

# Trauma Informed Legal Practice

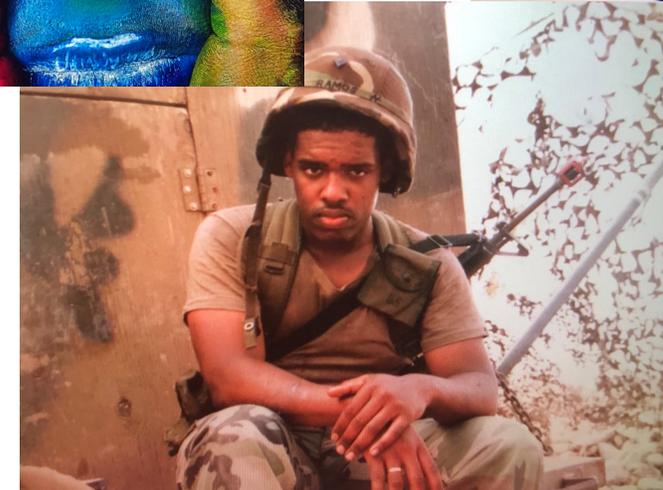
Thursday, April 14, 2022

11:30 am until 1:00 pm

## PANELISTS

- **Commissioner Sarah Selzer**, Superior Court of Arizona, Maricopa County
- **Dr. Carlian Dawson**, Arizona Center for African American Children
- **Dr. C. Brady Wilson**, Clinical, Forensic and Consulting Psychologist

Moderator: **Dr. Pearlette J. Ramos**, Lawyer, Coach, Inspirational Speaker & Author



# The Impact of ACEs & Trauma

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# Adverse Childhood Experiences

Traumatic events that can have negative, lasting effects on health and wellbeing



People with 6+ ACEs can die

**20 yrs**

earlier than those who have none



1/8 of the population have more than 4 ACEs

## 4 or more ACEs

3x the levels of lung disease and adult smoking

11x the level of intravenous drug abuse

14x the number of suicide attempts

4x as likely to have begun intercourse by age 15

4.5x more likely to develop depression

2x the level of liver disease

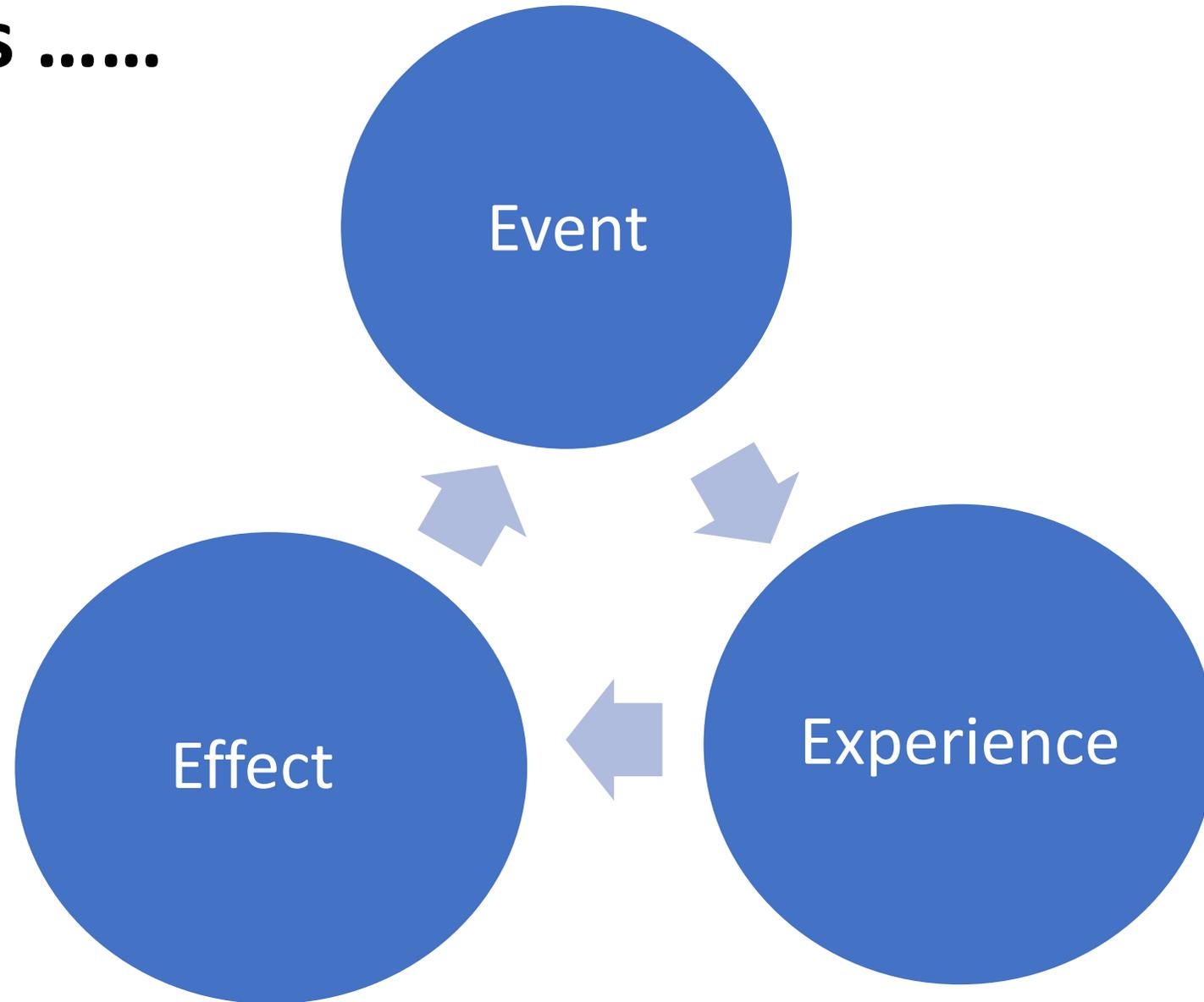
“ Adverse childhood experiences are the single greatest unaddressed public health threat facing our nation today ”

Dr. Robert Block, the former President of the American Academy of Pediatrics

**67%** of the population have at least 1 ACE



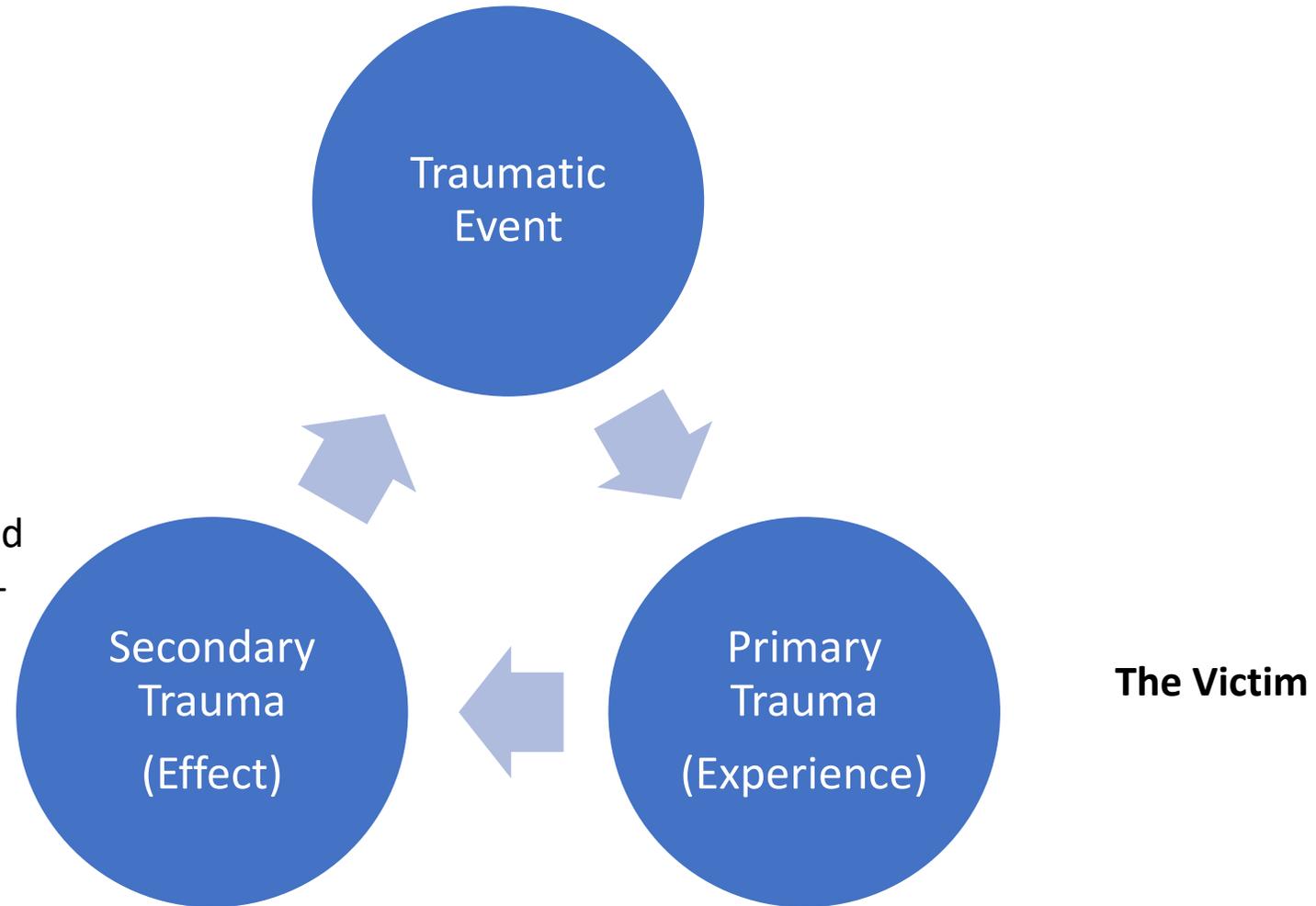
# Trauma is .....



# Trauma is .....

Observing/witnessing  
Traumatic events experienced  
by others (especially a loved-  
one or caregiver)

Hearing/reading  
about traumatic  
events experienced  
by others (especially  
a loved-one or caregiver)



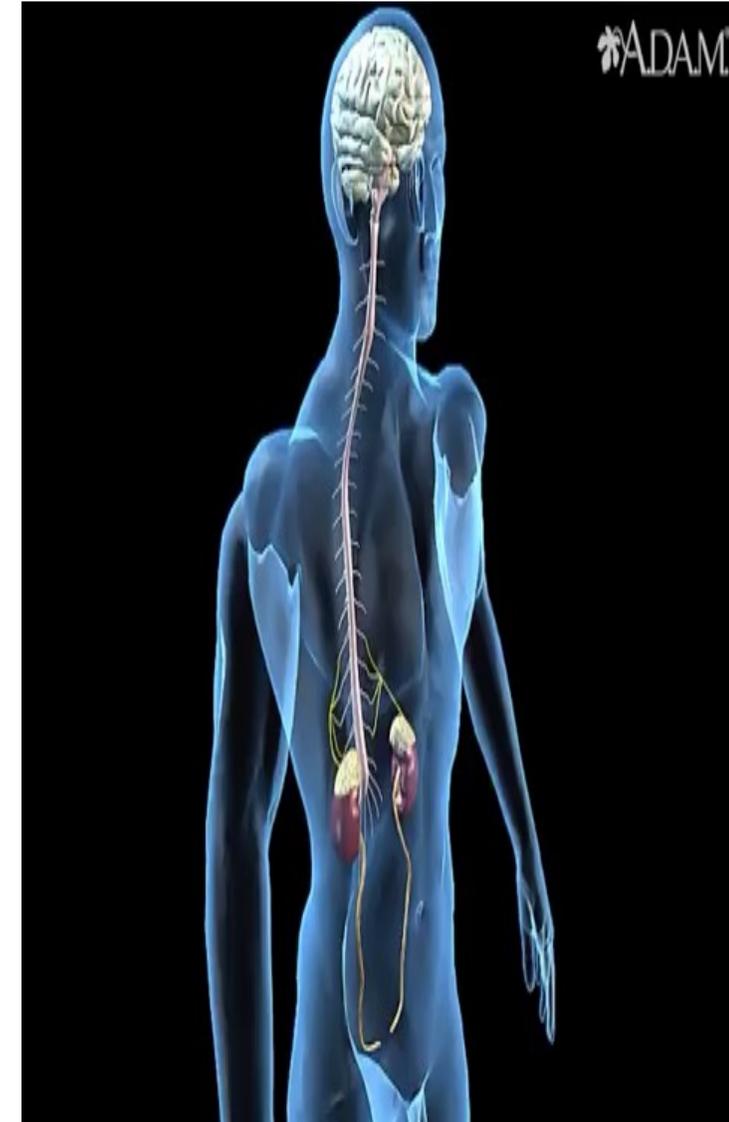
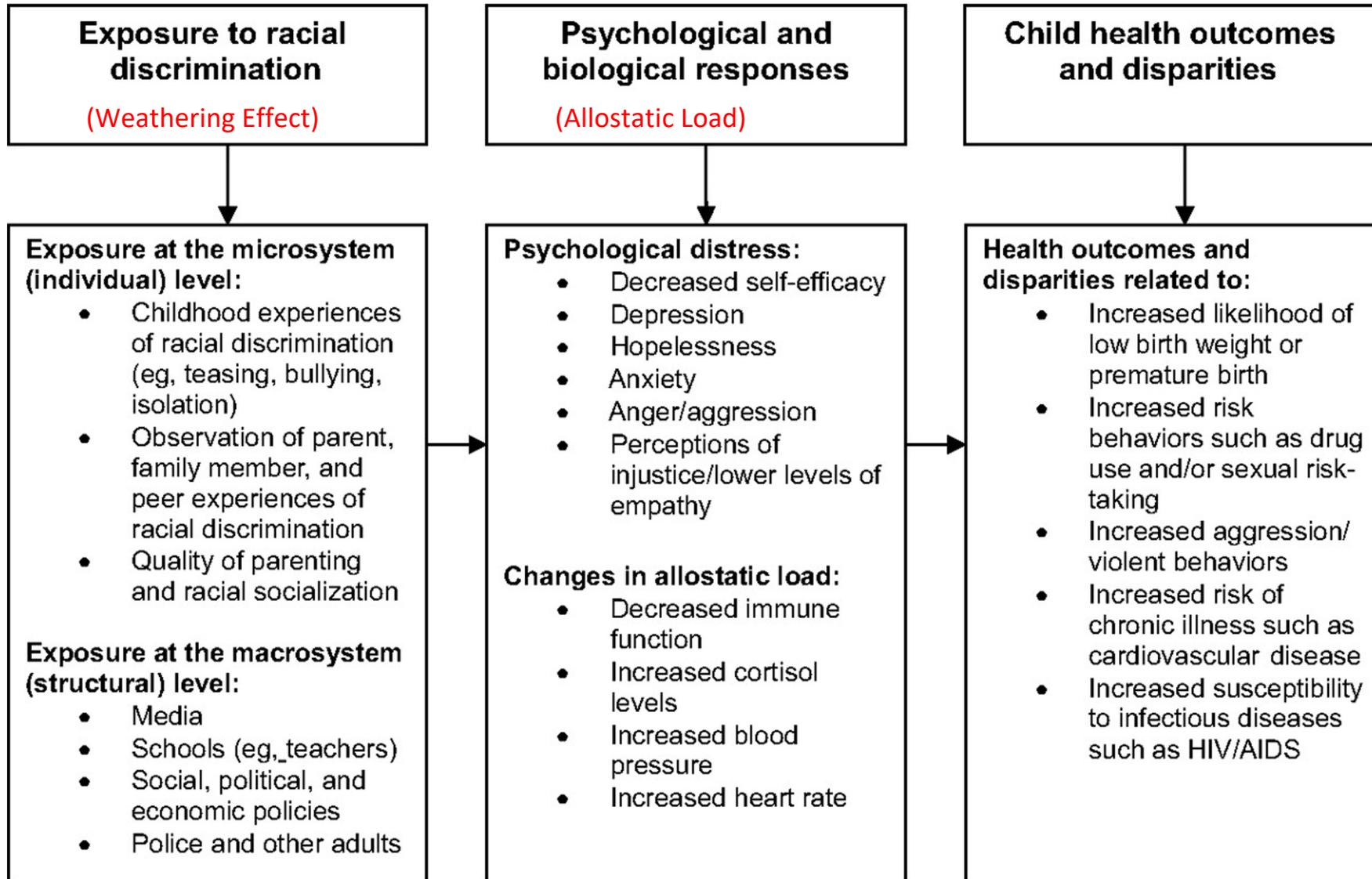
# The Slap at the Oscars!

Event – Secondary Trauma

Experience – Funny to the husband until eyes laid on wife; seeing her distress

Effect – Remembered something that happened in history where he couldn't protect a loved one ...no more ... defend her honor at all cost!

# Conceptual model of the impact of racial discrimination on Child(ren) health outcomes and disparities.



A key question when someone is really “going off” or reactive is not necessarily “What’s wrong with you?”, but “What happened to you?”

### Five Facts about ACEs

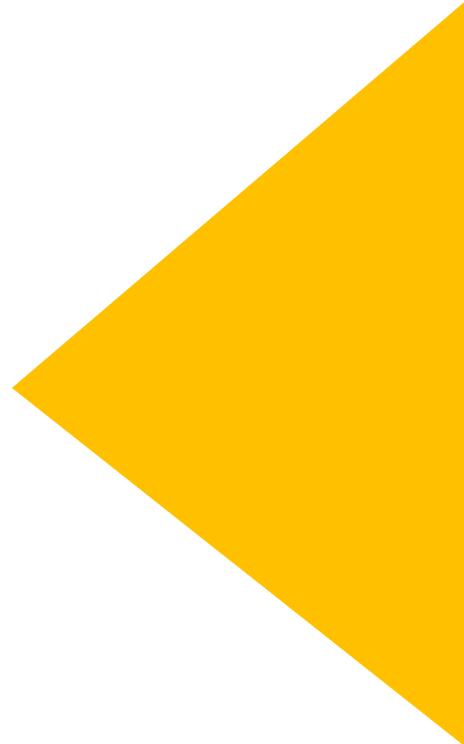
1. ACEs are common and experienced by most people.
2. ACEs are associated with adult physical and mental challenges.
3. ACEs do not occur alone. If you have one, it’s likely you have more.
4. The more ACEs you have, the greater risk you are for chronic physical and mental challenges, and prone to addictions and violence.
5. ACEs are responsible for a large portion of workplace absenteeism and for costs in healthcare, emergencies, mental health, child welfare and criminal justice.

### Three Facts about Trauma

1. It takes time to become regulated
2. Relationships are key
3. Healing can happen

# KEY PRINCIPLES OF A TRAUMA- INFORMED APPROACH | (SAMHSA)

1. Safety
2. Trustworthiness and Transparency
3. Peer Support
4. Collaboration and Mutuality
5. Empowerment, Voice and Choice
6. Cultural, Historical, and Gender Issues



# Resources

- What Happened to You? Conversations on Trauma, Resilience, and Healing, Bruce D. Perry, M.D., Ph.D. and Oprah Winfrey. Published by Flatiron Books. Copyright © 2021 by Bruce D. Perry, M.D., Ph.D. and Oprah Winfrey
- 
- The Deepest Well: Healing the Long-Term Effects of Childhood Trauma and Adversity, Nadine Burke Harris. Published by Houghton Mifflin Harcourt. Copyright © 2018 by Nadine Burke Harris
- 
- The Body Keeps the Score: brain, mind, and body in the healing of trauma, Bessel Van der Kolk, M.D.. Published by Penguin Books. Copyright © 2014 by Bessel Van der Kolk
- 
- The Impact of Early Life Trauma on Health and Disease: The Hidden Epidemic, ed. Ruth A Lanius, Eric Vermetten and Clare Pain. Published by Cambridge University Press. Copyright © Cambridge University Press 2010
- Baker, S. T., Lubman, D. I., Yücel, M., Allen, N. B., Whittle, S., Fulcher, B. D., ... & Fornito, A. (2015). Developmental changes in brain network hub connectivity in late adolescence. *Journal of Neuroscience*, 35(24), 9078-9087.
- <https://www.yahoo.com/news/weathering-phenomenon-killing-black-people-230859769.html>
- <https://health.gov/healthypeople/objectives-and-data/social-determinants-health/literature-summaries/discrimination>

# Title 36

## **Mental Health Court**

**Comm. Sarah Selzer**  
Superior Court, Maricopa County



# We are NOT. . .

- . . . ONLY substance abuse, intellectual disability, or personality disorders. A.R.S. § 36-501(25)
    - Can be co-occurring
  - . . . ONLY Criminal
    - Rule 11: competency, restoration
    - Guilty Except Insane
    - Post-conviction diversion
- Can have overlap



Does a *mental disorder* impact a person's ability to function?

***Mental Disorder*** is “a substantial disorder of the person's emotional processes, thought, cognition or memory.” A.R.S. § 36-501(25)

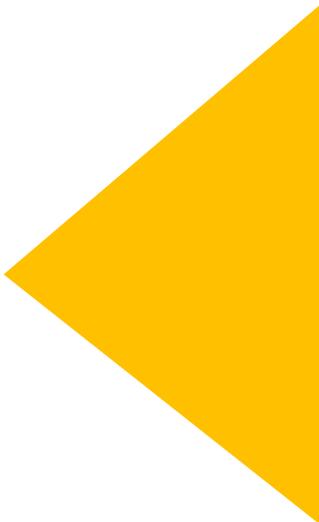
- Mental disorder does ***not*** depend on any specific medical diagnosis.
- Mental disorder does ***not*** depend on SMI designation.

Arizona does ***not*** have “civil commitment” and does not use words like “crazy”, “idiot,” “imbecile,” or “lunatic.”

We have Patients (not defendants).

# Court Ordered Evaluation (COE)

- First 72 hours (24+48)
- Can be initiated by anyone: loved ones, neighbors, law enforcement, hospital social worker, case managers, etc.
- Can be emergently dangerous to self/others. Or not.
- Paperwork available around the Valley.
- Reviewed several times before reaching the Court.



# Court Ordered Treatment (COT)

- Still symptomatic after 72 hours, then inpatient for up to six business days.
- If not voluntary, then Court holds an evidentiary hearing.
- Hearing can result in one year of inpatient/outpatient treatment: a treatment order is the legal authority to psychiatrically treat a patient—even against the patient's will.

# COT Hearing

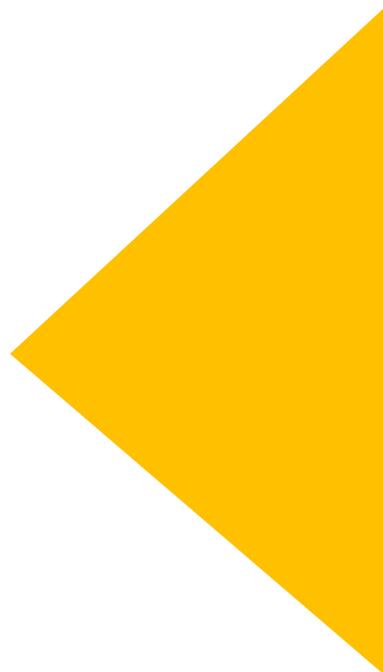
- Hearing requires State to provide affidavits from two psychiatrists AND testimony from two acquaintance witnesses.
- The Court will order treatment if the Court finds clear and convincing evidence that Patient:
  1. Has a mental disorder; and
  2. Is one of more of the following:
    - a) a danger to self (DTS),
    - b) a danger to others (DTO),
    - c) persistently or acutely disabled (PAD),
    - d) gravely disabled (GD); and
  3. Is “unwilling or unable” to accept voluntary treatment; and
  4. There are no “appropriate and available alternatives” available.

# After COT is granted:

- If there is a payee, Patient is assigned an outpatient clinic.
- COT usually lasts 365 days and includes a certain number of in-patient days
  - Maximum number of in-patient days different for PAD, DTS, DTO, or GD.

## After discharge from inpatient:

- Clinic files status report; Court may order status review hearing.
- Clinic can request Court Order to return Patient to hospital for stabilization.
- Clinic can petition Court to renew for another year
  - Patient assigned counsel and can request a hearing.

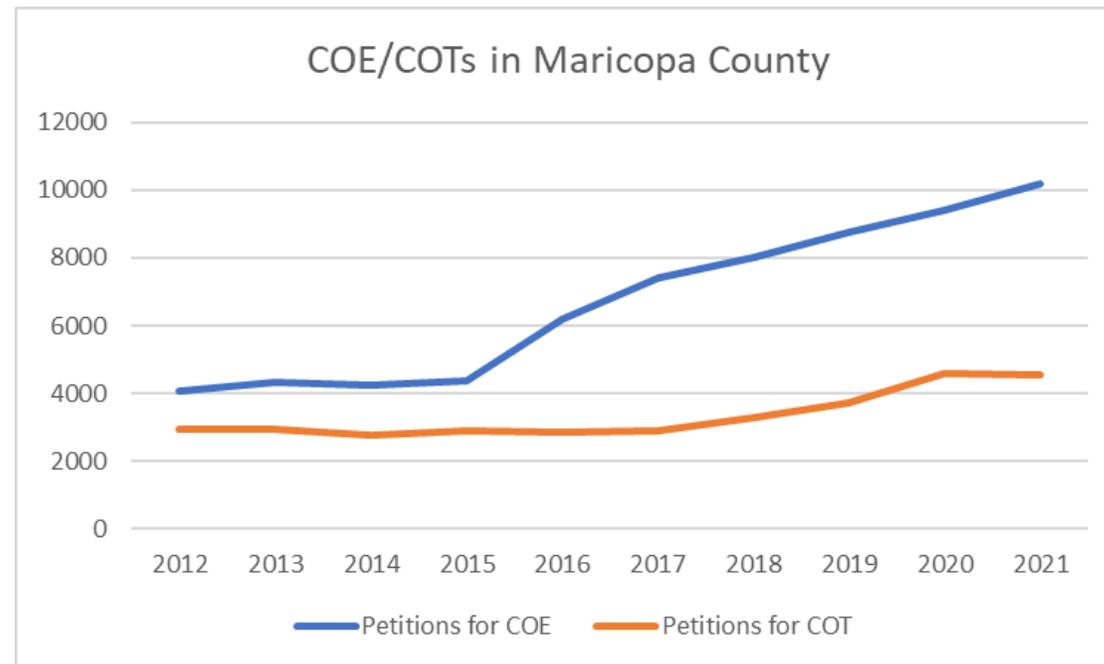


# Patients' Due Process Protections

- Patients are entitled to:
  - representation at every stage of the process;
    - In Maricopa County, representation is through Office of Public Advocate.
    - We presume Patients are indigent.
  - a hearing for evaluation (COE) and treatment (COT);
  - independent evaluation by psychiatrist;
  - a COE hearing as soon as practicable (usually, the next day)
  - a COT hearing within six business days
    - We are over 99% compliant with our statutory time frames [Patients can request continuances].

# Stats for Maricopa County

- Four Superior Court Divisions:
  - Three Hospitals with courtrooms: Mesa, Phoenix, Maryvale (x2, soon)
  - Arizona State Hospital



# QUESTIONS?

## Mental Health Frequently Asked Questions:

<https://superiorcourt.maricopa.gov/probate-and-mental-health-department/mental-health-frequently-asked-questions/>

If you or someone you know is facing a behavioral health crisis, call the **Mercy Care Behavioral Crisis Line**, **24** hours a day, **7** days a week, at [\(602\) 222-9444](tel:6022229444) or [\(800\) 631-1314](tel:8006311314) (toll free) or [\(800\) 327-9254](tel:8003279254) (TTY/TDD).



**Thank you**

**Co-Sponsors**

*Arizona Town Hall*

*Equal Justice Alliance*

*Arizona Black Bar*

*Iranian American Bar Association*

*Arizona Jewish Lawyers Association*

*Arizona Asian American Bar Association*