

To Speak or Not to Speak

Weighing the pros and cons of revealing past trauma in court.

BY NICOLE GOODWIN

When parents are facing a child welfare case, they often keep silent about their past history of trauma. Sometimes parents' past experiences are too painful to talk about. Other times parents fear that talking openly about experiences of violence or victimization might hurt their case. Parents are right to be concerned that what they say in court or to their worker can be used against them. At the same time, keeping all past trauma a secret can lead the court and caseworkers to misunderstand and even misdiagnose a parent's behavior.

How well a parent's past trauma is understood and dealt with in court can make the difference between a family's recovery and the end of a family's life together for a long while—or for good. Below, Brenda Zubay and Lisa Beneventano, social workers at The Bronx Defenders, an agency that provides legal services to child welfare-affected parents, discuss the benefits and dangers of revealing past trauma in court, and explain the importance of parents taking control of their story before the court takes control of it.

Q: What leads parents to keep silent about past trauma, especially in court?

Beneventano: Many parents have never talked about their traumatic experiences with anybody, and court is not an easy place to suddenly start talking about overwhelming and painful experiences. Parents also may not connect their past trauma to the ways they are coping with life now, and they may be afraid to share too much because they will have very little control over how their information is used.

Zubay: Sometimes parents have also reached out for help in the past and been hurt.

For instance, a parent who grew up in foster care may have had workers

who told her, "I'm here to help you. You can tell me anything." But workers are not always equipped to deal with trauma, and that parent may have been judged or left hanging. Or a parent might have kept disclosing trauma like rape or sexual abuse hoping to get help, but instead she fell through the cracks or completely lost control of the "help" she got, with others insisting on what she had to do. Opening up wounds and being forgotten or overpowered can itself be traumatic.

Q: What are the dangers of revealing and not revealing past trauma in court?

Zubay: As social workers, we understand that healing is a process and that human beings are complicated. But often what courts provide can feel very much like a checklist: "She had trauma; she needs therapy"—even though not all therapy is the same and not all people respond in the same way to it. Once parents receive therapy, the courts often want to see that parent transform quickly. Parents can be made to feel like they're failing, rather than that healing is an ongoing process.

Beneventano: At times, revealing past trauma can also prolong the time it takes for parents to get their children home. The more courts know about a parent's history of violence or victimization, the more services they may mandate before families reunify. Sometimes those services benefit a parent's personal growth but have nothing to do with the safety of children.

On the flip side, when parents don't

reveal past trauma, the court may not understand what led a parent into difficulties and just judge her as a bad parent.

Parents are also frequently given inaccurate mental health diagnoses in mental health assessments ordered by the court. Parents may be diagnosed as having bipolar or a mood disorder because people with trauma histories can have intense mood swings or depressed moods just like people with those diagnoses.

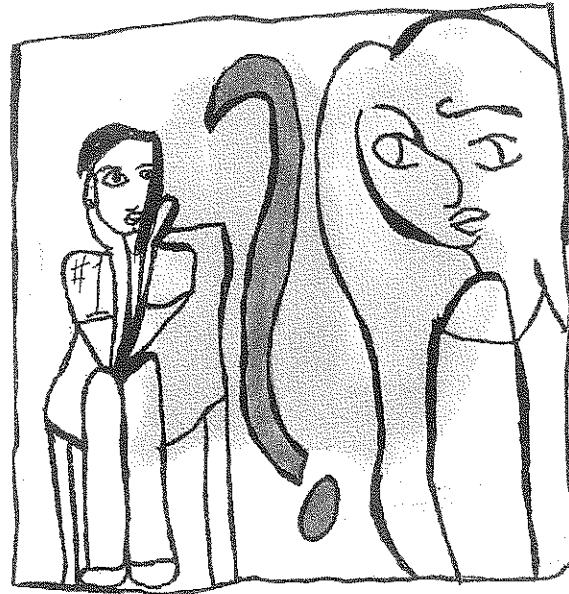


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Beneventano: It's important to work with your lawyer to decide what to share and what to keep private—or talk with someone outside the child welfare system. What's really important is that you take control of your own story before the court takes control of it.

Zubay: Your lawyer can also help the court focus on your strengths and the coping skills you've developed to get through hard times. If you have supportive people in your life or a supportive therapist, having those people provide statements to the court can also show your strengths. If you feel you've been given a misdiagnosis, working with your lawyer to get a second opinion is also important.

Beneventano: Still, the burden should be on the courts to be trauma sensitive, not on parents. Everyone in the courts should be trained in trauma-informed practice.

The courts also need to understand how much trauma is about the

loss of power and control. Instead of making parents feel more powerless, the courts should include parents as much as possible in decision-making about themselves and their families.

Parents can feel very stigmatized and confused by these diagnoses. They are also often prescribed medication and a course of treatment to control their behavior when what they need is appropriate treatment for trauma. Getting a second opinion and a proper diagnosis—as well as appropriate help—can be a turning point in parents getting to a place where they can get their kids back.

Q: How can parents present themselves so the court sees their strengths as well as their struggles?

Zubay: Lastly, the courts should understand that trauma is healed in the context of a relationship. Too often, the courts say, "This parent has an issue. She needs to go get treatment over here," and, "This child has a problem. He needs to get his own services." But parents and children need services together if they are to heal from the impact trauma has had on their family.