

Post Traumatic Stress Disorder¹

Symptoms of PTSD: Re-experiencing the traumatic event

- Intrusive, upsetting memories of the event
- Flashbacks (acting or feeling like the event is happening again)
- Nightmares (either of the event or of other frightening things)
 - Feelings of intense distress when reminded of the trauma
- Intense physical reactions to reminders of the event (e.g. pounding heart, rapid breathing, nausea, muscle tension, sweating)

Symptoms of PTSD: Avoidance and numbing

- Avoiding activities, places, thoughts, or feelings that remind you of the trauma
 - Inability to remember important aspects of the trauma
 - Loss of interest in activities and life in general
 - Feeling detached from others and emotionally numb
- Sense of a limited future (you don't expect to live a normal life span, get married, have a career)

Symptoms of PTSD: Increased anxiety and emotional arousal

- Difficulty falling or staying asleep
- Irritability or outbursts of anger
 - Difficulty concentrating
- Hypervigilance (on constant "red alert")
 - Feeling jumpy and easily startled

Other common symptoms of post-traumatic stress disorder (PTSD)

- Anger and irritability
- Guilt, shame, or self-blame
 - Substance abuse
- Feelings of mistrust and betrayal
- Depression and hopelessness
- Suicidal thoughts and feelings
- Feeling alienated and alone
- Physical aches and pains

More particularly, in terms of domestic violence, the petitioner may not be able to provide a linear narrative of the abuse. While describing the abuse, there may be what seems to be a strange lack of emotion in terms of voice and manner. The petitioner might also present a blank stare, indicating disassociation. Finally, there may be an inability to remember crucial details.²

Many, if not all, of the symptoms of post traumatic stress disorder negatively impact an individual's ability to function well in our judicial system.

Based on an understanding of these symptoms, there are perhaps some concrete behaviors in which judges can engage that will make it easier for petitioners to state their case. In the ex parte hearing, with only the petition before the judge, patience with what is often hard to read in terms of content, style, and handwriting along with as much benefit of the doubt as is judicially fitting given what is present in the four corners of the petition is probably the best the court system can provide.

The return hearing obviously offers more concrete opportunities for contact. It should be noted, however, the hearing also provides an opportunity for the respondent to continue the exercise of power and control by using the petitioner's mental state to further the abuse and to gain an advantage in the courtroom.³ This assertion of power and control by the respondent can be particularly evident and potentially most damaging to the petitioner when there are questions about time sharing for dependent children. It is important to recognize that what might seem to be poor parenting decisions make a lot more sense in a violent environment and are, in fact, ways of keeping the non-offending parent and children safe from the abuser.⁴

Within the bounds of appropriate time management and courtroom decorum, here are some strategies that judges might use to be as fair and responsive as possible. (These same suggestions can apply to interactions with the respondent as well so that there is no semblance of impartiality.⁵)

- Let everyone know what to expect.⁶
- Make sure the petitioner and respondent are kept as far apart in (and outside) the courtroom as possible.
- Listen as attentively as possible, making appropriate eye contact while avoiding looking at files.
- Be as patient with emotion as courtroom etiquette will allow.
- Take a break if needed (and possible).
- Be tolerant of repetitions and try not to interrupt.
- Remain calm and even keeled.⁷

In conclusion, family courts are taking cognizance of the fact of trauma and its effect on those seeking the court's assistance. Judges are encouraged to recognize the broader context out of which certain courtroom behaviors originate so that those suffering from trauma can receive a fair hearing. In the same way that accommodations made for individuals who cannot see or hear, or who speak another language, level the playing field rather than giving an unfair advantage, taking note of and accommodating the symptoms of trauma can help save a person from more of the abuse that caused the trauma in the first place.

Additional Resources⁸

Materials

Deborah Bray Haddock, MEd, MA, LP, *The Dissociative Identity Disorder Sourcebook* (McGraw-Hill 2001).

Edward W. Gondolf, *Assessing Woman Battering in Mental Health Services* (Sage Publications 1997). <http://www.sagepub.com/books/Book6702>

Frank W. Putnam, *Dissociation in Children and Adolescents: A Developmental Perspective* (Guilford Press 1997).

From Child Sexual Abuse to Adult Sexual Risk: Trauma, Revictimization, and Intervention (Linda J. Koenig, Lynda S. Doll, Ann O'Leary and Willo Pequegnat, eds., American Psychological Association 2004).

Jill Davies, *Advocacy Beyond Leaving: Helping Battered Women in Contact with Current or Former Partners* (Family Violence Prevention Fund 2009).

http://www.vawnet.org/summary.php?doc_id=2674&find_type=web_sum_GC

Jill Davies, *An Approach to Legal Advocacy with Individual Battered Women* (Greater Hartford Legal Assistance 2003).

<http://www.csaj.org/documents/384.pdf>

Jill Davies, Eleanor Lyon, and Diane Monti-Catania, *Safety Planning with Battered Women: Complex Lives/Difficult Choices* (Sage Publications 1998).

Jill Davies, *Helping Sexual Assault Survivors with Multiple Victimizations and Needs, A Guide for Agencies Serving Sexual Assault Survivors* (July 2007).

<http://www.nsvrc.org/publications/guides/helping-sexual-assault-survivors-multiplevictimizations-and-needs-guide-agencie>

Jill Davies, *Safety Planning With Battered Women* (Greater Hartford Legal Assistance 1997).

http://new.vawnet.org/Assoc_Files_VAWnet/BCS_SafePlan.pdf

The Journal of Trauma and Dissociation

<http://www.isst-d.org/jtd/journal-trauma-dissociation-index.htm>

Judith Herman, MD, *Trauma and Recovery: The Aftermath of Violence – From Domestic Abuse to Political Terror* (Basic Books 1997).

Lisa A. Goodman and Deborah Epstein, *Listening to Battered Women: A Survivor-Centered Approach to Advocacy, Mental Health and Justice* (American Psychological Association

2008).

Marlene E. Hunter, MD, *Understanding Dissociative Disorders: A Guide for Family Physicians and Health Care Professionals* (Crown House Publishing 2004).

Olga R. Trujillo, JD, *The Sum of My Parts: A Survivor's Story of Dissociative Identity Disorder* (New Harbinger Publications 2011).

Organizations and Web Sites

Center for Survivor Agency and Justice

www.csaj.org

The International Society for the Study of Trauma and Dissociation

www.isst-d.org

Judge David L. Bazelon Center for Mental Health Law

www.bazelon.org

National Center on Domestic Violence, Trauma & Mental Health

www.nationalcenterdvtraumamh.org

Sidran Institute

www.sidran.org

The Significant Other's Guide to Dissociative Identity Disorder

<http://www.op.net/~jeffv/so1.htm>

UPenn Collaborative on Community Integration

www.med.upenn.edu/psych/RRTC.html

When a Parent Has a Mental Illness: Child Custody Issues (Mental Health America)

<http://www.nmha.org/go/information/get-info/strengthening-families/when-a-parent-has-a-mental-illness-child-custody-issues>

¹ Post-Traumatic Stress Disorder (PTSD),

http://www.helpguide.org/mental/post_traumatic_stress_disorder_symptoms_treatment.htm (last visited April 19, 2013).

² Mary Malefyt Seighman, JD, Erika Sussman, JD, & Olga Trujillo, JD, *supra* note 4 at 6.

³ *See id* at 9.

⁴ *See id* at 51.

⁵ Beyond the basic impartiality issue mentioned above, it should be noted that some respondents may actually be dealing with similar issues when appearing before the court. The large number of veterans suffering from PTSD as

well as traumatic brain injuries may well require a more nuanced understanding of our understanding of domestic violence dynamics while never making excuses for family violence. We look forward to providing a future article on this topic.

⁶ Mary Malefyt Seighman, JD, Erika Sussman, JD, & Olga Trujillo, JD, *supra* note 4 at 41.

⁷ U.S. Department of Labor, America's Heroes At Work,

<http://www.americasheroesatwork.gov/forEmployers/factsheets/tips/>. (last visited April 19, 2013)

⁸ Mary Malefyt Seighman, JD, Erika Sussman, JD, & Olga Trujillo, JD, *supra* note 4 at 65-67.