

**Kansas Judicial Branch
Office of Judicial Administration
Best Practices in Child Welfare Law**



Session #1: Why Trauma and Toxic Stress Matter for Courts,
Lawyers, and Their Clients

April 15, 2025

Presented by Mary Kelly Persyn, J.D., Ph.D.

Agenda for today: Why Trauma and Toxic Stress Matter for Courts, Lawyers, and Their Clients

What is trauma and why does it matter for lawyers, legal professionals and clients?

1. Adverse Childhood Experiences and Positive Childhood Experiences (30 minutes)
 - a. Basic Definitions
 - b. The Kaiser Study
 - c. Positive Childhood Experiences
2. Demonstrative Scenario (20 minutes)

Learning outcomes

1. Participants will be able to explain the differences between trauma, toxic stress, and Adverse Childhood Experiences.
2. Participants will be able to describe the CDC-Kaiser ACEs study, including what ACEs are and how they function as population-level indicators.
3. Participants will be able to describe what Positive Childhood Experiences are, including examples, and explain why PCEs are important.
4. Participants will be able to flag potential ACEs within a scenario and explain their impact.

Poll Questions

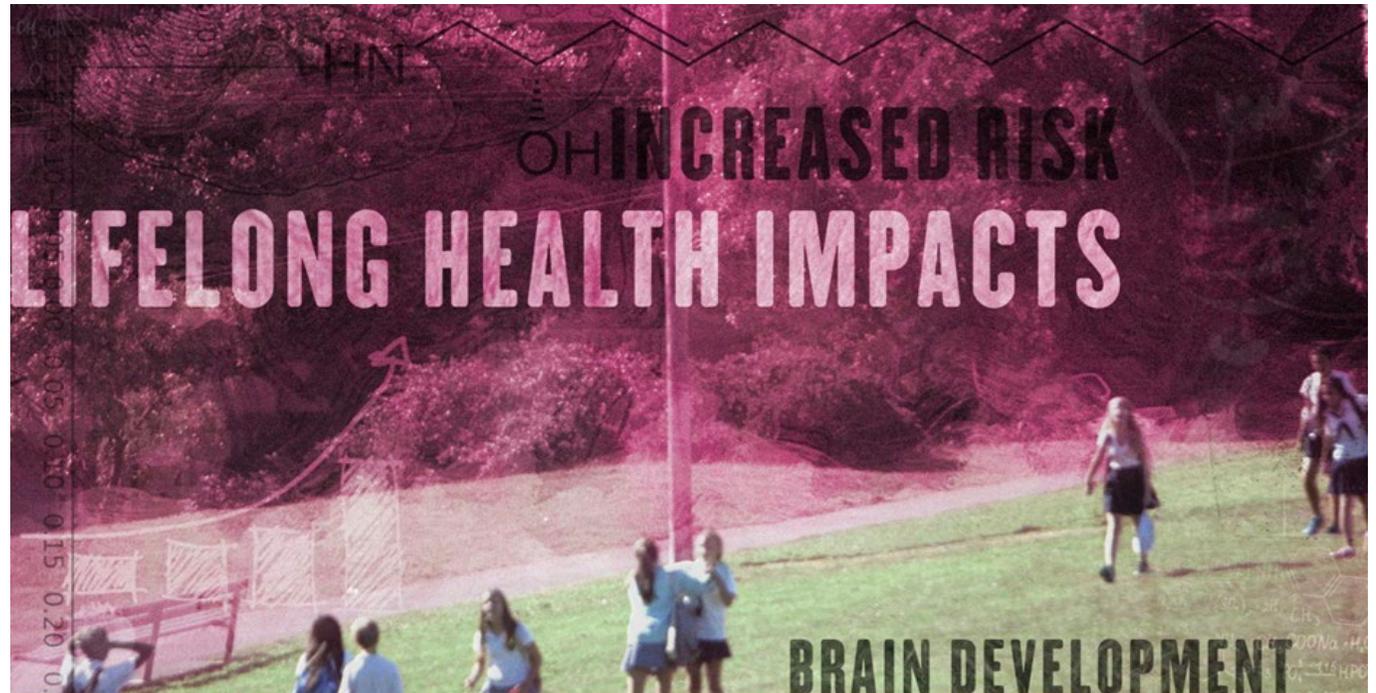
1. Which of the following are examples of potentially traumatic experiences that could cause a child or teen to suffer toxic stress? Multiple choices are possible.
 - A. Food insecurity
 - B. A failing grade
 - C. Incarcerated family member
 - E. Foster care
 - F. Custody battle

2. Family violence and parental separation or divorce are the forms of child adversity that are most strongly associated with a youth's involvement in the juvenile justice system. True/False

Part 1. Adverse Childhood Experiences and Positive Childhood Experiences

How do our experiences as children affect our physiology and behavioral, mental, and physical health in the short and long term?

Why is this important for lawyers to understand?



Child traumatic stress/child trauma

Children who suffer from child traumatic stress:

Have been exposed to one or more traumas and develop reactions that persist and affect their daily lives after the events have ended.

Traumatic reactions can include a variety of responses, such as:

- intense and ongoing emotional upset, depressive symptoms or anxiety,
- behavioral changes,
- difficulties with self-regulation,
- problems relating to others or forming attachments,
- attention and academic difficulties,
- nightmares, difficulty sleeping and eating, and physical symptoms, such as aches and pains.

[National Child Traumatic Stress Network](#) (NCTSN), a program funded by the Center for Mental Health Services (CMHS), Substance Abuse and Mental Health Services Administration (SAMHSA), U.S. Department of Health and Human Services and jointly coordinated by UCLA and Duke University.

Childhood adversity

“Childhood adversity” is a broad term.

Common examples include: child abuse and neglect; domestic violence; bullying; serious accidents and injuries; bullying; discrimination; extreme poverty; community violence.

These events can have serious consequences, especially if:

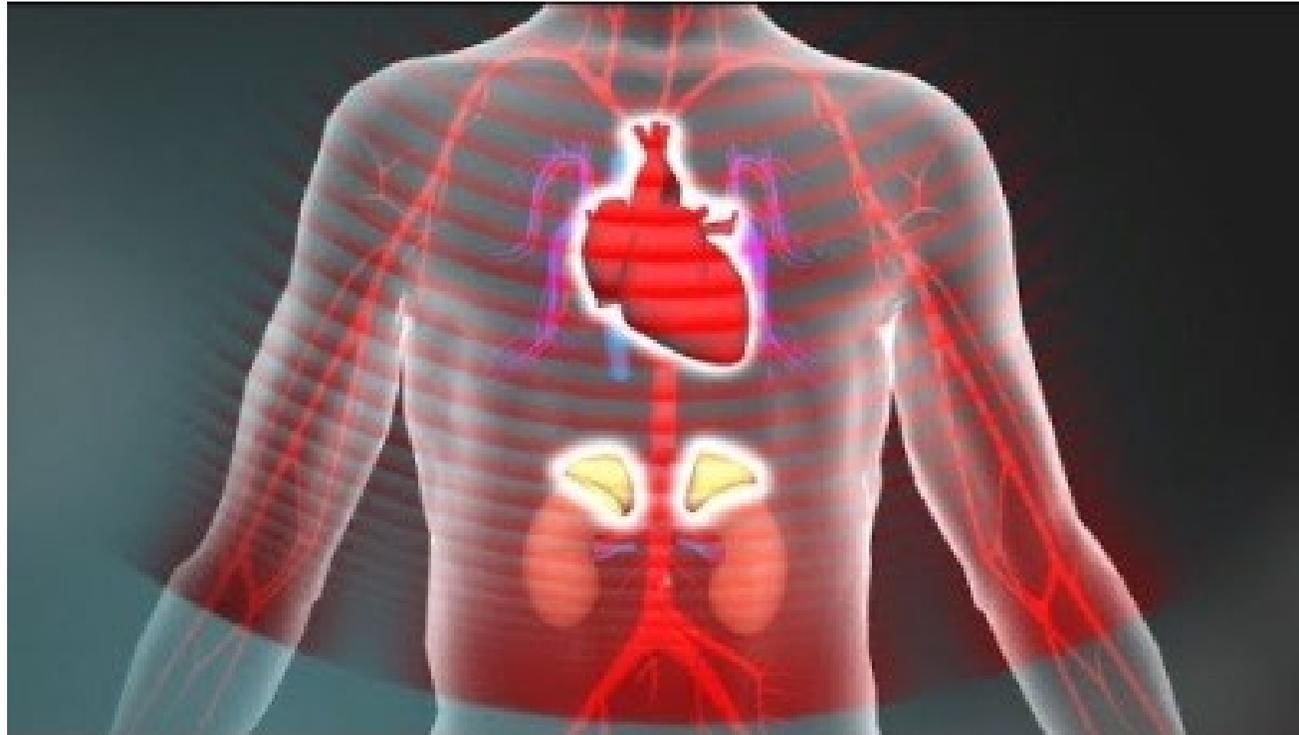
- They occur early in life, and/or
- They are chronic and/or severe, and/or
- They accumulate over time

It's possible that lifelong problems could result, but not at all inevitable.

Children can recover and be well when they have the right supports.

The most important one? A warm, sensitive, responsive adult caregiver.

Toxic stress



Center on the Developing Child at Harvard University, developingchild.harvard.edu

Adverse Childhood Experiences

Adverse childhood experiences, or ACEs, are potentially traumatic events that occur in childhood (0-17 years). For example:

- experiencing violence, abuse, or neglect
- witnessing violence in the home or community
- having a family member attempt or die by suicide

Also included are aspects of the child's environment that can undermine their sense of safety, stability, and bonding, such as growing up in a household with:

- substance use problems
- mental health problems
- instability due to parental separation or household members being in jail or prison

Centers for Disease Control and Prevention, Violence Prevention Fast Facts, <https://www.cdc.gov/violenceprevention/aces/fastfact.html>

Key differences between child trauma and Adverse Childhood Experiences

1. An ACEs score has little value on an individual level and prospectively; ACEs scores are retrospective and population-based. They are a public health measure and tool.
2. The original 10 ACEs only sample possible sources of child trauma and toxic stress. They indicate how widespread adversity is, but do not come close to encompassing it.
3. ACEs are a rough measure because the survey only counts experience types, not frequency or intensity. The concept of toxic stress is more useful, but less quantifiable.

Researchers continue to study toxic stress and its sources. Some studies add adversity types that were not included in the original CDC-Kaiser study. More on that later in today's session.

The CDC-Kaiser ACEs Study

Key findings:

ACEs are prevalent

When unbuffered and untreated, exposure to ACEs has both short and long term negative effects on physical and mental health

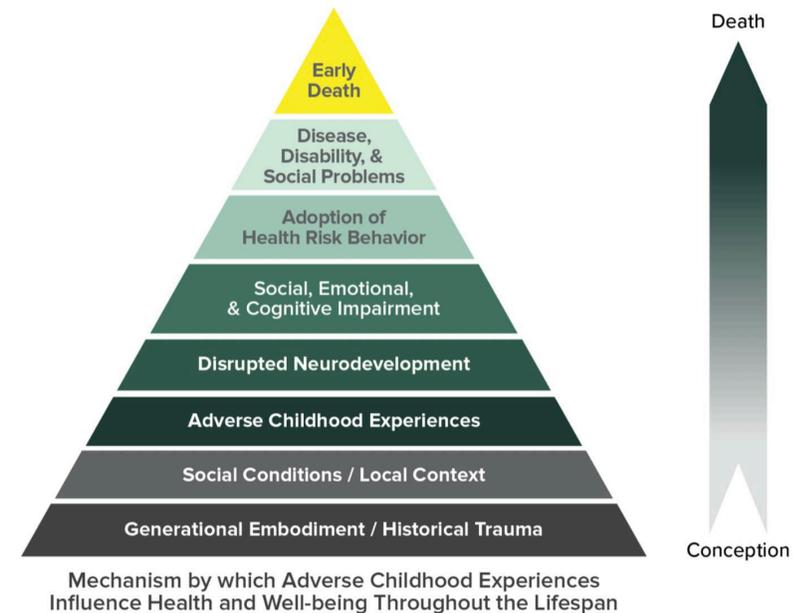
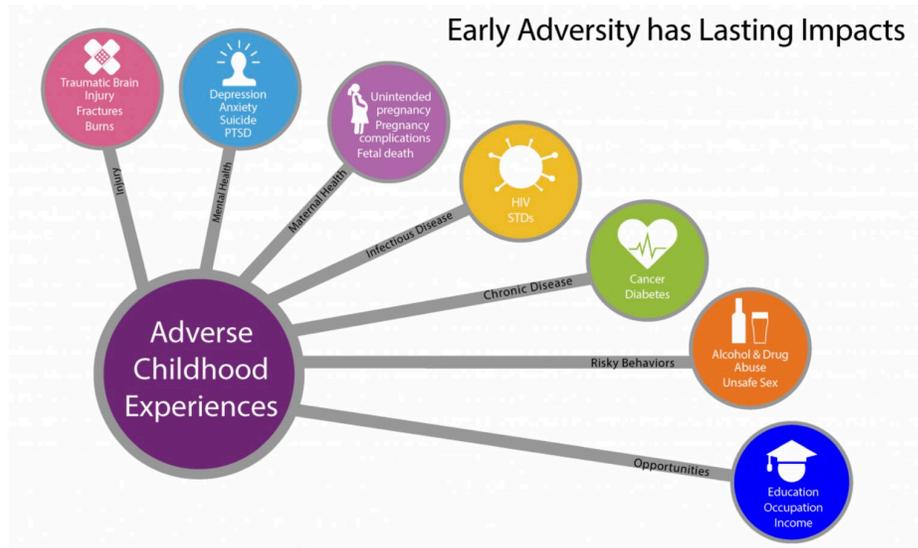
Examples: asthma; alcoholism and other substance abuse; depression; drug use; smoking; suicide; premature death

All told, 7 of the 10 leading causes of death in the United States have been linked to ACEs exposures

Prevalence of ACEs in original study

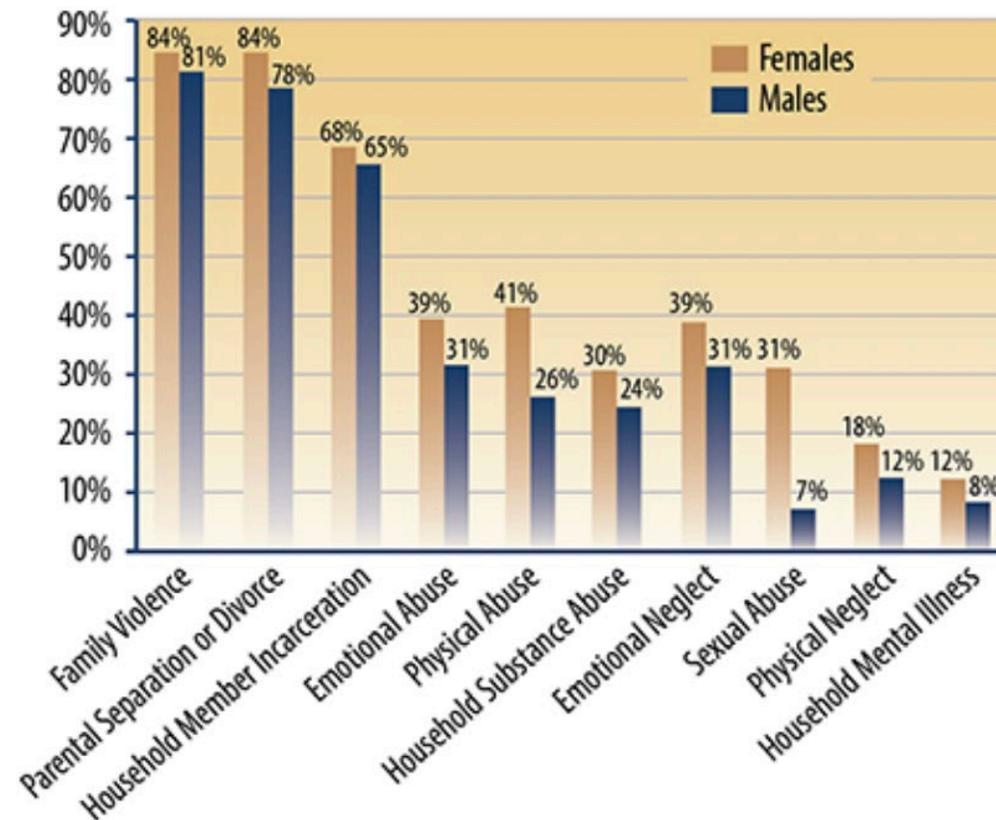
ACE Category	Women	Men	Total
	Percent (N = 9,367)	Percent (N = 7,970)	Percent (N = 17,337)
ABUSE			
Emotional Abuse	13.1%	7.6%	10.6%
Physical Abuse	27%	29.9%	28.3%
Sexual Abuse	24.7%	16%	20.7%
HOUSEHOLD CHALLENGES			
Mother Treated Violently	13.7%	11.5%	12.7%
Household Substance Abuse	29.5%	23.8%	26.9%
Household Mental Illness	23.3%	14.8%	19.4%
Parental Separation or Divorce	24.5%	21.8%	23.3%
Incarcerated Household Member	5.2%	4.1%	4.7%
NEGLECT			
Emotional Neglect ³	16.7%	12.4%	14.8%
Physical Neglect ³	9.2%	10.7%	9.9%

Two conceptualizations

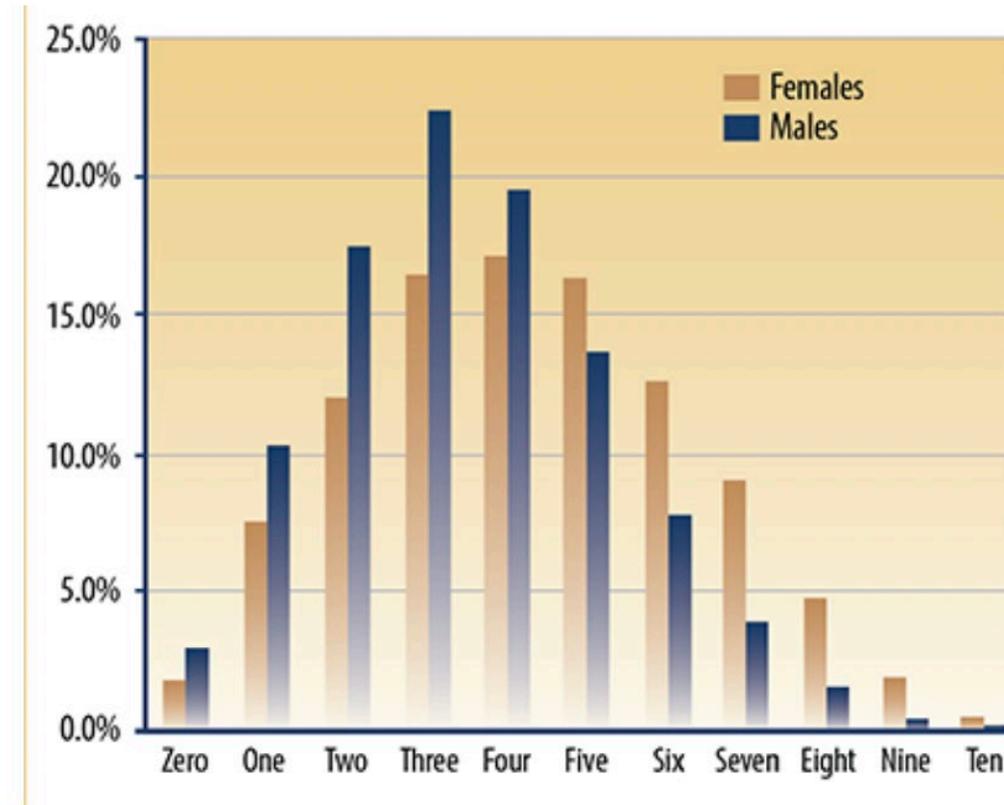


How strongly are ACEs associated with juvenile justice system involvement?

Figure 1. Prevalence of ACE Indicators by Gender.



Correlation of reported ACEs scores with juvenile justice system involvement



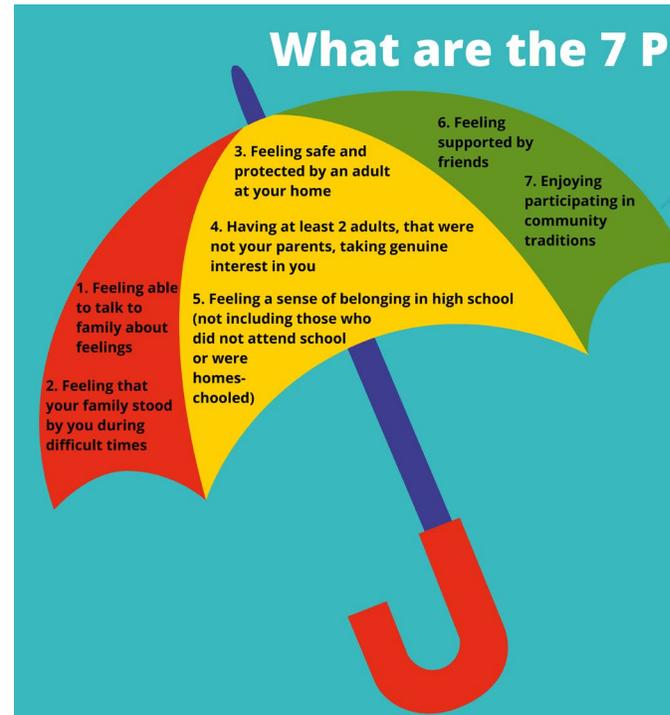
Credit: Michael T. Baglivio et al., The Prevalence of Adverse Childhood Experiences (ACE) in the Lives of Juvenile Offenders, J. of Juvenile Justice (OJJDP) (2014)

What are Positive Childhood Experiences?

Adverse Childhood Experiences are traumatic events that happen before a child reaches the age of 18.

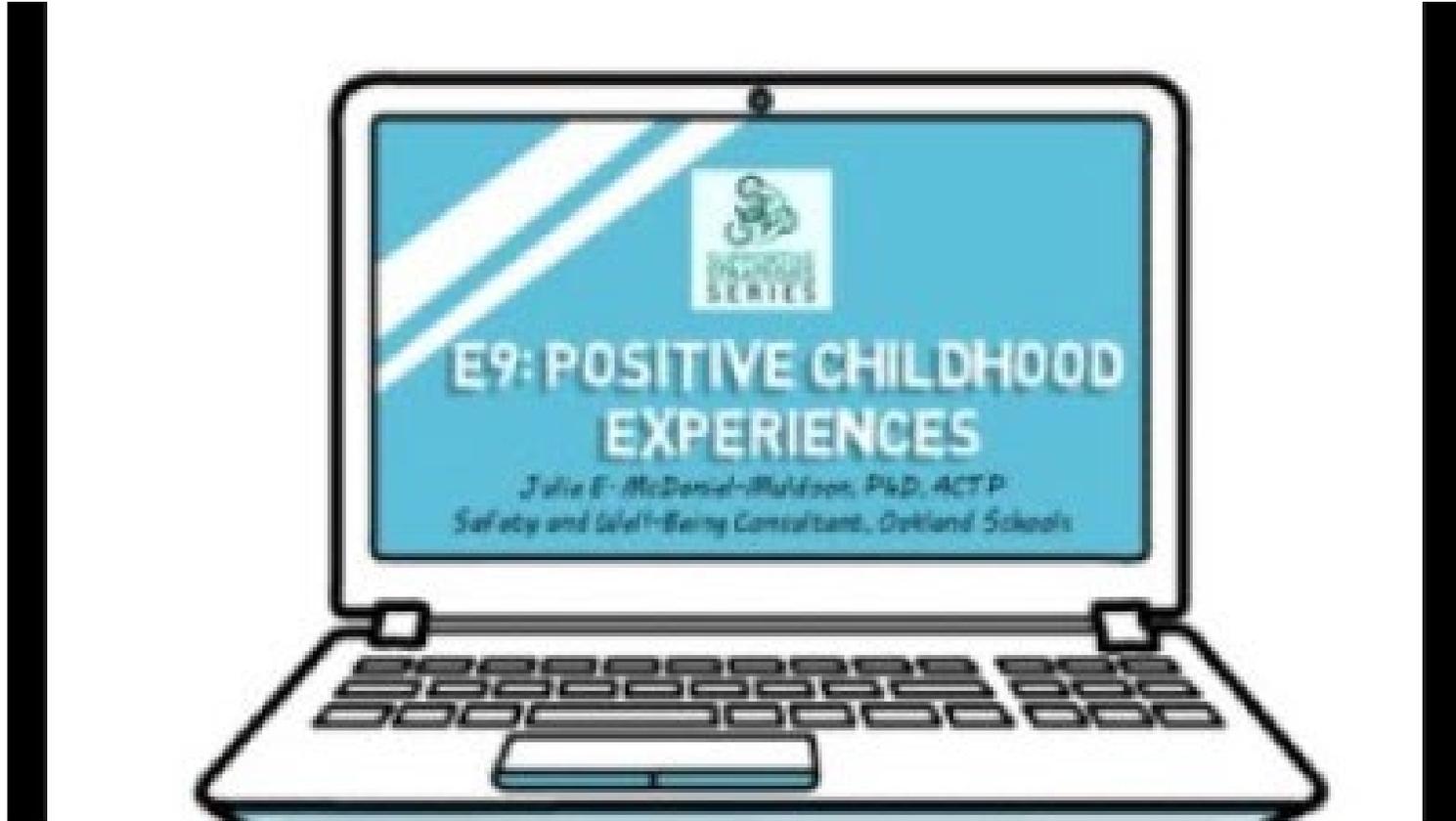
Positive Childhood Experiences are experiences during childhood that promote safe, stable, and nurturing relationships and environments.

Families have a central role to play, but other adults are also sources of PCEs.





Positive Childhood Experiences



Buffering ACEs

We Can Create Positive Childhood Experiences

The infographic is titled "We Can Create Positive Childhood Experiences" and is divided into six sections, each with a circular icon and a list of actions:

- Strengthen families' financial stability** (Purple icon: piggy bank)
 - Paid time off
 - Child tax credits
 - Flexible and consistent work schedules
- Promote social norms that protect against violence** (Purple icon: family with heart)
 - Positive parenting practices
 - Prevention efforts involving men and boys
- Help kids have a good start** (Blue icon: parent and child)
 - Early learning programs
 - Affordable preschool and childcare programs
- Teach healthy relationship skills** (Dark blue icon: hand holding heart)
 - Conflict resolution
 - Negative feeling management
 - Pressure from peers
 - Healthy non-violent dating relationships
- Connect youth with activities and caring adults** (Green icon: family with heart)
 - School or community mentoring programs
 - After-school activities
- Intervene to lessen immediate and long-term harms** (Yellow icon: broken hearts and hand)
 - ACEs education
 - Therapy
 - Family-centered treatment for substance abuse

The Centers for Disease Control and Prevention (CDC) has issued recommendations on community-based approaches to Positive Childhood Experiences (PCEs).

These actions strengthen and support families, protect children from violence, and help set them up for a safe, stable, and productive future.

PCEs also buffer ACEs. Kids in tough circumstances can benefit significantly from them.

Part 2. Demonstrative Scenario

This series on trauma-informed lawyering will be centered on the experiences of the people we serve.

We offer the following scenario, to which we'll return throughout these sessions.



Cultural humility and trauma-informed lawyering

DEFINITION

The lawyer, as a listener, will begin to grasp the systemic inequalities many complainants from these communities have lived with as a result of inherent injustices within the policing, corrections and court systems. When you actively listen, you practice cultural humility. Cultural humility will encourage you to critically examine common unconscious biases which feed myths and stereotypes, question your knowledge sources and open your mind to new perspectives; all of which are the same components underpinning trauma-informed approaches to practice.

--Nisha Sikka & Myrna McCallum, in *Trauma-Informed Law: A Primer for Practicing Lawyers and a Pathway for Resilience and Healing* (2023)

CORE VALUES

Recognize and change power imbalances and institutional accountability

Engage in lifelong learning, self-reflection, and self-critique

Adjust core practices to improve client relationships and service

Center and prioritize client's life experience through humility

Meet María and her family

María (now 40 years old): came to the U.S. from Mexico 20 years ago with Raúl; María is undocumented and doesn't have Employment Authorization Documents (EAD)

Raúl: María's first husband and Sofia's father; he died in a car accident at 35 years old

Sofia (now 12 years old): the daughter of María and Raúl

Luís: María's second husband and Luís Jr.'s father; Luís is also undocumented and lacks EAD

Marco (now 6 years old): the son of María and Luís

The family's story

The family's history

María and Sofia were also in the car accident that killed Raúl. They sustained minor injuries. Sofia had a very hard time adjusting after the accident and the loss of her father, as they were very close.

María and Luís met shortly after Raúl's death and soon had son Marco, now six. Luís has worked for the same company since the couple met. María used to work for cash, but stopped soon after meeting Luís. A couple of years ago, the family moved from the city to a rural area because Luís was promoted. Sofia found it hard to leave her friends.

DCF report from Sofia's teacher

The teacher reported that Sofia's behavior had changed in the last couple of months. Sofia was typically bubbly, outgoing, and energetic, but recently appeared withdrawn, was not interacting with friends, and appeared very tired, and at times very anxious. When the teacher asked Sofia how she was doing, Sofia disclosed that her stepfather, Luís, had been coming into her room at night and touching her.

CPS investigation (the children's narrative)

The children report fear

The CPS investigator talked with Sofia and Marco, who both report being afraid of Luís—especially when he drinks. Sofia confirmed that Luís has touched her at night, and it has happened a few times. Sofia reported that Luís often yells at María for moving too slowly to do things he tells her to do. She saw Luís slap her mom and push her. She has also witnessed Luís breaking things in the house and taking María's wallet. When María's family calls, Luís tells them that María is not home (even though she is). Sofia also said that even though María blames his drinking, this is typical behavior by Luís even when he is sober.

CPS investigation (María's narrative)

María reveals domestic abuse

The agency only has one Spanish-speaking investigator, so it took some time to interview María. She reported that things are fine in the home. She then mentioned that shortly after she and Luís were married, Luís began calling her names and putting her down in front of the children. María admitted that Luís drinks every night after work. She said it is true that Luís decides who she can see and where she can go, rarely letting her leave the house, but she doesn't want to go out anyway. Luís does not want María to work and only gives her money for groceries or other bills. Sometimes, Luís will refuse to give María money if she does something wrong. María has turned to the local church and food banks for help to feed the children from time to time, though Sofia has to translate for her. The investigator noted that María seemed overwhelmed and stressed.

CPS investigation (María's narrative)

Past interaction with the police

María reported that a neighbor called the cops four months ago because they could hear Luís yelling and throwing things around the house. María reported that Luís was drunk that night and when he was arrested, she felt pressured to file a Protection from Abuse (PFA) order. When Luís got out of jail, he told María that he would divorce her and take everything, including their son, if she didn't drop the PFA. María didn't have money for an attorney. María was also worried about drawing attention to herself and triggering another child welfare investigation. She dropped the PFA.

CPS investigation (María's narrative)

Luís is violent again

About a month later, Luís slapped María when he found that his work uniforms weren't dry fast enough after María washed them. María said that Luís was stressed from work and had started drinking again. María also noted that, because English is not her first language, she often feels isolated and unsure of how to seek help. She has tried reaching out to local organizations but finds it difficult to communicate with their staff. María does not want to separate from Luís as she cannot financially support herself and has no family nearby.

Sofia's report

María says that Sofia has never told her anything about Luís touching her, but she knows that Sofia does not like Luís.

Police investigation (Luís's narrative)

Police interviewed Luís. He stated that Sofia is a liar and never liked him because he's not her real dad. Luís also said that María babies the kids and they are not disciplined. He admitted that he drinks after work because he works hard.

The allegations remain under investigation and Luís is still in the home.

Removal

CPS concluded that an emergency exists, so Sofia and Marco have now been removed from the home and placed in foster care. There are no relatives or non-related kin who have been identified to serve as a placement resource.

At the initial case plan meeting, María and Luís arrive together. The case plan is developed and includes tasks for each parent to complete. Luís interpreted for María at the case plan meeting, as there were no Spanish-speaking staff available. At times, it appeared that María was asking a question, but Luís did not translate the question for the case worker.

Sofia told her case worker that she wishes she never said anything, and that she feels like their removal was all her fault. Sofia expressed concern to the investigator that her mom might get in trouble and she was worried about not being home to make sure her mom was safe. Sofia asked the investigator a lot of questions about what will happen and whether Sofía and Marco can stay together. Sofia is also worried that Marco might go back to his dad and they will be separated.

Cultural barriers

María only speaks Spanish.

The child welfare agency only has one Spanish-speaking investigator, and it was difficult to reach María.

María takes Sofia with her to interpret for her at the local church and food bank; no one there speaks Spanish and the forms are only in English.

What other cultural barriers and impacts do you see?

Are child trauma and toxic stress potentially present here?

Adverse childhood experiences:

Violence in the home

Food insecurity

Potential parental separation

Sexual abuse of a child

Emotional abuse

How can cultural humility improve lawyer practice in this scenario?

If the lawyer doesn't speak Spanish, have a translator available

Reflect on childhood experiences

Listen carefully without judgment

Discern how different personal histories may alter your thinking about their situation

What possibilities do you see for Positive Childhood Experiences for Sofia and Luís Jr.?

Importance of safe, stable, and nurturing relationships

Close relationship with an adult at school

Stable after-school activity like Boys & Girls Clubs or YMCA

Spanish-language parent education on the impact of emotional abuse could strengthen relationship with parents

Community connections at church, school, neighborhood organizations



As a lawyer in this scenario, what are some steps you would take (or not take)?

As María's lawyer:

As the children's lawyer:

As Luís's lawyer:

Poll Questions

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Questions?



