
TRAUMA-RESPONSIVE TREATMENT COURT ROLES AND BOUNDARIES

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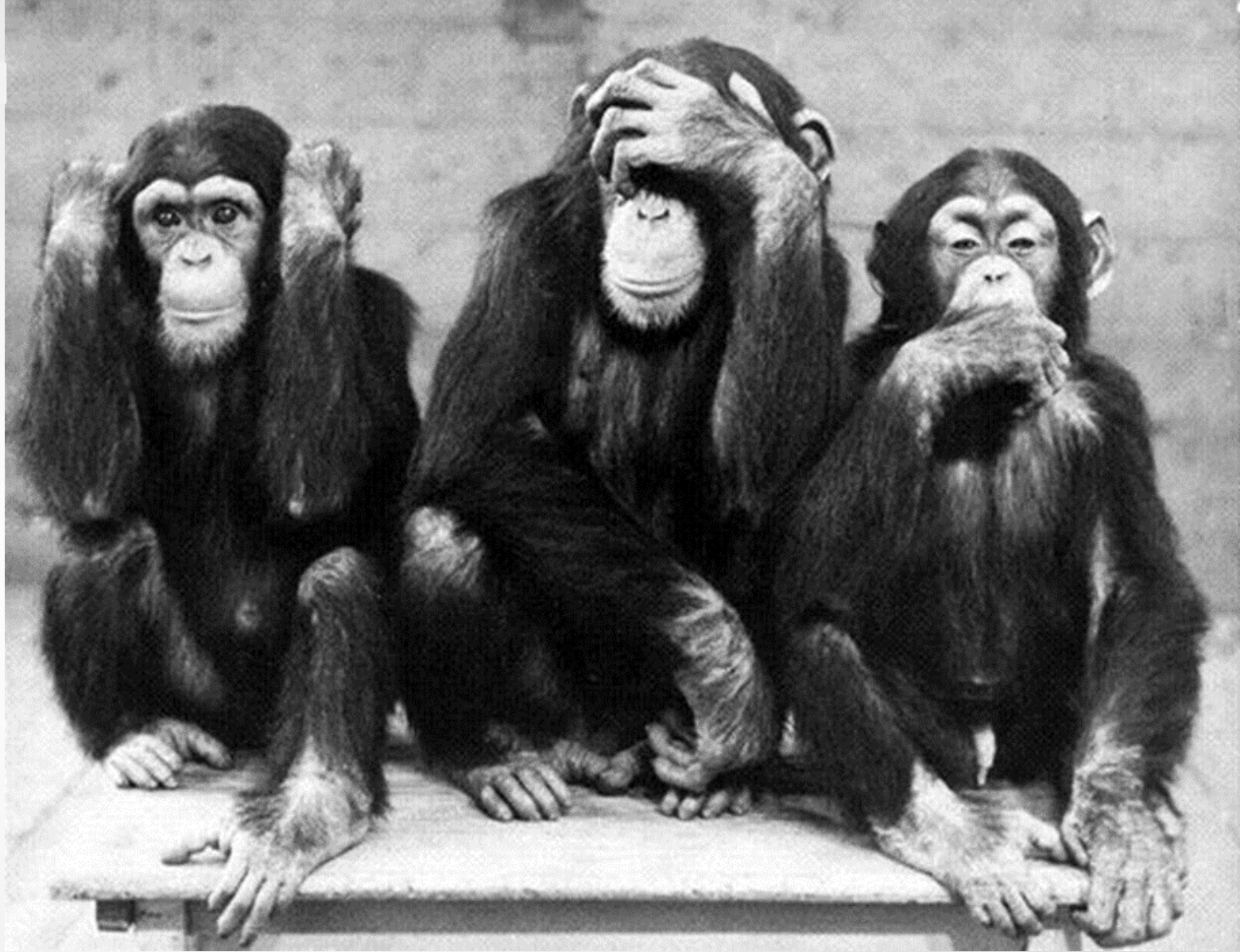
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The Way We Were



Hear no
Trauma

See no
Trauma

Speak no
Trauma

CONTINUUM OF TREATMENT COURT TRAUMA RESPONSIVITY

Trauma
naïve

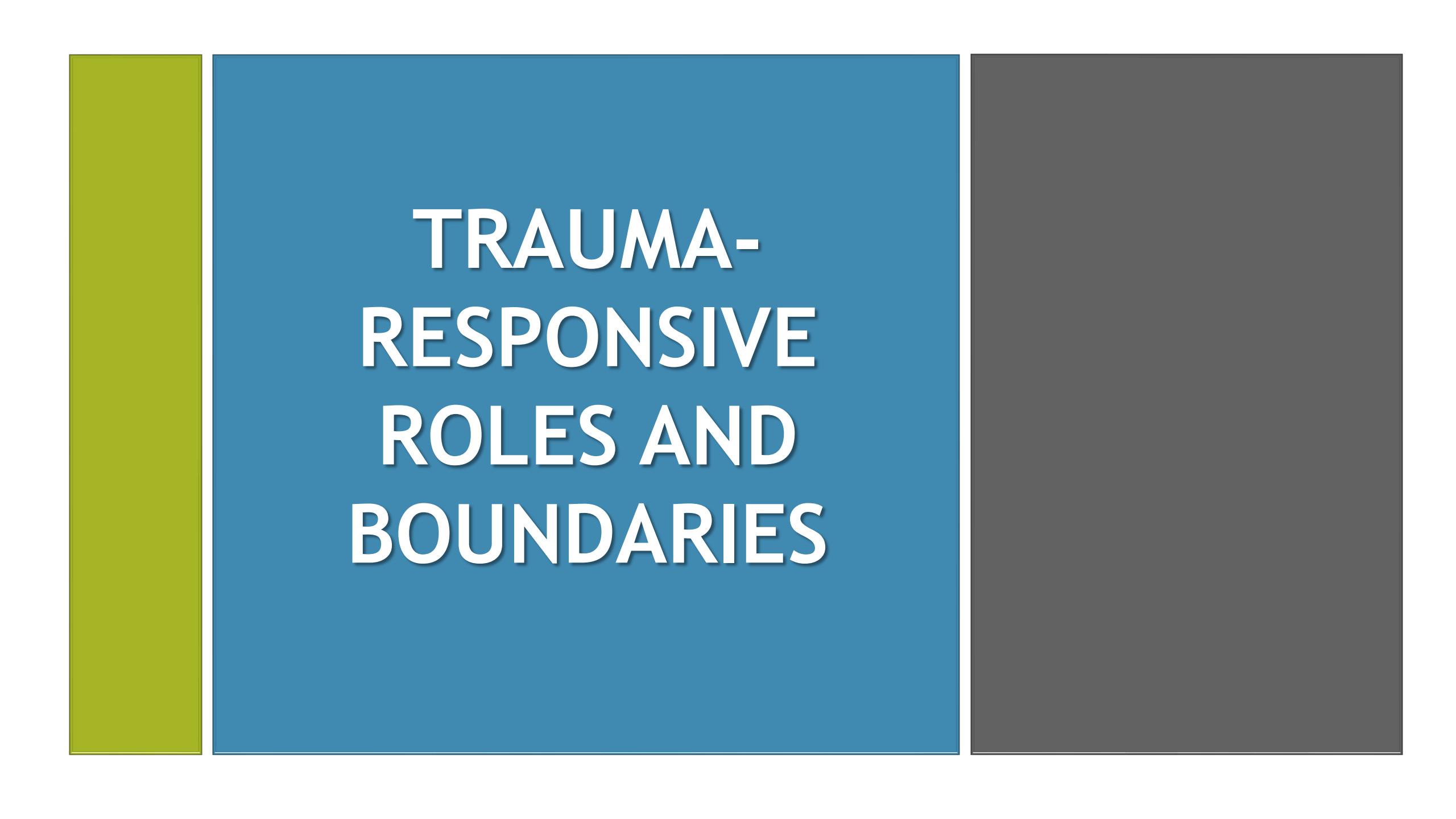
Trauma
aware

Trauma
informed

Trauma
responsive

A recent pilot study of trauma-informed judicial education noted that judges felt confidence in their knowledge of trauma afterwards, but uncertainty about what to do with that knowledge (McKinsey et al., 2022)

**NOW THAT
YOUR COURT
IS TRAUMA-
INFORMED,
WHAT DO YOU
ACTUALLY DO?**



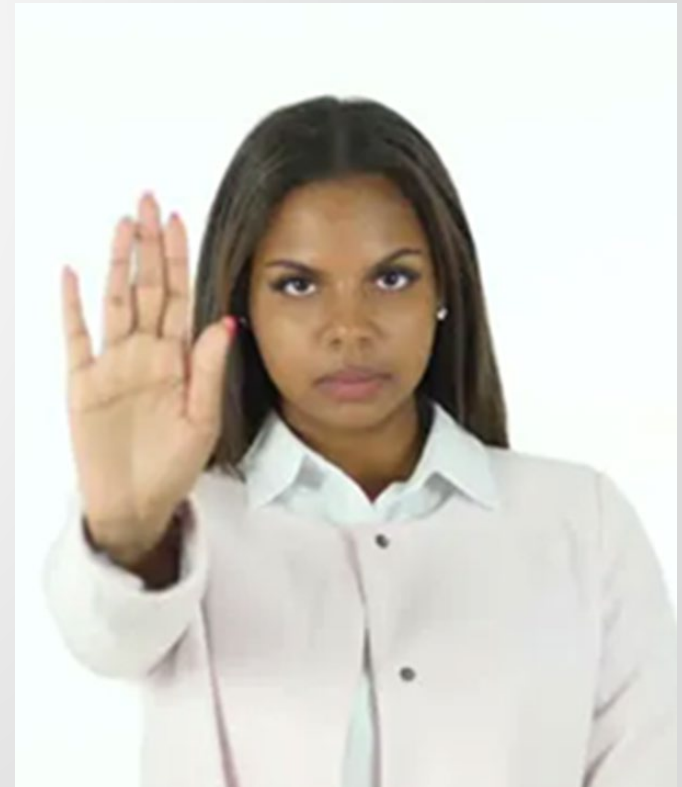
**TRAUMA-
RESPONSIVE
ROLES AND
BOUNDARIES**

PROBLEM: TRAUMA-RELATED BOUNDARY VIOLATIONS

- Setting up “special” relationships with participants
- Asking others to overshare
- Oversharing about yourself
- Interrupting and/or talking over others when they are speaking
- Not speaking up when others talk over you
- Feeling guilty saying “no”
- Trying to dominate other people
- Allowing other people to dominate you
- Avoiding confrontation
- Feeling guilty taking time for yourself
- Taking responsibility for others
- Subgroups within the treatment team

GUIDELINE: MAINTAIN PROFESSIONAL BOUNDARIES

- Don't share your personal life inside or outside of court
- The traumatic experiences they've had are boundary violations
 - In the course of treatment, they are learning to set boundaries, likely for the first time
 - They don't know how to modulate boundaries based on the setting
- Professional respect declines as personal intimacy increases
- This includes after they graduate
 - No "friending" on social media
 - What happens if they relapse and need to come back?
- Boundaries can't be put back in place
 - They may expect you to treat them differently
 - You can also become split off and treat them differently
- Do not risk harming them again



SETTING HEALTHY BOUNDARIES

HOW TO SET HEALTHY BOUNDARIES



Define and identify
desired boundary



Communicate: say
what you need



Stay simple
and clear



Set consequences; say
why it is important

GUIDELINE: NEVER ASK FOR OR ALLOW THE PARTICIPANT TO SHARE DETAILS OF THEIR TRAUMA IN COURT

1. It violates their boundaries
2. It shames them
3. It can retraumatize them
4. It can trigger other participants
5. It can trigger other members of the treatment team
6. When we prevent the sharing of traumatic details, we decrease secondary traumatization, triggering, compassion fatigue, and burnout.



GUIDELINE: STAY IN YOUR LANE



- In treatment courts, role boundaries blur
- In treatment courts, everyone wants to be a therapist
 - This is a big problem
- Don't tell others how to do their jobs
- Don't try to do the jobs of others

GUIDELINE: RECOGNIZE COMMON BEHAVIORS OF TRAUMATIZED PEOPLE

Fight

- Angry
- Distrustful
- Defiant
- Disrespectful
- Provocative
- Hostile
- Explosive

Flight

- Anxious
- Avoidant
- Panicked
- Delays
- Discomfort with crowds

Freeze

- Frozen
- Unresponsive
- Unable to move
- Dissociates
- Numb

- All of these are due to their neurobiology

GUIDELINE: RESPOND, DON'T REACT, TO COMMON BEHAVIORS OF TRAUMATIZED PEOPLE

Fight

- Take a few minutes outside the courtroom with a team member
- Take some deep breaths
- Meditate

Flight

- Take some deep breaths
- Coloring
- Meditate

Freeze

- Grounding
- Squeeze a stress ball
- Chew gum or suck on piece of candy

- Help them understand that their reactions may cause others to react negatively to them

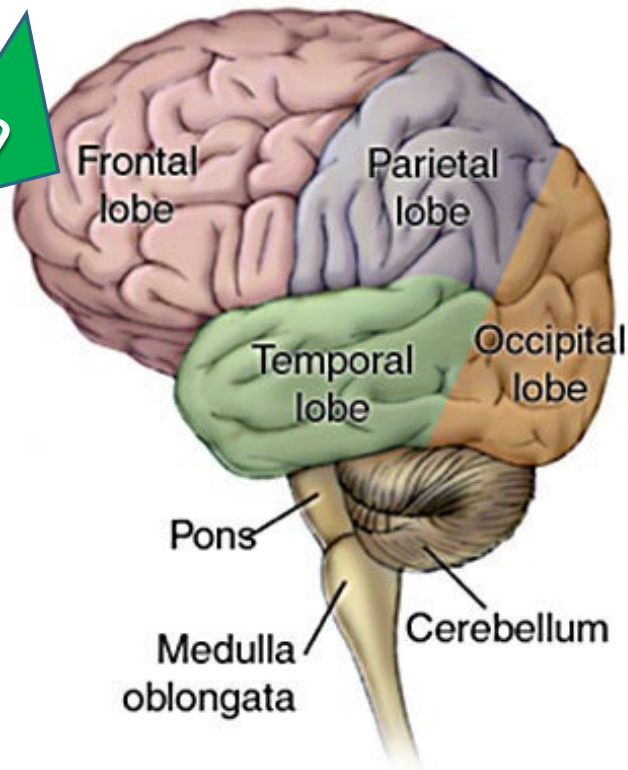
HOW TO RESPOND



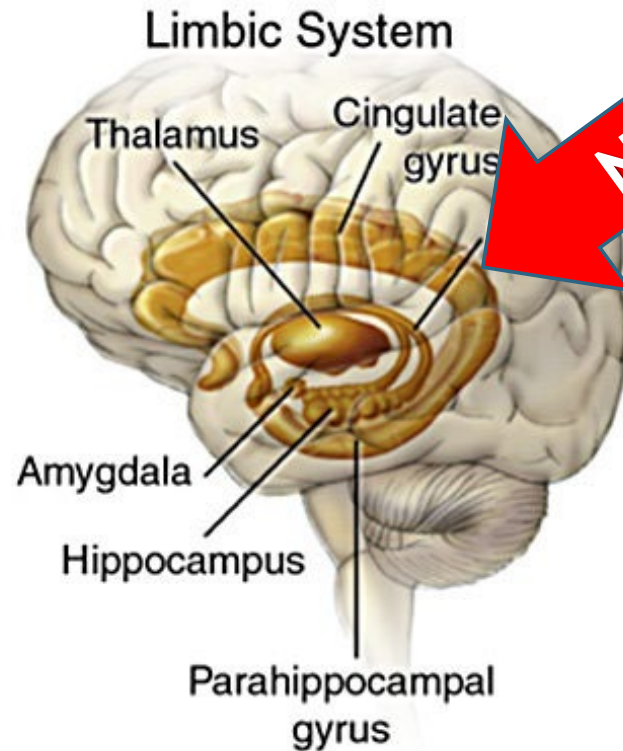
1. Take a mental step back
2. Take a deep breath
3. Think for a moment
4. Give a thoughtful, reasonable response

USE THE RIGHT PART OF THE BRAIN TO DECIDE!

Yes! Reason, information



NO! Step back!



RESPOND, DON'T REACT

- To hostility with calm and compassion
- To avoidance with invitation and reaching out
- To fear with gentleness
- In other words, *respond with the opposite of what is expected*

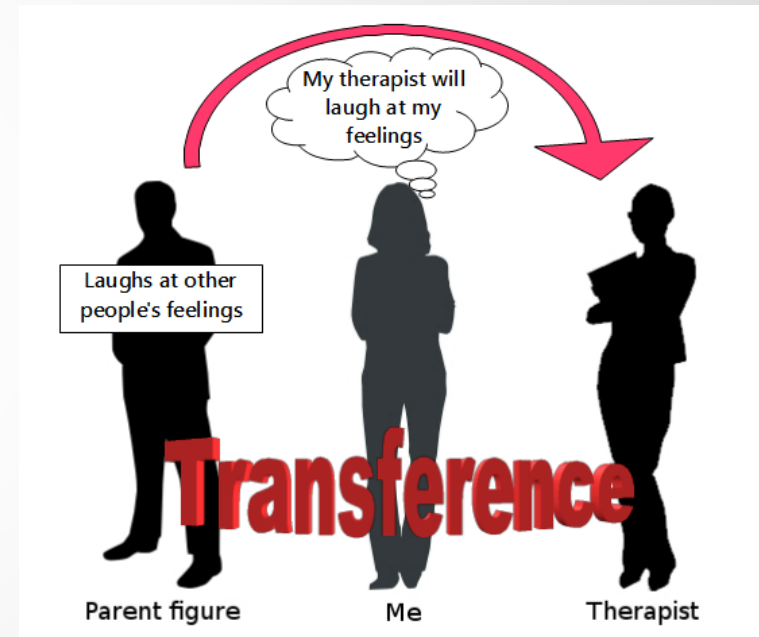
The difference between responding and reacting is a choice. When you react, they're in control. When you respond, you are.



GUIDELINE: RECOGNIZE THE TRANSFERENCES OF PARTICIPANTS

Transferences

- People who have been traumatized are likely to have negative experiences of authority
 - Therefore, their most common transferences are negative authority transferences
 - The judge is the most likely member of the team to receive this, but so are prosecuting attorneys
 - Recipients of negative transferences may act against them



- The team needs to discuss how they are being treated by each participant
- Team members are like good parents: they back each other up

GUIDELINE: NO SPLITTING

Recognize

- Splitting occurs when a participant treats one or more people on the team as all good, and one or more as all bad
- Children do this with their parents to get what they want
- It is common in patients with Cluster B personality traits, especially borderline and narcissistic, who try to split the treatment team

Respond

- Label the attempt to split
- Discuss its purpose
- Try not to take it personally (good or bad)
- The person(s) who is/are split off as “good” must support those who are split off as “bad” in front of the participant
- The team must be unified before giving feedback to the participant
- Note that it can be helpful to take advantage of positive relationships that are not pathological



We are the professionals. It is *our* responsibility and our job to practice, model, and teach clear and healthy boundaries.



**TRAUMA-
RESPONSIVE
ROLES ON THE
COURT TEAM**

THE TRAUMA-RESPONSIVE JUDGE

- Does not use fear to control the courtroom or get someone to feel personally responsible
- Schedules dockets to avoid exposing court participants to unnecessary wait times and traumatic testimony, and avoiding some types of trials before and after treatment court (e.g., murder trials) (McKinsey et al., 2022)
- Creates an environment that is calming, supportive, and not re-traumatizing (McKinsey et al., 2022)
- Watches for signs of trauma in participants and responds accordingly (e.g., sees an agitated participant and has their case heard early)



THE TRAUMA-RESPONSIVE JUDGE



- Steps down from the bench and meets at the same level with everyone
- Takes off their robe when possible
- Maintains transparency and predictability to build trust
- Gives time outs and has the participant return after a cooling off period
- Uses outbursts as teachable moments

THE TRAUMA-RESPONSIVE PROSECUTOR



Prosecution

- Your badge is big and scary
- Your threats and tough talk don't help
- Your smile, and support DOES help
- Your constant message of hope and help is magic
- Engage and instill hope, use your power sparingly and to clear barriers

TRAUMA-RESPONSIVE DEFENSE COUNSEL

Defense

- Be clear and repeat often
- Listen, and share what you can about your client's fears, needs.
- Stop with the legalese and start with easy language....and listen, even when it is not “the point”- it is to them.
- Stay near if they need it, and support.
- Prepare them for “surprises”. Caution the team NOT to surprise.



ENGAGE: COURT GREETING BY BOTH COUNSEL

Good Morning! My name is Helen. I'm the prosecutor assigned to this court by the District Attorney. Some of you know me from other courtrooms. (smile) This guy standing next to me is Steve. He is the defense attorney who is assigned here. If you have not met him, you will. He is AMAZING. Like everyone else here: he will help you.

This Courtroom is different than many others. This Court has a team of people and a Judge who have had intensive and specialized training regarding treatment courts and are here to help you succeed. Treatment, probation, the Court staff, the lawyers and the Judge....all here to help you. If you want to stop using drugs, and to have a different life, THIS IS THE PLACE!

We still have to do some "court stuff" and say "lawyer stuff" now and then, but everything else about this Court is different. The most important thing for you to do is "show up". If you are still using: show up. If you are scared: show up. If you are angry or frustrated: show up. We all know how hard this thing is...but we need you to show up. If you goof: we will help you. But you need to show up.

So: what's the most important thing? SHOW UP. Everything else follows that. Some weeks Steve and I will chat with you about common issues that come up, but today...welcome to our Treatment Court. It's just awesome.

DE-TRAUMATIZE YOUR COURTROOM AND PROCESS

Snarl less, smile more,
sell recovery

-
- Move to gender specific sessions
 - Move to seated sessions at tables if you can, so it is less intimidating for trauma survivors
 - Nothing sudden
 - Place participant in a protected and perceived safe location with “friends” nearby.
 - All counsel: court is plenty intimidating....make it less so while still covering your record.

LOOK AT EVERYTHING YOU DO WITH THE END GOAL IN MIND

- I rarely used my field badge as a prosecutor-only at a couple of crime scenes where the officers didn't know me automatically, but I commonly wore it to treatment courts. And I did that with a specific goal in mind. I wanted them to learn that “the badge” is there to help them too. It is a crucial life skill, and I wanted participants not to fear us, but to come to us.
- I used placebo, and engagement. I sold the Court just like I did a set of facts to a jury. Different audience, but same goal. Use your trial skills for engagement. And your smile.

THE TRAUMA-RESPONSIVE TREATMENT PROVIDER

- Understands that the treatment court is a therapeutic entity
- Understands that treatment is the key to reducing recidivism
- Helps explain the role of trauma in the participant's behavior
- Explains the function of lying in trauma and substance abuse
- Explains to everyone the complicated relationship between trauma and substance abuse
- Alerts the court team to unaddressed problems such as Complex PTSD and Race-Based Trauma and Stress



THE TRAUMA-RESPONSIVE TREATMENT PROVIDER

Pays attention to who is having difficulty each day and recommends adjustments (e.g., allowing agitated participants to go first)

Calls attention to participant splitting, explains its function, and helps team members present a united front to the participant

Always asks if all options have been exhausted prior to decisions on jail sanctions and program eviction

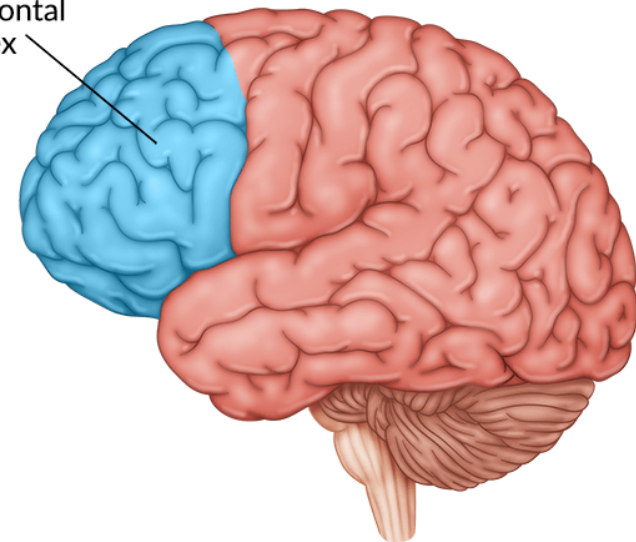
Attends to the potential secondary traumatization of team members

Encourages team members not to take participant behaviors personally

THE TRAUMA-
RESPONSIVE
TREATMENT
PROVIDER
RECOMMENDS
TRAUMA-
INFORMED
INTERVENTIONS
SUCH AS:

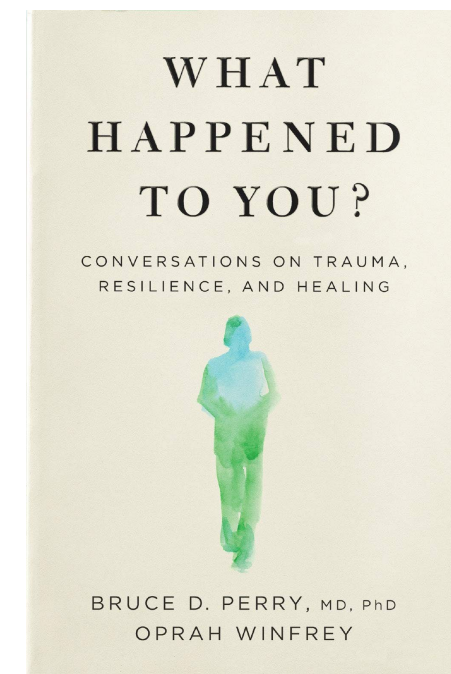
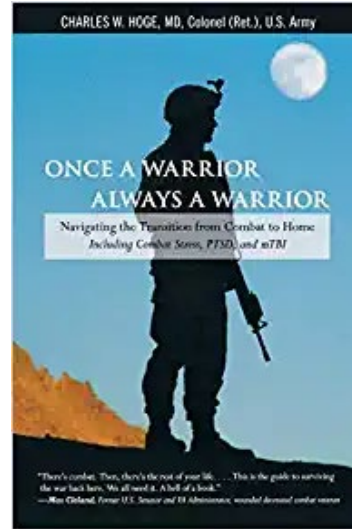
- Having the participant replay the incident/relapse by noticing the trigger, paying attention to their motivations, noticing the consequences, and generating alternative behaviors
- Engage in problem-solving exercises
- Homework that reactivates the prefrontal cortex

Prefrontal cortex

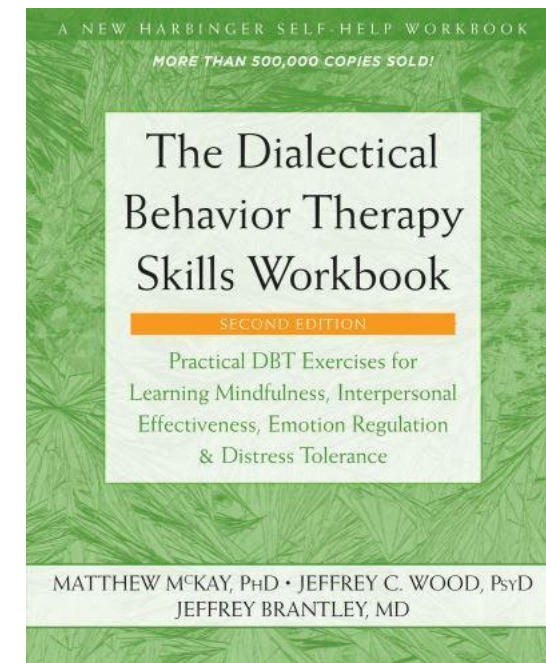
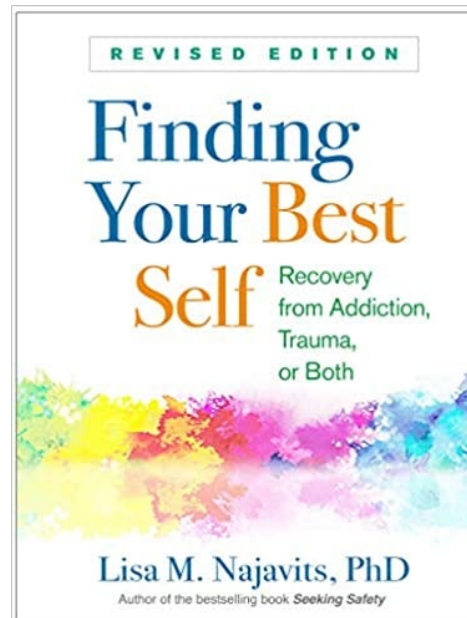


THE TRAUMA-RESPONSIVE TREATMENT PROVIDER RECOMMENDS TRAUMA-FOCUSED INTERVENTIONS SUCH AS:

- Using bibliotherapy



- Using workbooks



TRAUMA- RESPONSIVE PROBATION SERVICES: ALTER YOUR APPROACH

- What happened to you? Tell me your story. **Versus: what's wrong with you?**
- Risk-Needs-**Responsivity** uses strength-based research and this builds into that practice. **Work with protective factors and enhance them.**
- This is not a specific intervention: **it is a way of doing business that improves outcomes.** It is a process of critical thinking specific to each case (Drisko, Grady, & Levinson, 2017)

HOW TO CONDUCT TRAUMA-RESPONSIVE PROBATION SERVICES

- Make the environment feel safe for participants during office and field visits (and you)
- Explain, explain, explain before doing anything when you can, including urine testing.
- Policy and plans in writing for subsequent review after panic subsides
- Recall the mind, in a panic, doesn't recall everything perfectly...or at all.
- Case planning always includes probationer input and helps them control part of their plan.



HOW TO CONDUCT TRAUMA-RESPONSIVE PROBATION SERVICES



- Concurrent treatment and responses that are trauma focused while addressing co-morbid disorders
- Focus on trust and safety. Always focus on dignity, respect and clear communication
- Use Motivational Interviewing and focus on strengths.
- LOOK for ways to make things less threatening and traumatizing.
- Start with a smile and reassurance.

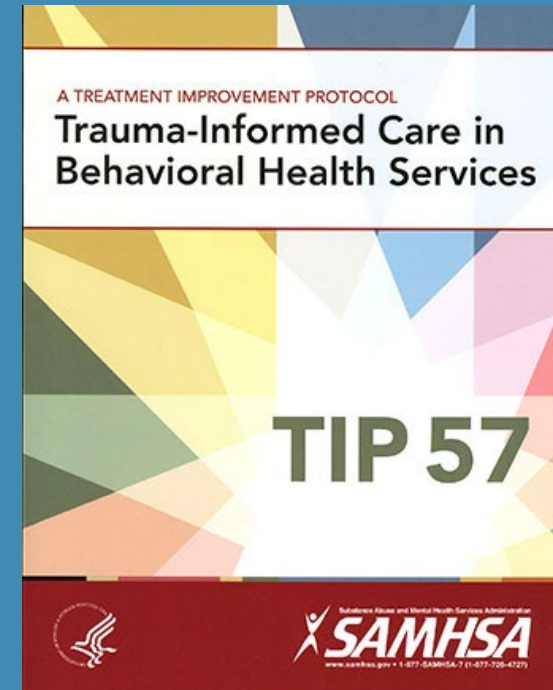
WHY PROVIDE TRAUMA-RESPONSIVE PROBATION SERVICES?



- It is easy to misread behaviors as resistance, or self-destructive (and they may be) but you need to understand that they may also be coping mechanisms to deal with trauma.
- Persons who are suffering from various forms of trauma may react differently that you expect because they need to control situations. Thus, they may trigger an incident, just to control when it happens. If you can avoid that situation via skills, you may avoid having an incident or violation all together and build more coping skills.

- Download and read Tip 57 from SAMHSA
- Focus on how you can build these skills into your work on the team
- Each profession has value, and capacity to help
- Learn to recognize a trauma-based symptom or response as a survival adaptation rather than a simple resistance to the Court or supervision.
- Context, environment, history, culture all impact trauma. Focus on creating a safe environment throughout your Court, and IN your Court.
- Focus on resilience and strengths.

DEVELOP YOUR OWN SKILL SET!



THE TRAUMA-RESPONSIVE COURT COORDINATOR



- Acts as the logical, reasonable representative of the court (prefrontal cortex)
- Keeps the trains running by greasing the wheels with kindness
- Ensures that the treatment provider's messages reach the judge
- Needs to understand and recognize secondary traumatization in team members
- Looks for ways for the participant to have small amounts of control within limits

THE TRAUMA-INFORMED COURT COORDINATOR RECOMMENDS ENVIRONMENTAL CHANGES

Trauma-informed environmental changes such as:

- Adding boxes of tissues
- Softening the lighting
- Eliminating loud, ticking clocks
- Lowering the courtroom temperature
- Reorganizing waiting areas
- Moving the podium to the side wall
- Decreasing the number of signs that say “No”
- Installing multilingual signage



THE TRAUMA-RESPONSIVE PEER SUPPORT SPECIALIST



- Helps orient the participant to the court
- Provides emotional support
- Serves as a role model
- Helps find community resources
- Encourages participation in trauma-specific psychotherapy
- Normalizes thriving after traumatic experiences

THE TRAUMA-RESPONSIVE PEER SUPPORT SPECIALIST

- Tells the participant upfront what are the rules of confidentiality and boundaries
- Provide support to participants by being available during searches and UDSs, which can be experienced as shaming
- Does not share the details of their own trauma(s)

HEALTHY BOUNDARIES FOR PEER SUPPORT SPECIALISTS

- ✓ Set clear expectations
- ✓ Maintain confidentiality
- ✓ Stay within scope of work
- ✓ Do not offer clinical advice



- ✓ Enforce ground rules
- ✓ Follow agency policies
- ✓ Defer to professional help
- ✓ Practice self-care

THE TRAUMA- RESPONSIVE TREATMENT TEAM CONSIDERS TRAUMA:



- During team meetings
- While watching a participant's behavior
- While listening to evidence of the participant's behavior
- When engaging with the participant during court sessions
- When engaging with the participant outside of court
- When considering incentives and sanctions
- When delivering incentives and sanctions



RESOURCES



ESSENTIAL COMPONENTS OF TRAUMA-INFORMED JUDICIAL PRACTICE

WHAT EVERY JUDGE NEEDS TO KNOW ABOUT TRAUMA

As a judge with a treatment or problem-solving court, you probably know that many people who appear before you have experienced violence or other traumatic events. In fact, the experience of trauma among people with substance abuse and mental health disorders, especially those involved with the justice system, is so high as to be considered an almost universal experience.



What you may not know is that these trauma experiences affect the person's physical health, mental health, and ability to respond successfully to treatment and other interventions. The stress of the courtroom environment may also affect the ability of trauma survivors to communicate effectively with you and court personnel. **Many judges have come to recognize that acknowledging and understanding the impact of trauma on court participants may lead to more successful interactions and outcomes.**

Recognizing the impact of past trauma on treatment court participants does not mean that you must be both judge and treatment provider. Rather, trauma awareness is an opportunity to make small adjustments that improve judicial outcomes while minimizing avoidable challenges and conflict during and after hearings. **This issue brief provides information, specific strategies, and resources that many treatment court judges have found beneficial.**

BEHAVIORAL HEALTH IS ESSENTIAL TO HEALTH • PREVENTION WORKS • TREATMENT IS EFFECTIVE • PEOPLE RECOVER

TRAUMA-INFORMED COURTS

- *Essential Components of Trauma-Informed Judicial Practice*, SAMHSA. Retrieved from http://www.nasmhpd.org/sites/default/files/JudgesEssential_5%201%202013finaldraft.pdf
- McKinsey et al. (2022) *Trauma-Informed Judicial Practice from the Judge's Perspective* <https://judicature.duke.edu/articles/trauma-informed-judicial-practice-from-the-judges-perspective/>
- Also valuable: *TIP 57: Trauma-Informed Care in Behavioral Health Services*, SAMHSA, available at www.store.samhsa.gov

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