

- ❑ Repeated exposure to clients' traumatic stories and experiences
- ❑ Can impact on DV workers, Sexual Assault workers, Child Protection Officers, Judges, Lawyers & Family Consultants etc
- ❑ Can also impact on front of service staff, such as receptionists, client services staff in registries, Court Associates etc
- ❑ Impacts are accumulative
- ❑ Vicarious trauma is not a sign of weakness. It is the cost of working with people who experienced trauma and abuse – of bearing witness and of empathic engagement with those affected.
- ❑ Burnout is the prolonged physical and psychological exhaustion related to a person's work. It does not include traumatic elements.



RECOGNISING SIGNS & SYMPTOMS OF VICARIOUS TRAUMA

This is not an exhaustive list but it covers some of the common signs of vicarious trauma:

- Invasive thoughts of client's situation/distress
- Frustration/fear/irritability
- Disturbed sleep/nightmares/racing thoughts
- Problems managing personal boundaries
- Taking on too great sense of responsibility or feeling you need to overstep the boundaries of your role
- Difficulty leaving work at the end of the day/noticing you can leave on time
- Loss of connection with self and others/loss of a sense of own identity
- Increased time alone/sense of needing to withdraw from others
- Increased need to control events/outcomes/others
- Loss of pleasure in daily activities



TIPS FOR MANAGING SYMPTOMS

If you find yourself experiencing these symptoms, it's important to recognise that this is not a reflection on your professional abilities but a normal response to the challenging nature of this work.

- ✓ **Reach out to someone** – your manager, a colleague, trusted friend, a counsellor, or other support person, employee assistance program (EAP)
 - ✓ **Find a way to escape physically and/or mentally** – find outside interests (clubs/sports/hobbies), read, have days off, holidays, walk, seeing friends
 - ✓ **Rest** – have sometime with no goals, take an afternoon nap, lying by the pool, people watching, star gaze, pray, meditate
 - ✓ **Play** – have fun!! Do things that make you laugh – go out with friends, play with the kids, or pets, do creative activities, watch a movie.
- ❖ Be kind to yourself, stay in contact with how you are feeling, self reflect, and remember that some emotional reactions to people's difficult stories is normal....you are human....not a robot.



VICARIOUS TRAUMA & TRAUMA INFORMED PRACTICE

A trauma informed approach to your service and staff will involve similar principals to your trauma-informed approach to clients.

It will also include;

- ✓ Caseload
- ✓ Supervision
- ✓ Peer Supervision
- ✓ Education & Training
- ✓ Regular leave
- ✓ Humour
- ✓ Focus on well-being



PREVENTION

To help prevent symptoms of vicarious trauma from escalating or happening in the first place;

- ✓ Utilise your team and managers for regular debriefing and other support
- ✓ Find out if you have access to EAP, or other similar support services
- ✓ Engage in reflective practice. This can be done with a trusted friend or manager/supervisor, counsellor, colleagues (peers), write a journal
- ✓ Honour your scheduled breaks and annual leave
- ✓ Evaluate your work space to ensure it is conducive to wellbeing – enough space for you and colleagues to have lunch, chill-out spaces, lots of plants/flowers/colour/light
- ✓ Be kind and supportive to your co-workers and make sure you celebrate achievements and birthdays, take time out together



SELF-CARE

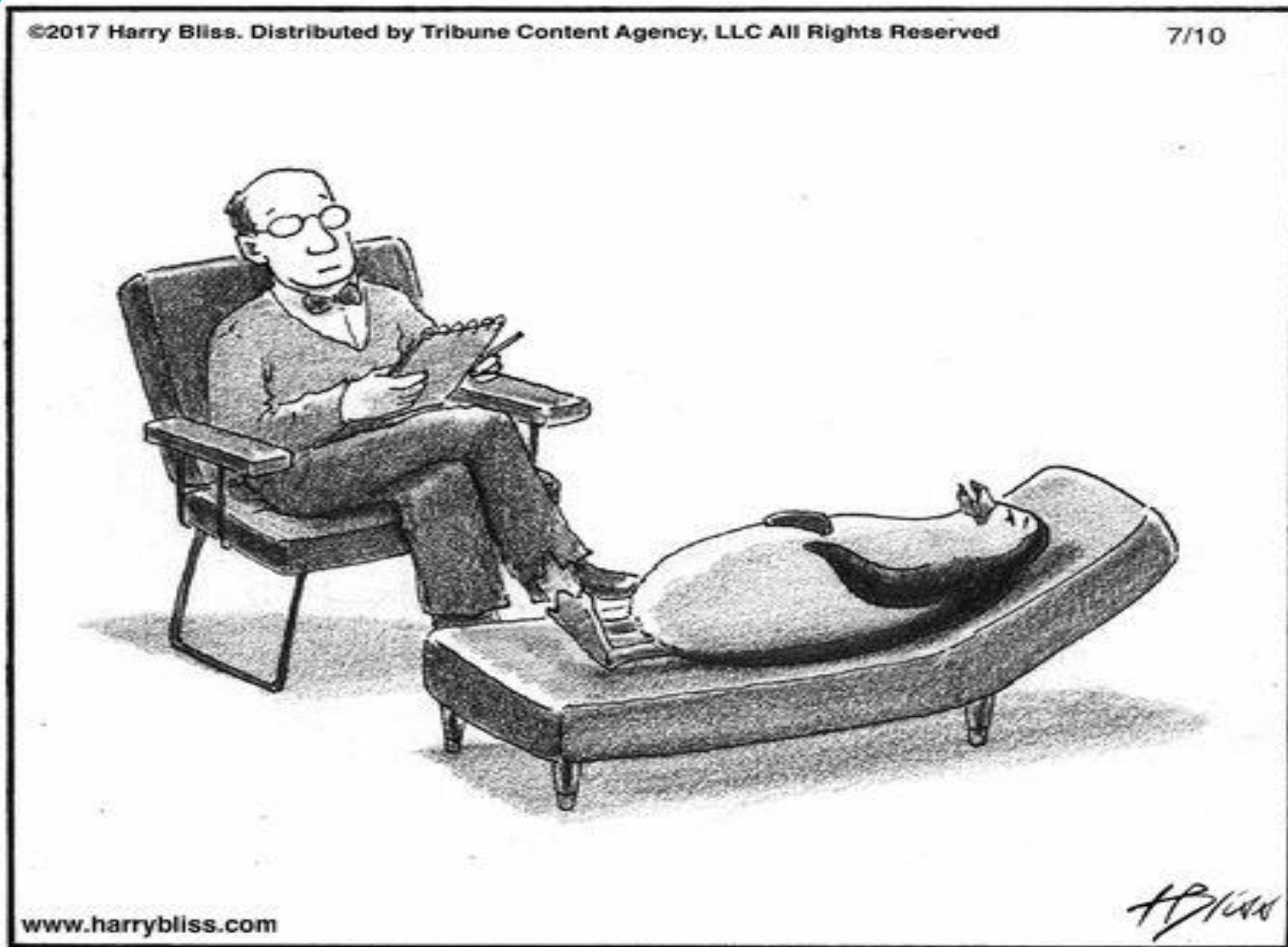
Give yourself permission to seek mental health support...

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SELF-CARE

Be self aware, ask for help...



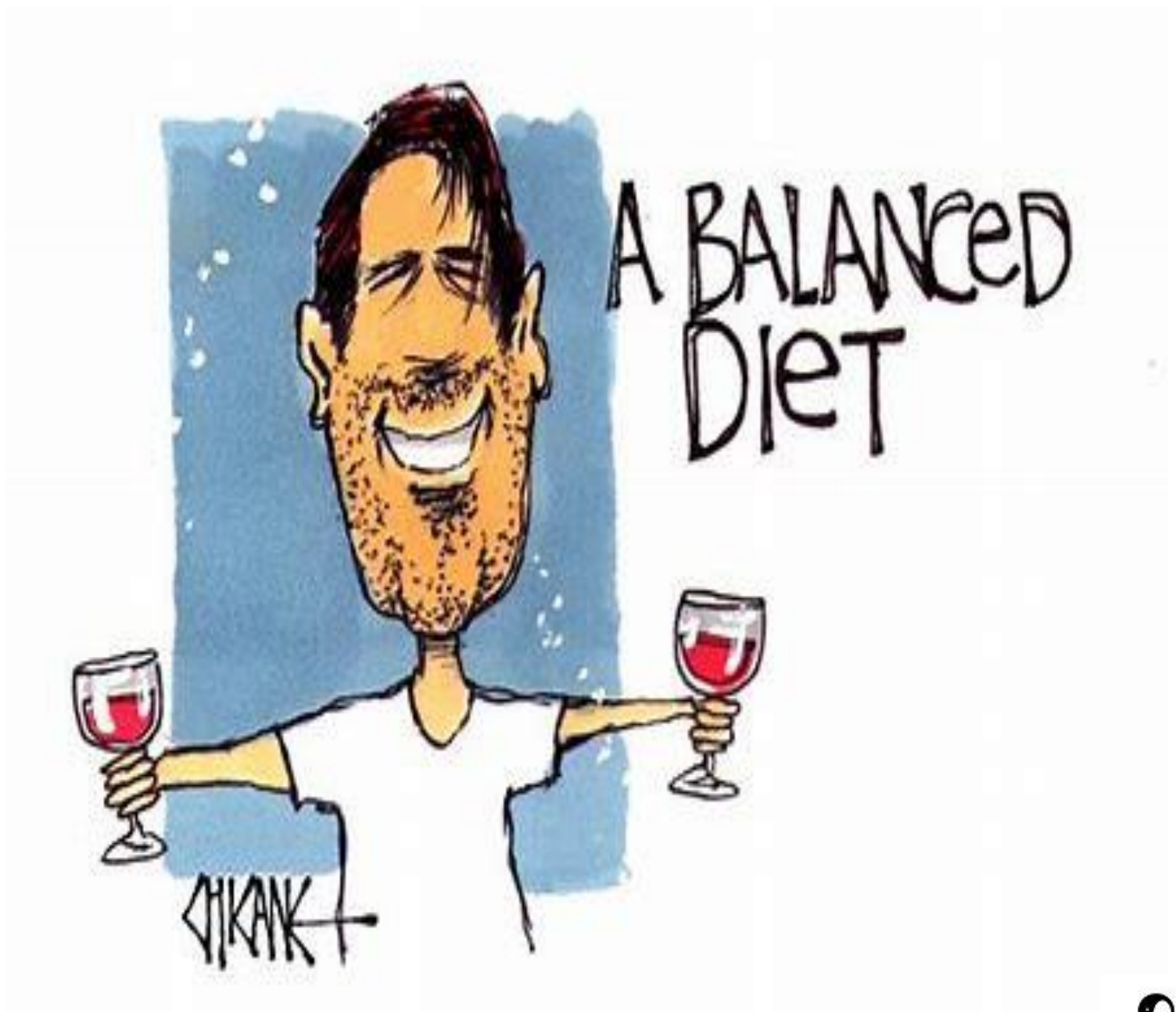
www.harrybliss.com

“I’ve lost the will to slide down icy hills on my tummy.”



SELF-CARE

Eat well, and monitor your alcohol consumption...



SELF-CARE

Get enough good sleep...



"The good news is that you don't have apnea.
The bad news is that Fluffy sleeps on your face."



SELF-CARE

Do at least 30 minutes of exercise a day...



“Would you describe your current level of fitness as very fit, somewhat fit, fit to be tied or not fit to stand trial?”



SELF-CARE

Manage your time at work, use mental health days, offer staff an early minute, or work from home...



Bob learned to redirect his pent-up fury. Rather than postal, he went coastal.





SELF-CARE

Make sure you and staff take decent time off...away from work!!

"I'm going on vacation and this carry-on has my smartphone, my work laptop, and a ton of important paperwork I could do on the plane. How much extra for you to lose it?"



SELF-CARE

Take time to self-reflect and reality check...

A friend told
me that I was
delusional.
I almost fell off
my unicorn.



SELF-CARE

Surround yourself with good friends and support...

PERKS OF BEING
MY FRIEND.
YOU'LL BE THE
NORMAL ONE.

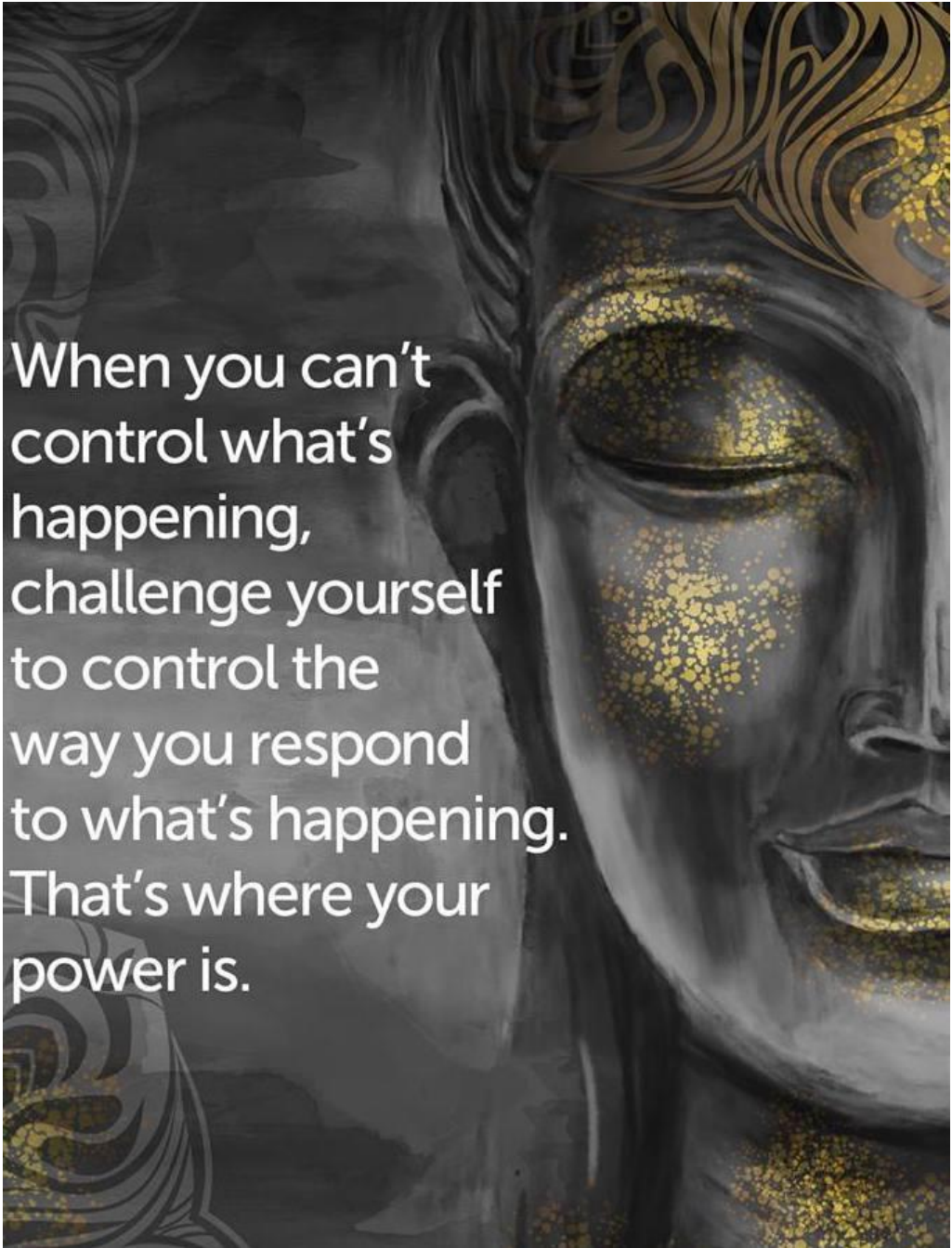


CONCLUSION

- Understanding trauma and the neurobiology of trauma will help you understand your clients', your colleagues' and your response to traumatic stories and/or events.
- Trauma-Informed Practice is relevant to all areas of human service, including many aspects of Law.
- A trauma-informed practice can not only help your clients, but also help you to prevent and/or manage vicarious trauma.
- Vicarious trauma is a process that unfolds over time. It is not just your responses to one person, one story, or one situation. It is the cumulative effect of contact with people who have been effected by trauma.
- Vicarious trauma happens because you care – because you empathise with people who are struggling.
- You can also help yourself, help your colleagues and collectively enhance your workplace culture and attitudes so that you all feel supported and maintain your resilience.



CONCLUSION



When you can't control what's happening, challenge yourself to control the way you respond to what's happening. That's where your power is.



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THANK YOU

