



Judicial Trauma Institute

Equity as a Foundation
for a Trauma-Informed
Court

Judge Cyndi Wheless

Judge Aurora Martinez Jones

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TEXAS CENTER
FOR THE JUDICIARY

Introduction

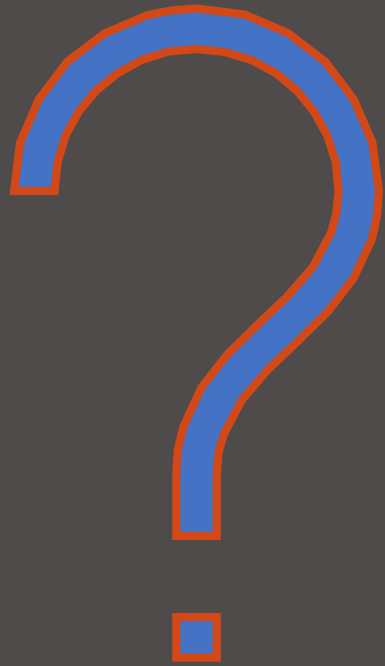




BUILDING A TRAUMA- INFORMED CHILD WELFARE SYSTEM

A trauma-informed child welfare system is culturally competent and equitable.





**HOW DO WE
GET THERE?**

Inequality

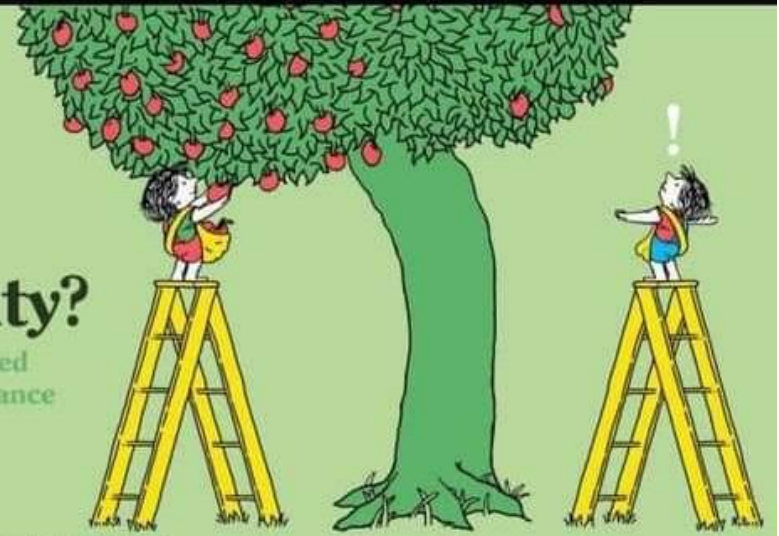
Unequal access to opportunities



Source: @lunchbreak in the 2019 Design in Tech Report

Equality?

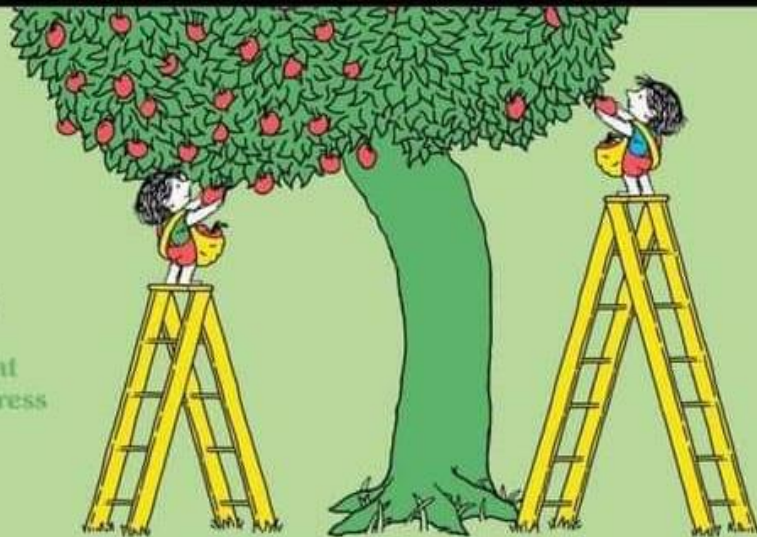
Evenly distributed tools and assistance



Source: @lunchbreak in the 2019 Design in Tech Report

Equity

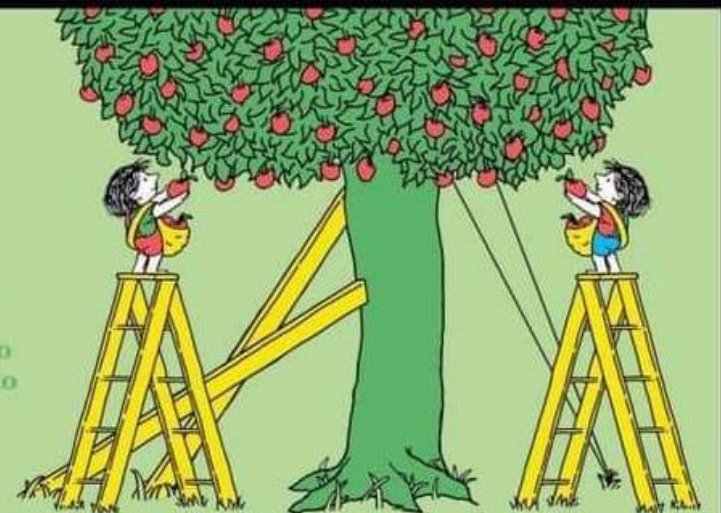
Custom tools that identify and address inequality



Source: @lunchbreak in the 2019 Design in Tech Report

Justice

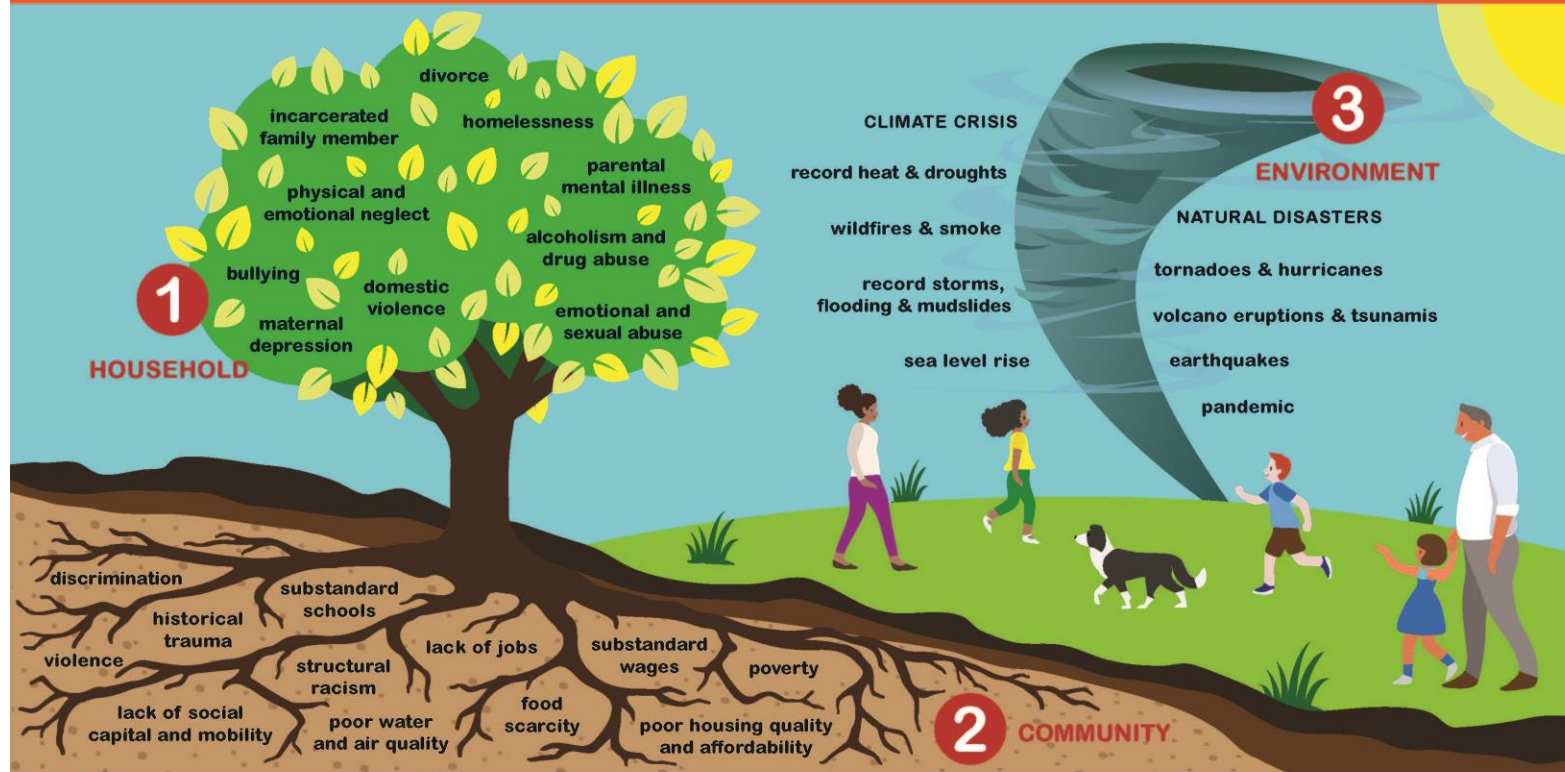
Fixing the system to offer equal access to both tools and opportunities



Source: @lunchbreak in the 2019 Design in Tech Report

3 Realms of ACEs

Adverse childhood and community experiences (ACEs) can occur in the household, the community, or in the environment and cause toxic stress. Left unaddressed, toxic stress from ACEs harms children and families, organizations, systems and communities, and reduces the ability of individuals and entities to respond to stressful events with resiliency. Research has shown that there are many ways to reduce and heal from toxic stress and build healthy, caring communities.



Thanks to Building Community Resilience Collaborative and Networks and the International Transformational Resilience Coalition for inspiration and guidance. Please visit [ACESConnection.com](https://www.acesconnection.com) to learn more about the science of ACEs and join the movement to prevent ACEs, heal trauma and build resilience.



AMERICAN ACADEMY OF PEDIATRICS (2019)

“By acknowledging the role of racism in child and adolescent health, pediatricians and other pediatric health professionals will be able to proactively engage in strategies to optimize clinical care, workforce development, professional education, systems engagement, and research in a manner designed to reduce the health effects of structural, personally mediated, and internalized racism and improve the health and well-being of all children, adolescents, emerging adults, and their families.”



RACE-BASED TRAUMA DEFINED

Cumulative negative impact of racism on the lives of people of color

- Encompasses the emotional, psychological, health, economic, and social effects of multigenerational and historical trauma.
- Relates to the damaging effects of ongoing societal and racial aggressions, internalized racism, overt racist experiences, discrimination and oppression within the lives of people of color.
- When repetitive and unresolved, these experiences rooted in racism can create severe emotional pain and distress that can overwhelm a person's and community's ability to cope.



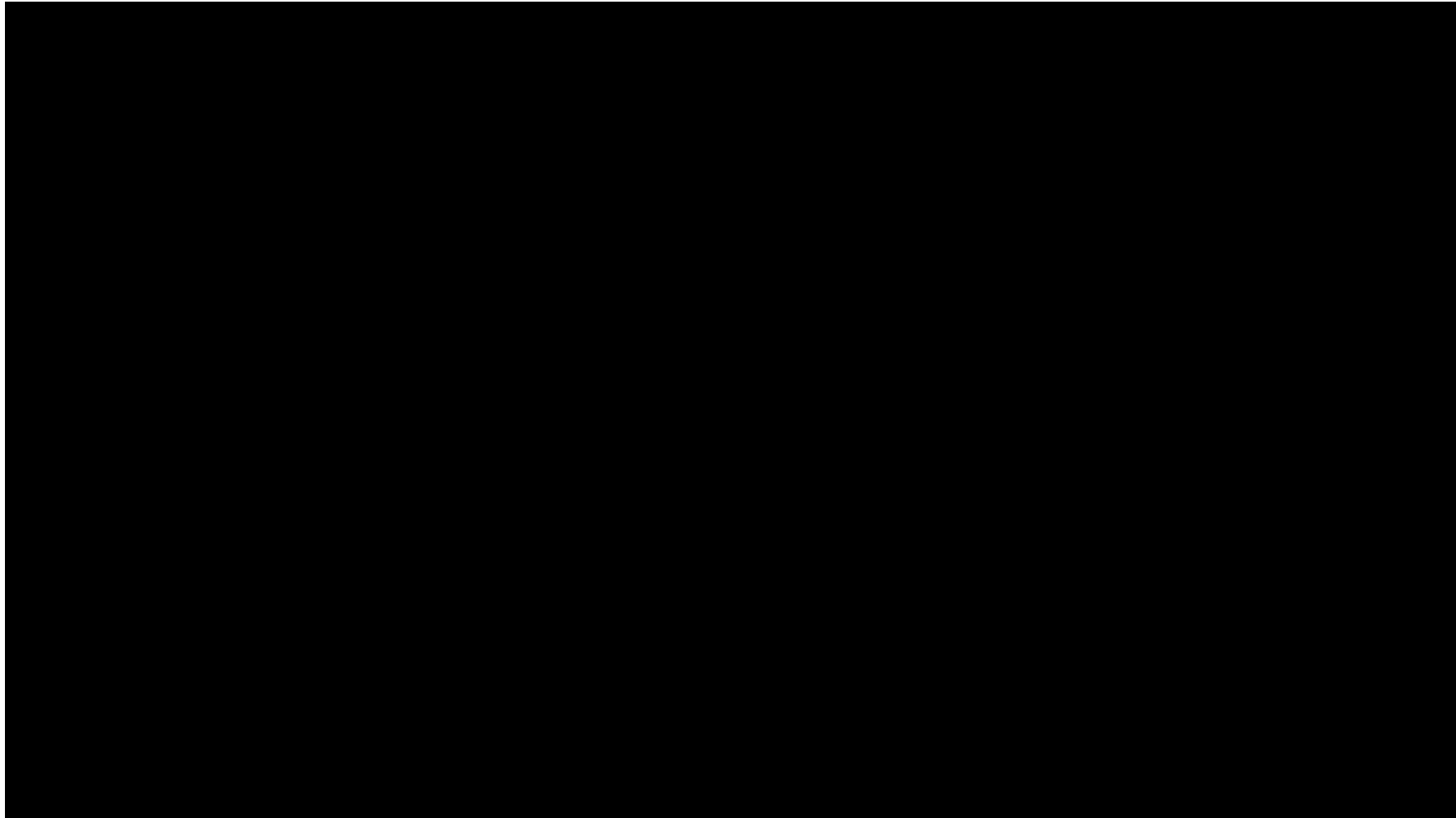
TYPES OF RACE-BASED TRAUMA

- Racial harassment
- Witnessing ethno-violence or discrimination
- Historical or personal memory of racism
- **Institutional racism**
- **Constant threat of racial discrimination**
- **Microaggressions**

-Helms et al., 2012



P&G: THE LOOK



**What were you
thinking and feeling
as you watched the
video?**

IMPLICIT BIAS DEFINED

The attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner. Activated involuntarily, without awareness or intentional control. Can be either positive or negative. Everyone is susceptible.

Remember everyone has explicit biases, too.

TYPES OF MICROAGGRESSIONS

A **microassault** is when a person intentionally behaves in a discriminatory way while not intending to be offensive. An example of a microassault is a person telling a racist joke then saying, “I was just joking.”

A **microinsult** is a comment or action that is unintentionally discriminatory. For example, this could be a person saying to an Indian doctor, “Your people must be so proud.”

A **microinvalidation** is when a person’s comment invalidates or undermines the experiences of a certain group of people. An example of a microinvalidation would be a White person telling a Black person that “racism does not exist in today’s society.”



**HOW ARE MICROAGGRESSIONS
MANIFESTED IN THE LEGAL
COMMUNITY AND IN THE COURT?**



Putting this into
Practice

PUTTING IT IN ACTION: CREATING EQUITY IN THE COURT

- Understand and acknowledge the power of your position
 - Advocates and the Agency follow the example of the Court and learn the Court's expectations.
 - Resistance is normal.
 - Ultimately, the Judge is responsible for creating an equitable court.
- Support advocates in thinking “outside the box” when advocating for services and supports. Collaborations on each case often result in uniquely crafted service plans to avoid “cookie-cutter” approaches.
- Build relationships with advocates, organizations, and providers that are advocated for in a legal case. This will increase the ease with which non-agency providers and organizations are utilized.
- Connect yourself and your court to the communities which you are charged to serve.
- Consistently seek to assure connections for children in order to maintain safe and appropriate family relationships and friendships that support preventing as much disruption to children and families as possible.



PUTTING IT IN ACTION: CREATING EQUITY IN THE COURT

- Engage in culturally responsive approaches by spending time learning and listening to the children and families and advocating in court for appropriate orders, services, and providers.
- Commit to a trauma-informed approach that considers historical trauma, racial trauma, and trauma from experiences of hate and discrimination.
- Lead from the bench: do not assume anything about children and families' experiences and *listen to believe* each person without being dismissive.



LEADING WITH AN EQUITY LENS MUST BE INTENTIONAL

- A focus on equity should be embedded in the court's mission, values, and strategic plans; not just in writing but also in action.
 - Overt Action – issuing a directive from the bench
 - Covert Action – using pronouns consistently and in your signature line
- Courts must work toward creating “brave spaces” —that is, spaces where difficult conversations can happen, where staff genuinely interact with each other, learn together, and grow.
- Courts must create an understanding that equity work is not optional when looking to achieve improvements for children, youth, and families.
- Courts must create the expectation that all parties in the court are leaders and change agents for racial equity.



LET'S NOT OVERSIMPLIFY THE JOURNEY.....



THE ULTIMATE GOAL IS JUSTICE



ADDITIONAL RESOURCE

- For more information on historical trauma in the context of child welfare, here is a video from an organization in Minnesota that discusses how this issue impacts their community. As you view the video, it is recommended that you examine the parallels to your community, other communities in Texas, and the Texas child welfare system.
- [Video Link](#)

