

Trauma Exposure Response

A Resource for Child Welfare Attorneys

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INTRODUCTION¹

Claire has been representing parents for two years since law school. She came to the work wanting to make a difference for families experiencing poverty. One of her clients, Jill, had her son removed from her and placed in foster care after a serious domestic violence incident with her partner. Jill has been having regular visits with her son and going to therapy. However, she hasn't been able to find stable housing and is considering getting back together with her partner, who helps her financially.

Claire has been working tirelessly to help Jill find housing. She's been talking to the county social worker about returning Jill's son at the six-month review hearing, but the social worker keeps saying she still has concerns and can't recommend reunification if Jill doesn't have stable housing. Claire is on the phone with Jill almost daily, talking about housing and trying to convince Jill that returning to her partner could jeopardize her family reunification. Jill calls Claire crying and frustrated because she misses her son and she can't find a place to live. Jill's son is struggling after the supervised visits and has been recommended for play therapy. Claire has stopped taking calls from other clients and when her supervisor tells her that another client had called the front office and complained that Claire hadn't called her back, Claire snapped that she didn't have time.

Claire feels like she can't help Jill and is a terrible lawyer. She stops checking her voicemails because she feels like she can't do anything to help anyway. She is considering quitting her job and wondering if she should have gone into law.



As a child welfare attorney, you are regularly exposed to trauma. This repeated exposure to the intimate details of traumatic events results in negative behavioral, physical, and emotional consequences that can affect your professional and personal life. Trauma exposure response is an umbrella term encompassing various reactions and responses to being surrounded by and working with trauma.² It is not necessary to personally experience trauma firsthand to develop trauma exposure response. Trauma exposure responses evolve through working with clients who have experienced trauma, listening to traumatic stories or testimony, reading case files and

materials about a client's traumatic experience, and other ways in which you might indirectly or directly touch trauma. Developing trauma exposure response is a gradual, insidious process.³ Much is written about secondary trauma for mental health workers, first responders, and social workers, but there is less information available to attorneys who work with traumatized clients and traumatic situations. Due to the nature of your work as a child welfare attorney, you are one of the most at-risk populations for developing trauma exposure response.⁴

This guide:

- ✓ addresses trauma exposure responses that may manifest as compassion fatigue, secondary or vicarious trauma, moral distress, and/or burnout;
- ✓ explains trauma exposure responses and how these responses, when left untreated, pose an ethical threat to legal practice;
- ✓ expands on how trauma exposure responses manifest, how to identify and resolve them, and how to prevent them; and
- ✓ provides discussion, tips, and tools you can use to recognize, address, and heal trauma exposure responses so you can provide high-quality legal representation and be the best advocates for your clients.

DEFINING TRAUMA EXPOSURE RESPONSE

Trauma exposure responses vary because people respond to trauma differently. The way child welfare work impacts one person differs from how it impacts another. It is important to not just focus on one response, symptom, or piece, but to look at all symptoms and effects of trauma exposure response as a whole.⁵ As an attorney, you can experience symptoms of several responses. Trauma exposure response symptoms are often similar or parallel to firsthand trauma symptoms, although the severity of symptoms might differ. No response is "right" or "wrong," but they all should

Secondary trauma, vicarious trauma, and secondary traumatic stress are terms used interchangeably. This guide refers to this specific trauma exposure response as **secondary trauma**.

Trauma Exposure Response



Source: Center for Child Support Advocates using information from van der root Lipsky, Laura & Connie Burk. *Trauma Stewardship: An Everyday Guide to Caring for Self While Caring for Others*, 2009; Smullens, S. "What I Wish I Had Known: Burn-out and Self-Care in Our Social Work Profession," *The New Social Worker Online*, 2012.

be acknowledged and understood to be an effective advocate.

Trauma "results from an event, series of events, or set of circumstances that is experienced ... as physically or emotionally harmful or threatening and that has lasting adverse effects on the individual's functioning and physical, social, emotional, or spiritual well-being."⁶ Primary trauma occurs when you experience a traumatic event firsthand.⁷

Compassion Fatigue refers to the gradual erosion of the ability to tolerate difficult stories and suffering of others.⁸ It involves physical and emotional exhaustion resulting from working as a helping professional. Compassion fatigue can cause you to slowly lose hope, empathy, and compassion for others and yourself.⁹ Compassion fatigue can lead to becoming desensitized to another's pain or intolerant of hearing stories of trauma and suffering.¹⁰ Compassion fatigue affects your external responses and actions. It relates to how you respond and act and is measured by what you put out into the world. Compassion fatigue depletes your resources and makes it hard to respond and serve as a fully competent, proficient helping professional.

Secondary/Vicarious Trauma consists of trauma experienced when you regularly interact with the suffering, pain, or crises of others.¹¹ Its effects result from being indirectly exposed to someone else's

trauma.¹² Secondary trauma is the manifestation of negative physical, emotional, and psychological conditions resulting from constant exposure to clients' traumatic stories and experiences.¹³ Exposure to these traumatic stories and experiences changes your internal schema. Even though you might not have experienced this trauma firsthand, repeated exposure to traumatic stories and experiences can haunt you.¹⁴ Unlike compassion fatigue, which transforms your external responses and actions, secondary trauma negatively shifts your internal world view because of exposure to the trauma and suffering of others.¹⁵ Internalizing a client's trauma affects your memory and disrupts your internal thoughts and views about the world, trust, safety, self-esteem, independence, and intimacy.¹⁶

You do not need to work directly with a traumatized individual to experience secondary trauma.

You do not need to work directly with a traumatized individual to experience secondary trauma. Vicarious trauma can be experienced by reading about or listening to traumatic stories. Therefore, interns, judges, and support staff can encounter secondary trauma through the testimony they read or observe, or case-related materials they review.¹⁷ While anyone can experience secondary trauma, professionals who have experienced their own personal trauma are more vulnerable to developing secondary traumatic stress. Prior personal trauma can include racial trauma or a past experience with a client, such as the death of a client.¹⁸

Compassion fatigue and secondary trauma are strongly linked and can both lead to Post Traumatic Stress Disorder (PTSD), burnout, and a general decrease in effectiveness.

Moral Distress is harder to define but occurs when your independent and personal ideals, morals, and beliefs conflict with your professional work.¹⁹ This internal conflict might also arise when recognizing the systemic inequalities within the child welfare system and working within the legal system can both help and hurt a client. "It requires the attorney to reconcile that what [he or she] believes and values about the legal process can be simultaneously good and bad."²⁰

Burnout is "the physical and emotional exhaustion that workers can experience when they have low job satisfaction and feel powerless and overwhelmed at work."²¹ Components of burnout include emotional exhaustion, depersonalization and loss of ideals, and reduced personal accomplishment and commitment.²² This emotional depletion is reflected in "both a lessened ability to care and an inability to experience or express empathy for a client and her situation or choices."²³ Untreated trauma exposure is a leading factor in burnout.

The adversarial, high-stress nature of the legal profession can lead to burnout on its own. In addition, you must also deal with trauma exposure that is prevalent in child welfare. The convergence of these two environments can speed the path to burnout. Burnout is not simply a result of stress. Stress can be a factor that leads to burnout but attributing burnout to "overstress" simplifies a complex condition.²⁴ Burnout results when you are not provided tools, training, and resources to handle a surplus of highly emotional and traumatic circumstances, clients, and cases.²⁵

Compassion Satisfaction is the joy and pleasure you derive from working within the helping profession and doing your job well.²⁶ It is possible to experience trauma exposure response, and all of its negative symptoms, while still maintaining compassion satisfaction. However, over time, trauma exposure responses can eat away at your compassion satisfaction. Compassion satisfaction is a powerful tool in combating trauma exposure response.

While the trauma exposure responses defined above describe different experiences and symptoms, they are interlinked and often build upon one another. Françoise Mathieu, the founder of Compassion Fatigue Solutions, explains that "compassion fatigue refers to the profound emotional and physical erosion that takes place when helpers are unable to refuel and regenerate," while "vicarious trauma describes the transformation of our view of the world due to the cumulative exposure to traumatic images and stories."²⁷ These experiences and symptoms can manifest into PTSD-like symptoms, contribute to burnout, and lead to ethical violations.

TRAUMA EXPOSURE RESPONSE AND LAWYERS

The Legal Profession

Traditionally, the legal profession promotes a culture and environment that is ill-equipped to handle emotional vulnerability, mental health, self-care, and personal and professional preservation. In your first year of law school, you are taught to value “objectivity over subjectivity, rationality over emotion, and in many instances winning over collaboration.”²⁸ As lawyers, you are instructed to take control, problem solve, and to find answers. In this highly adversarial system, the legal profession cultivates the idea that you must resolve ambiguities, provide detached, impartial analysis,

Within the legal system, loss can mean the loss of a case or trial, the inner conflict when your ideals conflict with the legal system’s solution, or simply a difficult relationship with a client.

and look to the neutral reading of the law to provide any and all guidance.²⁹ There is no room for emotion and it “becomes a functional requirement of success as a law student to distance oneself emotionally from the many scenarios that present themselves throughout practice.”³⁰

These ideals and values are not just limiting and unrealistic, they harm your well-being and professional preservation. As soon as you begin your legal practice, you realize that loss, uncertainty, and confusion exist in every practice area. Within the legal system, loss can mean the loss of a case or trial, the inner conflict when your ideals conflict with the legal system’s solution, or simply a difficult relationship with a client.³¹ These experiences might foster feelings of giving without receiving anything in return and feeling like your lawyering experiences are wasted.³²

You are often not provided critical training and tools to address these emotions and events. The concepts of loss, ambiguity, and uncertainty are not recognized or accepted in legal culture and language. Accumulating these feelings and experiences, without proper training and supports to handle them, can lead to physical symptoms and emotional and behavioral

changes that can result in professional incompetence, trauma exposure response, and burnout. Effectively managing and handling emotions that arise in response to difficult cases, clients, and circumstances is, and must be recognized as, part of the practice of law.³³

The legal profession fosters an environment in which trauma exposure response thrives. As a result, you are highly susceptible to trauma exposure response because of the nature of legal work characterized by:

- high caseloads,
- culture of “overwork” and going “above and beyond,”
- toll of long-term relationships with clients dealing with highly emotional matters,
- suppression of emotional responses,
- lack of information and training on trauma or self-care,
- absence of organizational support opportunities for lawyers to express negative emotions and frustrations, and
- the general adversarial nature of the legal system.³⁴

When you are not prepared to handle the long-term impact of loss-related or traumatic experiences, you may feel frustrated and overwhelmed when difficult emotions accumulate.³⁵ Research shows attorneys have higher rates of secondary trauma than mental health professionals and social services workers due to their high caseloads and the lack of quality supervision and supports regarding trauma and its effects.³⁶ Without proper training and supports to address trauma exposure response, you risk adopting maladaptive coping mechanisms, such as alcohol and drug abuse, and suffering from compassion fatigue, secondary trauma, and burnout.³⁷

Child Welfare Attorneys

As a child welfare attorney, you are vulnerable to trauma exposure response. In addition to working within a profession that offers little support for the emotional components of lawyering and self-care, you work in a system ripe with trauma and emotion. Child welfare arguably has the highest stakes involved compared to any other practice area—the life and well-being of children and families. Each day, you deal with many types of trauma—the trauma your clients experienced that led to their involvement with child welfare, and the system-induced trauma of separating families.³⁸ You

Potential Impact of Secondary Traumatic Stress (STS) on Job Performance

- Reduced empathy towards clients
- Inability to listen to, or active avoidance of, clients
- Over-identification with clients, or conversely, shutting down emotionally (both responses interfere with effective legal representation)
- Distancing oneself from exposure to key aspects of a client's history and ongoing trauma, thereby potentially missing events with high probative value in litigation
- Overreaction by displaying hypervigilance through angry outbursts in court, or unduly questioning the credibility of witnesses when emotional legal issues become triggers
- Excessive anger or irritability, as a result of STS, may be masked as zealous advocacy in a trial setting, but may in fact be damaging to the attorney and client
- Compromised quality of legal service due to emotional depletion or cognitive effects of STS. Some traumatized professionals, believing they can no longer be of service to their clients, end up leaving their jobs or the serving field altogether. Several studies indicate that the development of STS often predicts that a helping professional will eventually leave the field for another type of work.

Source: *Trauma: What Child Welfare Attorneys Should Know*. Los Angeles, CA, and Durham, NC: National Center for Child Traumatic Stress, Justice Consortium Attorney Workgroup Subcommittee, 2017.

listen to your clients' personal traumas while managing the weight of being participants in a system that creates added trauma for your clients.³⁹ This overabundance of trauma and grief affects all involved with the case and can have a long-term negative impact on the you and your clients.⁴⁰ Additionally, these cases can result in situations where you may feel your own physical and/or emotional safety is at risk. Child welfare cases might include contentious moments in court, fights in waiting rooms, or combative conversations with clients or family members.⁴¹ At times you might feel like you are being personally attacked.⁴² (Note that parents' and children's counsel may have a higher likelihood of developing trauma exposure response.)

It is imperative that you have the tools and resources to address, rectify, and mitigate trauma exposure response.

Legal Ethics

Addressing trauma exposure response and self-care is "critical to high-quality representation and service."⁴³

The Model Rules of Professional Conduct, Rule 1.1 mandates that "a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for representation." Trauma exposure response affects your well-being,

professional competence, and sustainability. As a legal professional, you have an ethical duty to address and rectify trauma exposure response to provide competent representation. This duty applies to individual practitioners, legal teams and organizations, and the legal system as a whole. Individual practitioners have a professional duty to practice self-care while organizations have an ethical duty to protect and prevent trauma exposure response in employees.⁴⁴ Attorneys and the legal profession must understand that "self-care is an ethical imperative and part of professional ethics and best practices."⁴⁵

By acknowledging, responding to, and preventing trauma exposure response, you can use your exposure to trauma to better your practice and advocacy skills as a child welfare attorney.

Professional Competence

Secondary trauma can have debilitating effects on your personal health and well-being and the effectiveness and success of the entire legal team. Secondary trauma negatively impacts clients, colleagues, and loved ones. Trauma exposure response impacts professional competence by causing you to lose motivation, experience decreased confidence and energy, and have trouble communicating with clients and handling their struggles and traumas.⁴⁶

Sources of Trauma Exposure

Safety-At-Risk

- Experiences when your safety is at risk
- Client safety not assured
- Feeling the world is not safe

Exposure

- Clients' traumatic stories
- Realities of injustice
- Systemic failures
- Negative outcomes
- Liability

Emotional Toll

- Working on "oceans of stress emotions"
- Overuse of empathic skills
- One-way caring

Source: Laurie Ayler, Frank Cervone, Allie Dolan, and Meghan Johnson. *Vicarious Trauma and Burnout: Supporting Self-Care Strategies When Working with Clients in Crisis*. Philadelphia: Support Center for Child Advocates Center for Excellence in Advocacy, Oct. 24th, 2019.

When a coworker is experiencing secondary trauma, there likely is conflict and toxicity in the workplace. It creates an unhealthy work environment and increases the likelihood that secondary trauma will affect others in the office or court.⁴⁷ Trauma exposure response affects an employees' effectiveness and longevity on the job.⁴⁸ Legal organizations and court systems have an ethical duty to prioritize attorneys' well-being because "exposure to trauma is an occupational hazard of the legal profession."⁴⁹ Self-help is important when addressing trauma exposure response, but organizational-level interventions are necessary.

IDENTIFYING TRAUMA EXPOSURE RESPONSE

Sources and Risks

When assessing and evaluating trauma exposure response, it is important to be aware of the various sources that can cause trauma exposure response and be mindful of factors that might make you more susceptible to developing trauma exposure response. In addition to the sources that cause trauma exposure response, several factors influence how you may respond to trauma exposure. These factors include, but are not limited to, personal history (including race, gender, ethnicity, and sexual orientation),⁵⁰ experience within the child welfare system, current life circumstances, support systems at home and in the workplace, coping mechanisms, culture, personality, and communication style.⁵¹

Lack of training, education, and awareness about trauma exposure response within the legal profession creates a high risk of developing trauma exposure re-

sponse. In a study on secondary trauma and attorneys, participants credited their secondary trauma to a "lack of education about understanding clients with trauma histories and the absence of a regular forum for discussing the stress of working with such clients."⁵² Even the act of having a child can influence your trauma exposure response, as it can be difficult to compartmentalize traumatic child abuse cases and prevent cases from affecting your home life and parenting styles.⁵³ Training and education are key to lowering the risk, so exposure to these types of trainings and dialogue in law school and beyond can affect risk levels.

Individual Factors to Consider:

- ✓ Prior history of trauma exposure
 - E.g., attorneys who have personal experience with trauma related to their families, attorneys who experienced the suicide of a client, etc.
- ✓ Unhealthy strategies for coping with distress
- ✓ Previous discrimination or bias based on race, ethnicity, sexual orientation, and/or gender

Job and Organizational Factors to Consider:

- ✓ Number of trauma survivors in your caseload
- ✓ Level of coworker supervision and support
- ✓ Education and training about trauma exposure response
- ✓ Insufficient resources

Race and Trauma

It is important to recognize that professionals working in the child welfare system encounter a high level of exposure to racial trauma. Working in a system that

Racial Trauma

Racial trauma is the “physical and psychological symptoms that people of color often experience after being exposed to stressful experiences of racism” and/or “real or perceived experiences of racial discrimination.” Experiences that contribute to racial trauma can include “threats of harm and injury, humiliating and shaming events, and/or witnessing racial discrimination toward” another person. Racial trauma is caused “by individual, institutional, and cultural encounters with racism” and often manifests through feelings of fear and hypervigilance, insomnia, body aches or headaches, self-blame, confusion, shame, and guilt.

Source: Carter, Robert T. “Racism and Psychological and Emotional Injury: Recognizing and Assessing Race-Based Traumatic Stress,” *Counseling Psychologist* 35(1), 2007, 13; See also Lillian Comas-Díaz et al., “Racial Trauma: Theory, Research, and Healing: Introduction to the Special Issue,” *American Psychologist* 74(1), 2019, 1.

Implicit Bias and How it Influences Outcomes

Implicit bias refers to our thoughts, beliefs, and stereotypes that affect our understanding, actions, and decisions in an unconscious manner. Due to the nature of the work and its reliance upon workers’ judgments of safety and well-being, policies and practices of the child welfare system are highly susceptible to implicit bias. Definitions of maltreatment are “written primarily by white people, applying their own ideas of what constitutes maltreatment.” Whether certain parenting styles are policed and penalized often depends on the parent’s socio-economic and racial status. The same parenting practices in white, affluent neighborhoods are often criminalized in low-income, neighborhoods of color. Studies show that within many state and local child welfare agencies there is a widespread belief that “African American children are better off away from their families and communities.”

Source: Minoff, Elisa. “Entangled Roots: The Role of Race in Policies that Separate Families,” Center for the Study of Social Policy, October 2018.

perpetuates racism or with professionals who, knowingly or unknowingly, discriminate against families of color can be a significant source of moral distress, burnout, and vicarious trauma. Identifying as “black, indigenous, and people of color” (BIPOC) may experience incidents of racism that impact them directly, such as micro-aggressions, workplace discrimination, or lack of representation at a leadership level. In addition, witnessing the ways in which the child welfare system repeatedly retraumatizes families of color can be a source of racial trauma in and of itself. Experiencing and witnessing racism can contribute to trauma exposure response and impact attorney well-being.

America’s historical legacy of slavery and colonialism and the ways it has manifested in systemic inequality, race-based interpersonal assaults and violence, and racial discrimination all create racial trauma.⁵⁴ It is possible to experience racial trauma even when you are not personally involved in the discriminatory or racist event, such as when you observe the event or identify with the victim.⁵⁵ Racial trauma is cumulative. While individual events can have lasting effects, racial trauma is not necessarily limited to one isolated incident, and results from the persistent, systemic, deeply embedded racism that exists in several facets of American society, culture, and history.⁵⁶ Increased study on intergenerational trauma reveals that mass traumas, such as slavery or other forms of historical oppression, can have psychological, familial, and neurobiological effects on future generations.⁵⁷

While working in the child welfare system, you consistently confront larger structural inequalities that impact clients and their families, such as inequitable educational funding, incarceration, violent forms of policing and surveillance, lack of access to food and healthcare, and immigration policies that separate families. Seeing these larger structural inequities cause and exacerbate trauma for clients is a source of trauma for all professionals and may have a heightened impact people who identify as BIPOC. Similarly, the all-too-frequent reports about racist assaults and murders of black people, and especially state-sanctioned violence, may impact staff who identify as BIPOC in deeper and more personal ways and may co-occur with responses to trauma exposure at work and stories of clients, or possibly family and friends, who have had similar experiences.

The legacy of racism continues to be evident in the child welfare system and impacts practice. Despite the passage of the *Indian Child Welfare Act* (ICWA) in

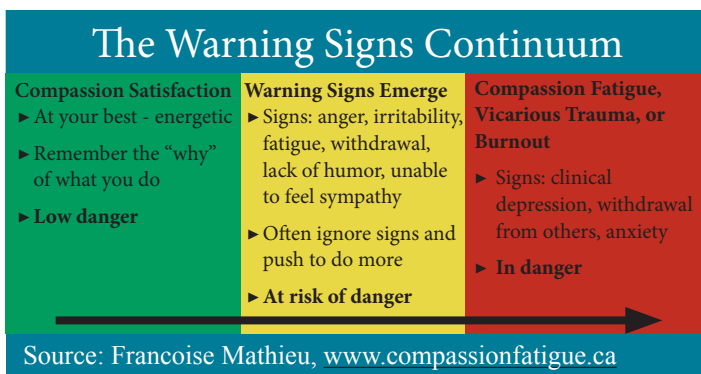
1978, the culture of discriminating against American Indian families still exists today as the rate of American Indian and Alaskan Natives (AIAN) in foster care is 2.4 times higher than the rate of the general population.⁵⁸ Similarly, African American and Latinx children are also disproportionately represented in foster care and studies show that the impact of bias is evident at various decision points throughout a case, from investigation to termination of parental rights. Multiple studies have shown African American families that classify as “low-risk” by child welfare agencies have their children removed far more frequently than “low-risk” white families.⁵⁹ African American families are more likely to be reported for suspected abuse or neglect than white families experiencing similar conditions or circumstances, and families of color are less likely to be provided critical services and to reunify.⁶⁰

Witnessing the realities of systemic racism and inequality in the child welfare system can be a source of trauma exposure response and moral distress. It is important for individuals, and especially organizational leaders, to recognize the amount of racial trauma that exists in the child welfare system and how it can impact trauma exposure response.

For more information on racial trauma and how to address it, see *Trauma Exposure Response Resources* (p. 15) to find a list of helpful resources and tools.

Symptoms

Before assessing symptoms for trauma exposure response, it is important to think about traditional stress symptoms and identify what stress looks like and how stress manifests for you personally. It helps to develop your own personal early warning system⁶¹ to identify when you might be getting more overwhelmed and need to look to for support.



When analyzing the symptoms of trauma exposure response, the number of symptoms you’re experiencing is not most important, what’s critical is

how the symptoms impact your life.⁶²

Workplace Symptoms: Organizations might view these employees as poor performing workers instead of focusing on the impact the work has had on the employee.⁶³

- Avoiding situations (e.g., arriving late, leaving early, missing meetings, avoiding clients, skipping certain questions during interviews, etc.)
- Becoming hypervigilant (e.g., feeling on edge, perceiving colleagues and clients as threatening, feeling like all clients are in danger)
- Seeing things as “black or white” rather than tolerating ambiguity
- Becoming argumentative
- Experiencing guilt
- Feeling you are not doing enough
- Losing motivation
- Blaming others
- Silencing clients
- Feeling trapped in the job
- Having less empathy for clients

Personal Life Symptoms:⁶⁴ PTSD symptoms, such as intrusive thoughts and memories; severe emotional distress or physical reactions to something that reminds you of the traumatic event; avoidance of people, places, things that remind you of the event; irritability, angry outbursts of aggressive behavior; inability to focus; being easily startled; hypervigilance,

- Extreme fatigue/always tired
- Negative thinking and a tendency to become upset about everything
- Strained relationships with family and friends
- Compromised parenting
- Doubts about whether the world is a safe place
- Increased use of alcohol and drugs, shutting down, or numbing out
- Anger and irritability
- Intrusive thoughts about client trauma histories

Physical Symptoms:⁶⁵

- Sleep disturbances and nightmares
- Insomnia
- Headaches
- Stomach pain/digestive problems
- Weight loss/gain
- High blood pressure
- Loss of/decreased libido
- Increased susceptibility to illness
- Somatization and hypochondria

Many child welfare attorneys do not work as part of a legal office, but rather are solo practitioners appointed to individual cases. Court systems or agencies that oversee these attorneys have a responsibility to provide tools and resources to address trauma exposure response.

ADDRESSING TRAUMA EXPOSURE RESPONSE

Professional Preservation

As an attorney, you have a professional duty to address trauma exposure response. Not addressing trauma exposure response risks violating professional ethics as trauma exposure response can affect your competence, diligence, zealous advocacy, and effective communication. Experiencing trauma exposure response prevents you from providing the high-quality legal representation to every parent and child to restore and protect their families.

Addressing trauma exposure response requires working towards **resilience**. Resilience can be learned and helps you “understand how to unpack emotional responses to lawyering events in meaningful and constructive ways” and find “ways to balance personal needs, personal value systems, and both the positive and the negative experiences lawyering generates.”⁶⁷

Resilience means that instead of developing or perpetuating trauma exposure responses when faced with traumatic or challenging circumstances, you instead tap into a **window of tolerance**, a state of calmness

and composure that lets you access previous learning and information to make good judgments while dealing with difficult topics or situations.⁶⁸ Studies show individuals who experience trauma and successfully address and work towards recovering from this trauma, are stronger and more resilient than the general population.⁶⁹ Experiencing and managing secondary trauma can make you a more capable, resilient human being. Building resilience requires addressing external and internal factors that contribute towards trauma exposure response.

Preventing Trauma Exposure Response: Protective Factors

What Should Organizations Do?

Legal organizations and court systems must lead by example and build trauma exposure response systems, curricula, and programs into their structure. It is not enough to say, “build resiliency.” Organizations and court systems must actively foster and support resilience⁷⁰ by taking the following steps:

- Train attorneys and other team members about trauma exposure responses.* Acknowledge trauma exposure response and its impacts early, as soon as new employees begin working with your team. When discussing and presenting issues regarding trauma exposure response, frame the conversation and dialogue around professional ethics and focus on how critical addressing trauma exposure response is to the client and the professional.⁷¹
- Create systems to identify the onset of trauma exposure response.* Offices and legal teams can help prevent the onset of trauma exposure response by ensuring staff have strong technical assistance, support, and office management. It is important to change the narrative around attorneys, emotion, and self-care. Attorneys must learn and realize it is not weak to acknowledge emotion within the legal profession, but it is weak and unethical to ignore it.
- Provide tools and resources to prevent and mitigate trauma responses.* Organizations should not address secondary trauma and its symptoms as a disciplinary matter but should focus on making clear organizational changes to show staff their commitment to employee health and well-being.⁷² Organizational leadership must prioritize self-care and establish programs and supports that prepare and sustain staff through their difficult work.⁷³

Training and education. Organizations and court systems should provide continuous training on what trauma exposure is and how to identify and respond to it. Legal representation agencies must provide training on the emotional impact of doing this work.⁷⁴

Examples of Good Practice:

- ❑ Center for Family Representation (CFR)⁷⁵ in New York has mandatory trainings for all staff about secondary trauma. The trainings teach staff how to identify and respond to secondary trauma, and the importance of addressing secondary trauma to maintain an effective, ethical legal practice. Employees learn how to manage trauma exposure response. CFR hosts secondary trauma trainings for all staff members throughout the year but new employees must complete secondary trauma training within two weeks of their start date. In addition to a specific training on secondary trauma, trauma exposure response and its effects are also incorporated into other employee trainings. Secondary trauma is discussed routinely and addressing and managing it is embedded into the CFR practice model.

Not only should organizations train their staff, but team leaders and supervisors should continuously learn and attend trainings on trauma exposure response. CFR supervisor, Christine Bruno, explains that she and other supervisors attend workshops and presentations on trauma stewardship and secondary trauma so they can become better informed and transfer this information to their teams.

- ❑ Support Center for Child Advocates (Child Advocates), Center for Excellence in Advocacy offers several trainings for lawyers and legal teams on topics including, “Best Practices of Trauma-Informed Advocacy” and “Vicarious Trauma and Burn-Out: Strategies for Professional Preservation.” Their comprehensive trainings on trauma exposure unpack what trauma exposure response is, how it manifests in professionals, and how to best prevent, mitigate, and respond to it. *Child Advocates* can also tailor training programs for a specific team or office.
- ❑ Children’s Law Center in California (CLC) established a Compassion Fatigue Committee which includes members from all of CLC’s five

firms. This committee meets quarterly to discuss how each firm is doing emotionally, schedule future trainings and support groups, and organize team-building activities and events.

Supervision. Discussing difficult cases and clients with peers and supervisors decreases trauma exposure response. Research shows attorneys develop negative traumatic stress reactions when they lack a regular forum to discuss the stress of their cases and clients.⁷⁶ By providing regular, consistent supervision, attorneys have an opportunity to reflect, evaluate, and talk openly. This alleviates job stress and encourages attorneys to practice self-awareness regarding their emotional responses to the work.⁷⁷

Examples of Good Practice:

- ❑ The Washington State Office of Public Defense (WA OPD) Parents Representation team conducts many “walking meetings” that occur while walking outside instead of sitting in a sterile office environment. These walks occur between attorneys and supervisors, as well as attorneys and clients, and promote physical activity and time spent outdoors. These meetings encourage staff to discuss, or at least think about, self-care and the importance of stepping away from the office or computer to take a break.
- ❑ At CFR, supervisors conduct weekly meetings with all staff and adjust those meetings depending on how staff are doing and their current needs. For example, if an attorney is working on a complex, emotional case, additional meetings and check-ins are scheduled.

Peer support groups. Support groups alleviate isolation and provide attorneys an avenue to discuss the difficulty of the job with others who “get it.” These groups help normalize conversations around secondary trauma and help attorneys develop their own community of support.⁷⁸ Organizations should create support groups, but it is the responsibility of the attorney to participate and allow the groups to provide support.⁷⁹

Examples of Good Practice:

- ❑ CFR hosts Resiliency Building Groups at least every other week in both of their New York offices. A team of psychologists trained in secondary trauma leads these groups, providing a safe, comfortable

space for staff to discuss cases, clients, or anything they're struggling with at the moment. The groups bring the staff together, provide them with a consistent support network, and to help them build personal compassion satisfaction and resilience. The groups teach coping strategies, provide tools for building resilience, and share tips and tricks for mindfulness and destressing. The groups are scheduled at different times each week, to encourage and enable all staff to attend. CFR also hosts specific Resiliency Building Groups for different staff teams (e.g., administrative team, attorney team). This allows staff to meet and discuss struggles that pertain solely to their profession within the child welfare system.

- ❑ CFR pairs new staff attorneys with older attorneys for mentorship and support.
- ❑ WA OPD establishes a partner or buddy system to provide attorneys with someone to check-in with, review briefs or court documents, or get advice or support when dealing with a challenging case or client.
- ❑ WA OPD uses a Community of Practice model that creates intentional mentorships and coaching opportunities for professionals within the child welfare system to support one another.⁸⁰
- ❑ Legal Services of New Jersey (LSNJ) identifies all social workers on staff, including self-help and life coaches, and makes attorneys aware of them and the services and support they can offer.
- ❑ The [ABA Center on Children and the Law](#) and the [National Association of Counsel for Children](#) host listservs for parents' and children's attorneys.⁸¹ These listservs provide an opportunity for attorneys to network and get feedback and support from other attorneys in the child welfare field. Many cities, counties, and states have local listservs that provide similar support to child welfare attorneys.
- ❑ Attorneys throughout the country can join the [Family Justice Initiative \(FJI\)](#) and join workgroups focused on improving access to high-quality legal representation for families in child welfare proceedings.⁸² Being a part of an FJI workgroup provides an opportunity to join a national community of parents and children's attorneys who work together to improve the child welfare legal system.

Outside Programs and Referrals. Organizations and court systems should offer access to outside employee assistance programs or referrals to outside mental health providers that help attorneys reflect and address internal factors that affect or are a byproduct of trauma exposure response.

Examples of Good Practice:

- ❑ CLC provides resources and tools for staff to conduct their own self-analysis and reflection. CLC provides tests that staff take to measure whether they need outside help or support.
- ❑ State bars offer Lawyer Assistance Programs (LAP) and resources to help attorneys, law students, and state bar applicants deal with mental health and/or substance abuse issues. For a list of each state's LAP and contact information, access the [LAP Directory](#).

Positive work environment. Celebrate the accomplishments or "wins" of all team members to create a supportive, uplifting atmosphere. Be mindful of the work environment and do not encourage an unhealthy workplace culture (e.g., everyone stays at the office until 8 p.m., everyone is expected to be available via email 24/7 or respond to texts/phone calls within minutes).⁸³

Examples of Good Practice:

- ❑ CFR works diligently to manage caseloads and assess the quantity and quality of attorneys' cases. CFR analyzes the intensity of a case, recognizing that one very complex case can feel like 10 cases. When attorneys are handling complex cases, CFR takes steps to reduce caseloads.
- ❑ CFR uses a practice called "Redefining the Win," which focuses on celebrating victories and accomplishments throughout the case, those positives that might not be considered "wins" in the traditional legal sense. Examples include securing increased visitation for a client, getting a client to advocate for her or himself, convincing a client to start a helpful treatment program, getting visitation moved to a relative's home instead of a facility or foster home, etc. Usually, these accomplishments are shared through a staff email. Supervisors will try to send out these "sunshine emails" regularly to celebrate their team's hard work.
- ❑ June is [National Reunification Month](#), a month dedicated to celebrating the clients,

professionals, and advocates who work to improve the child welfare system and help families stay together. Acknowledging and celebrating National Reunification Month in your office is an easy way to acknowledge the successes of your team, remind staff of the importance of their work, and build compassion satisfaction. You can also nominate a colleague to be a reunification hero (watch the [website](#) for nomination announcements).

- ❑ CLC has a Sunshine Team who writes encouraging emails to their firm every Monday. The team organizes meditation and mindfulness meetings or yoga sessions throughout the work week.
- ❑ LSNJ organizes fun, stress-release activities for staff to do together that are separate from client work (e.g., Iron Chef fundraiser, holiday gift drives, school supply drives, and Mother's day/Father's day drives); activities that support clients; and outside activities (e.g., track your miles, book club).

Self-care. Organize formal and informal team-building activities that help coworkers bond and alleviate stress. Talk openly about the pressure and traumas of the job and encourage mental health treatment. Attorneys are more likely to engage in their own self-care if they observe leaders or supervisors participating in self-care. It is critical for supervisors to practice self-care and manage their own trauma. Supervisors and leaders must serve as an example and support.⁸⁴

Examples of Good Practice:

- ❑ Judicial officers respecting breaks throughout the day.⁸⁵
- ❑ Counties in Washington State have incorporated Protein for All programs, which make healthy foods and protein carts available for families in the court waiting room.⁸⁶ Thurston County collaborates with local food banks to provide healthy, nourishing meals for everyone in the courthouse including attorneys and staff.
- ❑ CFR hosts monthly Mindfulness & Meditation sessions. According to Dr. Mark Evces, Assistant Director of Mental Health in the New York University School of Medicine World Trade Center Health Program Clinical Center of Excellence, child welfare professionals feel most support not through a 15 minute mindfulness staff meditation, but by

knowing their organization took the time to create a mindfulness activity and address the emotional impact of child welfare work.

- ❑ CLC recognizes the power of connecting with others. CLC organizes informal team bonding activities and events, such as book clubs, bingo games, summer BBQs, or seasonal parties. These activities provide an outlet for staff and allow them to bond outside the stressful work environment. CLC shared that it is important to avoid organizing events that might cause additional stress, such as potluck events. During the Covid-19 pandemic, CLC's Sunshine Team has taken these bonding activities online, holding virtual paint nights, cooking demonstrations, and game nights.

Valuing employee time and input. High caseloads and lack of institutional support are key contributors to burnout and compassion fatigue. Office leadership or court systems administering legal representation should take steps to ensure that attorneys are adequately supported and have reasonable caseloads that enable them to meet their ethical duties to clients and take care of their own mental and physical health needs.

Examples of Good Practice:

- ❑ Between 2012–2014, CFR created staff work groups that met regularly to develop target caseloads for attorneys and social workers. They also set maximum caseloads for new staff. CFR hosts regular attorney work group meetings to discuss systemic issues or problems within the child welfare system in their county. To help address these issues, CFR works with attorneys to gather examples and collect information to make formal complaints to the court.
- ❑ Offices and legal teams can help prevent the onset of trauma exposure response by ensuring staff have strong technical assistance, support, and office management. By eliminating technical, administrative, or other office stress, attorneys have greater headspace to manage the emotional stress and challenges of their work.

What Can Attorneys Do?

The first step in addressing trauma exposure response is self-awareness. Once you become consciously aware of the symptoms and effects of trauma exposure re-

sponse, you can develop a “commitment to self-care” that will help you be an effective, successful attorney for the length of your career.⁸⁷ When you feel added stress in your life, self-care is often neglected.⁸⁸ It is critical to develop patience for and tolerance of the expected negative and difficult emotions you will experience in your practice.⁸⁹

*Addressing external factors*⁹⁰

- ❑ Create an early warning system to help recognize signs of trauma exposure response.
- ❑ Set boundaries.
 - Boundaries with coworkers and clients
 - Boundaries regarding your job role
 - Boundaries to protect work-life balance
- ❑ Establish grounding techniques to start your workday and handle potentially stressful events.
 - E.g. breathing exercises, 5-minute meditation practices
- ❑ Develop strategies to “let go” of the day and prepare to leave your work at the office and transition to home life.
- ❑ Invest in and prioritize your health.
 - Exercise. Oxytocin is the antidote to the stress hormone cortisol and is released through movement and physical activity. When released, oxytocin calms the nervous system through actively combating cortisol’s negative effects.⁹¹
 - Prepare healthy, nourishing foods that will help you relieve stress and stay motivated throughout the workday, specifically high-protein and low-fat foods (e.g., cheese, fresh fruit, nuts, lots of water).
 - A study on child welfare stakeholders found that without proper fuel and sufficient protein throughout the day, brains run on adrenaline, which reduces an individual’s capacity for compassion and patience and increases feelings of fear and defensiveness.⁹²
- ❑ Protect your sleep and rest.
 - Limit screen time before bed.
 - Keep a notepad by your bed to write down your to-do list. Then “let go” of that list as you fall asleep.

- Try sleeping apps: Headspace, Noisli, Pzizz, Slumber, Calm, Sleep Cycle, 10% Happier
- ❑ Find social support and prioritize your relationships outside the office.
 - Oxytocin (the stress antidote) is also released simply by thinking about someone who loves and supports you. It is even released when thinking about your pets!⁹³
- ❑ Practice mindfulness.
 - Practice breathing exercises.
 - Activate your senses to ground you, to bring you back to the present moment and facilitate awareness of your body.
 - ▶ Eat soothing food and drinks
 - ▶ Use aromatherapy
 - ▶ Listen to soothing music or podcasts
 - ▶ Meditate
 - ▶ Stretch and get massages
 - Prepare for trauma exposure and focus on the task at hand.
 - Use the 20-20-20 break model. Every 20 minutes, take a break for at least 20 seconds. Make sure your screen is at least 20 feet away from you.
 - Spend time outside.
- ❑ Deescalate your response after trauma exposure.
 - Shake your whole body. This acts as a “reset” and communicates to your brain that the trauma is over.⁹⁴
 - Become aware of your tension, posture, and breath and release it voluntarily (e.g., unclench your hands, take deep breaths, straighten your posture).
- ❑ Practice meditation.
 - Use meditation apps such as, Headspace, Daily Mindfulness, and Calm.

*Addressing internal factors*⁹⁵

- ❑ Ask for help when you need it, both within your organization and outside your workplace
 - Peer support groups
 - Therapy
 - [Lawyers Concerned for Lawyers](#)

- ❑ Look at your medical insurance to see what medical treatments are available. Most insurances provide therapy treatments (psychological and psychiatric). Your employer may assist with additional coverage if needed.
- ❑ Perform regular self-assessments or check-ins.
 - Professional Quality of Life Measure (ProQOL) has a [self-assessment tool](#) to help employees gauge where they stand on the “compassion fatigue/burnout” scale.
- ❑ Reframe expectations and negative thoughts.
 - Monitor your internal dialogue and flag problematic thoughts.
 - Conduct positive self-assessments.
 - Take steps to reframe your thoughts:
 - ▶ Become aware of your thoughts.
 - ▶ Recognize your thoughts are not always true.
 - ▶ Replace unhelpful thoughts with more positive ones.
 - Show yourself grace and patience. Remember it takes three weeks for a change in behavior to become a habit!
- ❑ Practice gratitude.
 - Express personal gratitude.
 - Express gratitude for coworkers and loved ones.
 - ▶ Provide positive feedback and express your appreciation
 - ▶ Express gratitude for the mundane (the little things).
- ❑ Practice daily reflections.
 - Keep a journal.
 - ▶ Write down specific situations that trigger you so you can easily identify and prepare for them in the future.
 - ▶ Document how you’re feeling so you can let those feelings go and leave them on the page.
 - ▶ Write down if there were any crises or big events at work that you dealt with or that might have taken you away from your to-do list for that day. Give yourself credit for managing unexpected tasks or responsibilities.

Trauma Exposure Response Resources

Websites and Organizations

- ▶ [ABA Center on Children and the Law, Health Project](#)—Resources for attorneys on trauma.
- ▶ [Support Center for Child Advocates](#)—Offers training and resources for preventing vicarious trauma and burnout for helping professionals.
- ▶ [Trauma-Informed Systems of Care](#)—National Council of Juvenile & Family Court Judges (NCJFCJ) site on trauma.
- ▶ [Tend Academy](#)—Offers books, training, and other resources for high-stress and trauma-exposed workplaces.
- ▶ [ABA Child Law Practice](#)—Offers practice-based articles for child law practitioners on a variety of topics, including handling secondary trauma and self-care.
- ▶ [Shift Wellness](#)—Offers psychoeducational programs and resources for professionals involved in child sexual exploitation work.

Books and Articles

- ▶ Cover, D. *Good Grief*. NYU School of Law, 2015.
- ▶ Mathieu, F. *The Compassion Fatigue Workbook*. New York: Routledge, 2012.
- ▶ van Dernoot Lipsky, L. & Burk, C. *Trauma Stewardship: An Everyday Guide to Caring for Self while Caring for Others*. San Francisco: Berrett-Koehler, 2009.
- ▶ Wyman Jr., R. and Kelly Warner-King. “Building a Resilience-Oriented Child Welfare Court System.” *Juvenile and Family Court Journal* 68(1), 2017.

Tools

Finding a Trauma-Informed Therapist or Expert

- ▶ The [National Child Traumatic Stress Network](#) comprises more than 100 federally funded and affiliated academic and treatment centers around the U.S. that provide trauma-informed mental health services and training/consultation on child traumatic stress. To find a trauma expert in your area, search the NCTSN’s list of network members by state.

- ▶ Mark R. Evces, Ph.D.—Dr. Evces provides and supervises integrative, evidence-based psychotherapy and secondary trauma trainings for attorneys and legal teams in the New York area. mark@workhaven.com

Webinar

- ▶ [Trauma Exposure for Attorneys](#)—A webinar highlighting how to identify and address trauma exposure responses, including practical steps legal organizations and attorneys can take to mitigate the impact of trauma, so attorneys are able to provide high-quality legal representation and be the best advocates for their clients. Hosted by the Family Justice Initiative, December 16, 2020.

Racial Trauma Resources

- ▶ Carter, Robert. “[Racism and Psychological and Emotional Injury: Recognizing and Assessing Race-Based Traumatic Stress](#).” *The Counseling Psychologist* 35(1), 2007.
- ▶ Comas-Díaz, Lillian et al. “[Racial Trauma: Theory, Research, and Healing: Introduction to the Special Issue](#).” *American Psychologist* 74(1), 2019.
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- ▶ Minoff, Elisa. *Entangled Roots: The Role of Race in Policies that Separate Families*. Center for the Study of Social Policy, November 2018.
- ▶ [A Conversation about the Manifestation of White Supremacy in the Institution of Child Welfare](#), ABA Center on Children and the Law Webinar
- ▶ Stephanie Clifford and Jessica Silver-Greenberg. “[Foster Care as Punishment: The New Reality of ‘Jane Crow’](#).” *The New York Times*, July 21, 2017.
- ▶ Wildeman C, Emanuel N (2014) [Cumulative Risks of Foster Care Placement by Age 18 for U.S. Children, 2000–2011](#). *PLoS ONE* 9(3): e92785.
- ▶ William & Mary Health & Wellness Office. [Racial Trauma and Coping/Healing](#), one-page fact sheet, undated.
- ▶ [upEND Movement](#)—Movement dedicated to creating anti-racist structures and policies to keep children safe and protected in their homes.

Hypothetical for Discussion

Tina has represented children in child welfare cases for seven years. She has over 150 clients on her caseload and spends most of her day in court. In the evening she works late, calling clients and foster parents and trying to prepare for the next court day. She typically is at the office until 6:30 or 7:00 pm every night, but she never feels caught up on her work. By the time she gets home she has no energy to spend time with her own kids. After her kids are in bed she will scarf down a bowl of cereal and have two glasses of wine to relax.

She recently was appointed to represent a teenager who is returning to foster care after her placement with a relative guardian broke down. The social worker's report stated the client was combative with her guardian and would not follow the rules of the house. The client was struggling in school and was at risk of being held back a grade. She had been placed in a group home.

When Tina met with the client at court, she did not have much time to talk. She asked the client how things were going at the group home. When the client said she was having problems with the staff and house rules, Tina snapped, "If you don't like the group home maybe you should have tried to work things out with your guardian." When the client said she wanted to stay in her previous school Tina said, "I can ask the judge about that, but why do you want to stay there when you are failing your classes?"

After court, when Tina got back to the office, she complained to her office mate about teenagers messing up their placements.

Discussion Questions

1. In what ways might Tina be experiencing trauma exposure response?
2. How is trauma exposure response impacting Tina's work?
3. How is trauma exposure response impacting Tina's personal life?
4. What are some ways Tina can address her trauma exposure response?
5. How could Tina increase her compassion satisfaction?
6. What are some ways Tina's manager or law office could support her?

Endnotes

1. Thank you to Katie Carden, a law student at Villanova University Charles Widger School of Law, who drafted this resource while interning with the ABA Center on Children and the Law in 2020. Thank you also to the Family Justice Initiative Quality WorkGroup members, who provided input, advice, and expertise to complete this resource.
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27. Ibid.
28. Cover, 2015, 55.
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71. Ibid at 136.
72. Rainville, 2015, 134 – 135.
73. Ibid.
74. Ibid., 134.
75. After recognizing the emotional toll child welfare cases take for many staff members, and to prevent the pattern of staff leaving the organization due to emotional "burnout," the Center for Family Representation (CFR) in New York teamed up with psychologist, Mark Evces, Ph.D., to create an organizational program and system to help address secondary trauma among CFR attorneys and staff. Christine Bruno, CFR's training supervisor, explained that CFR understands that people may need to leave this work, but she never wants staff to leave because of organizational problems or faults. Dr. Evces spoke with all CFR staff– attorneys, supervisors, administrators, and social workers – to learn more about secondary trauma among child welfare professionals and establish a comprehensive program to help legal organizations identify, prevent, and respond to trauma exposure responses amongst child welfare professionals. Dr. Evces and his team now work with several legal organizations throughout New York to help them establish the tools and resource to combat secondary trauma.
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77. Cover, 2015, 83.
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82. To join the Family Justice Initiative, visit <https://familyjusticeinitiative.org/get-involved/join-us/>.
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The FJI unites professionals from around the country to ensure every child and every parent has high-quality legal representation when child welfare courts make life-changing decisions about their families. Through the FJI's work, child welfare lawyers, researchers, judges, social workers, policymakers, families impacted by abuse and neglect, and others are reenvisioning how to best protect children, strengthen families and support communities.