

Protective Factors for Trauma



Introduction

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Welcome to this presentation on Protective Factors for Trauma, presented by Jackie Hanzok and Makeebba Deterville, law students at Washburn University School of Law.

This presentation is part of a series of videos which aims to educate those in the legal field on models that promote children's welfare. Our hope is that listeners gain an understanding of issues given in this presentation and apply this new understanding to their everyday legal practice. This series is created by the Children and Family Law Center at Washburn University School of Law with support from the Kansas Children's Cabinet and Trust Fund.

Goals



Introduce protective factors



Understand the influence of protective factors



Apply protective factors to legal system



Family law attorneys often come across children who are experiencing some form of trauma. Part of being a trauma-informed lawyer, is understand what are known as protective factors.

During this presentation we will introduce protective factors, which are conditions or attributes of individuals, families, communities and the larger society that mitigate this risk and promote healthy development and well-being of children, youth, and families. **Protective factors buffer stress from adversity, and that they protect against challenges that can lead to abuse or neglect.**

We will give examples of protective factor and discuss how they relate to family law. We hope that you gain an understanding of the influence of protective factors and learn how to apply protective factors to the legal system.

This topic is important for lawyers to understand because protective factors are the framework for preventing trauma. Lawyers can help families build on these protective

factors when they understand the concept.

What are protective factors?

Individual, family, community, and society conditions

Mitigate risk

Promote healthy development in children



According to the CDC, protective factors are conditions or attributes of individuals, families, communities and the larger society that mitigate the developmental risks posed by trauma and promote healthy development and well-being of children, youth, and families. We will give examples of protective factors later in this presentation.

- ✦ These factors help ensure that children function well at home, in school, and in the community.
- ✦ They also helps parents, who would be at risk find support and coping strategies, that allows them the effectively parent their children.
- ✦ Protective factors prevent risk even in the face of adversity
- ✦ Protective factors buffer stress from adversity and also protect against challenges that lead to abuse or neglect
- ✦ In the events of childhood trauma, protective factors may also make it easier to cope with that trauma
- ✦ As lawyers working with families in the legal system, you should Incorporate these protective factors in your legal decision making because it not only helps to build healthy families, but also because it leverages family strengths for a more well-rounded outcome for the child.

Social-Ecological Model



The primary purpose of understanding protective factors is to see challenges and risk through a different lens. Protective factors helps us take a strength-based approach to helping families and also helps us view families more empathetically and optimistically. Through the lens of protective factors, we can view families on the basis of their strengths as opposed to their weaknesses or challenges alone. This perspective is helpful because it allows the family to build on the strengths instead of punishing the family for their weaknesses. The strength of a family in the face of adversity builds resilience. When we only focus on a family's weaknesses, we leave behind the strong factors of a family and can undermine a family's resilience.

This social-ecological model of family-violence prevention, is fundamental to understanding protective factors because it explains the interconnectedness of individuals, relationships, communities, and society. Lawyers can use this model to understand effects of protective factors and risk factors within their clients' families. Furthermore, once a lawyer understands these effects, they can make informed decisions for their clients, which includes strength-based approach. The social-ecological theory examines how people exist within and are shaped by these four categories. Each level has the capacity of effecting the whole system.

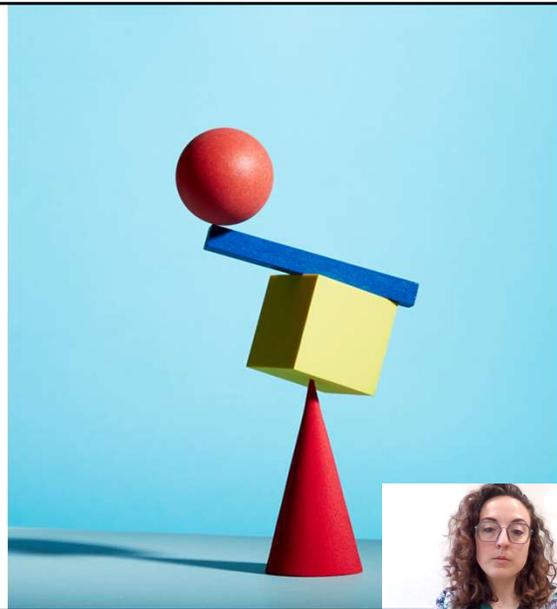
- For instance, An individual who is raised in a safe home, has a very supportive extended family, and a community that has a supportive nature of school, may be more likely to

succeed in life, due his/her privilege. However, in the absence of privilege, protective factors buffer challenges and mitigate the long term risk of those challenges and the trauma associated with them.

- The CDC uses the Social Ecological Model as a tool to understand violence and prevent it before it begins. This slide shows the social-ecological model.
 - This 4-level model is used to better understand violence and how it effects potential prevention strategies. It also shows the range of factors that puts people at risk of experiencing violence or protects them from experiencing violence.
 - The overlapping rings shows how factors at one level can affect other levels.
- Although the CDC uses this model to understand violence, the model can be used to understand a number of other developmental risk factors as well.

Overall, understanding this model can help to identify the importance of factors that influence adversity.

Risk Factors



In order to best understand protective factors, we will begin by briefly discussing risk factors for child abuse. According to the CDC, there are many types of risk factors for child abuse. Adversity and challenge destabilizes families. Family destabilization increases risk of child maltreatment; but that does not mean that every destabilized family will result in abuse of a child. It is important to note that no single risk factor alone causes child abuse. By being aware of risk factors, legal personnel can better identify protective factors within the family and community. Remember that protective factors help buffer or insulate a family when they might be facing adversity.

Family Risk Factors



Incarcerated family member

Isolated from other people

Family violence, including relationship violence

High conflict and negative communication styles

Some family risk factors to be aware of include:

- Families that have an incarcerated family member.
- Families that are isolated from and not connected to other people – such as extended family, friends, or neighbors.
- Family violence, including relationship violence.
- Families with high conflict and negative communication styles.

Individual Risk Factors

Drug or alcohol
issues

Mental health
issues

No access to basic
living wage /
childcare

Misunderstanding
child's needs or
development

Attitudes accepting
or justifying
violence or
aggression



A individual risk factors may include:

- Unmanaged drug or alcohol issues.
- Unmanaged mental health issues.
- Caregivers without access to a basic living wage or affordable/accessible child care
- Caregivers who do not understand children's needs or child development.
- Caregivers with attitudes accepting of or justifying violence or aggression.

Community Risk Factors

- Racism
- Community violence
- Lack of healthcare / basic needs

Remembering the social-ecological model, it is important to know that risk factors exist not only at the family and individual level, but also at the societal and community level.

Community risk factors include:

- Exposure to racism
- Community Violence
- Lacking access to healthcare or basic economic resources

You can learn more about risk factors and the long term effects of Adverse Childhood Experiences in the ACEs presentation in this educational video series.

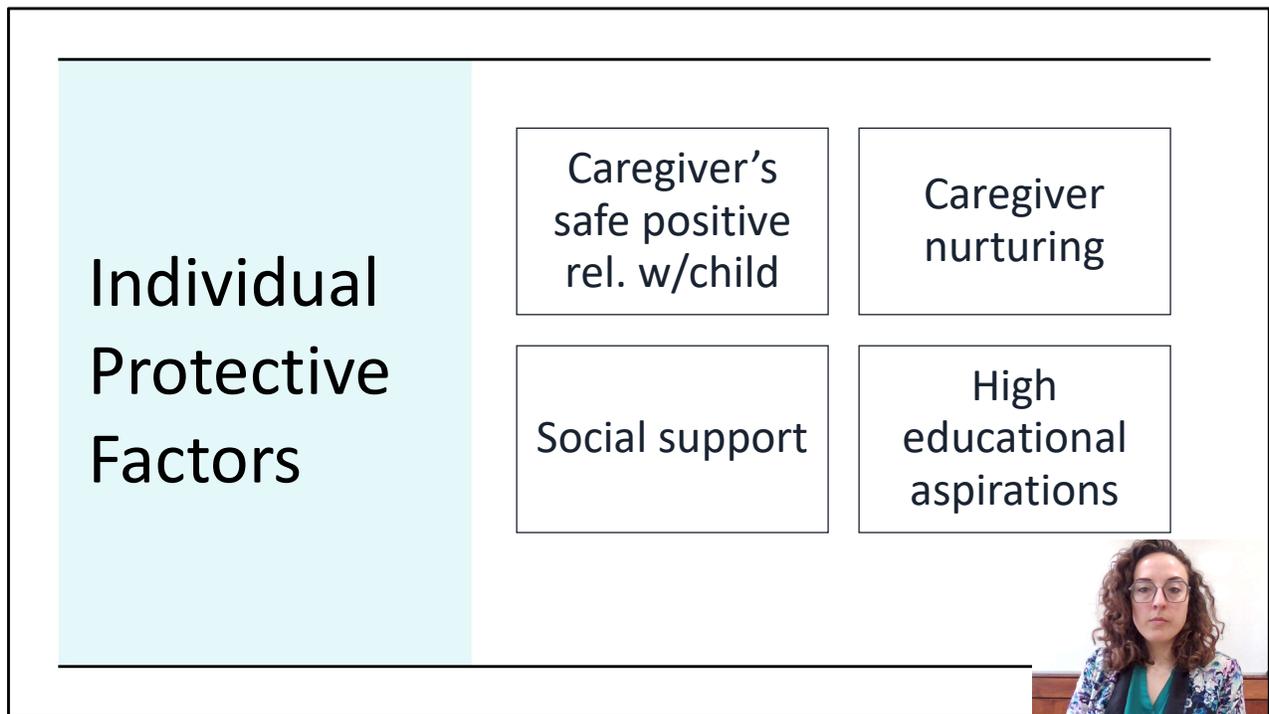


Types of Protective Factors:

Like risk factors, there are several groups or categories of protective factors. Although you may not see all of the protective factors at one time, and in one particular child or family, it is important to be able to identify these protective factors because it encourages healthy families with protective outcomes.

Protective factors limit the chances of negative outcomes for children, parents, and families experiencing risk factors and adverse experiences. Even when there are risk factors as described previously, protective factors can buffer stress from risk factors, lower the risk of child abuse, and reduce long-term negative outcomes for children exposed to ACEs or childhood adversity.

We have listed three main categories of protective factors which include individual protective factors, family protective factors, and community protective factors.



Individual protective factors include biological and personal history that causes a person to have a lower likelihood of negative outcomes.

Individual protective factors may include:

- Caregivers who create safe, positive relationships with children.
- Caregivers who practice nurturing parenting skills and provide emotional support
- Access to social support such as religious or cultural traditions.
- High educational aspirations

Family Protective Factors

Social support and positive relationships

Engagement in child monitoring

Extended family who can serve as role models or mentors



Family relationships are examined to determine what may decrease the risk of an individual experiencing violence as a victim or perpetrator of violence.

Family protective factors may include:

Families with access to quality support networks. This would include access to child care and access to those providing peer support.

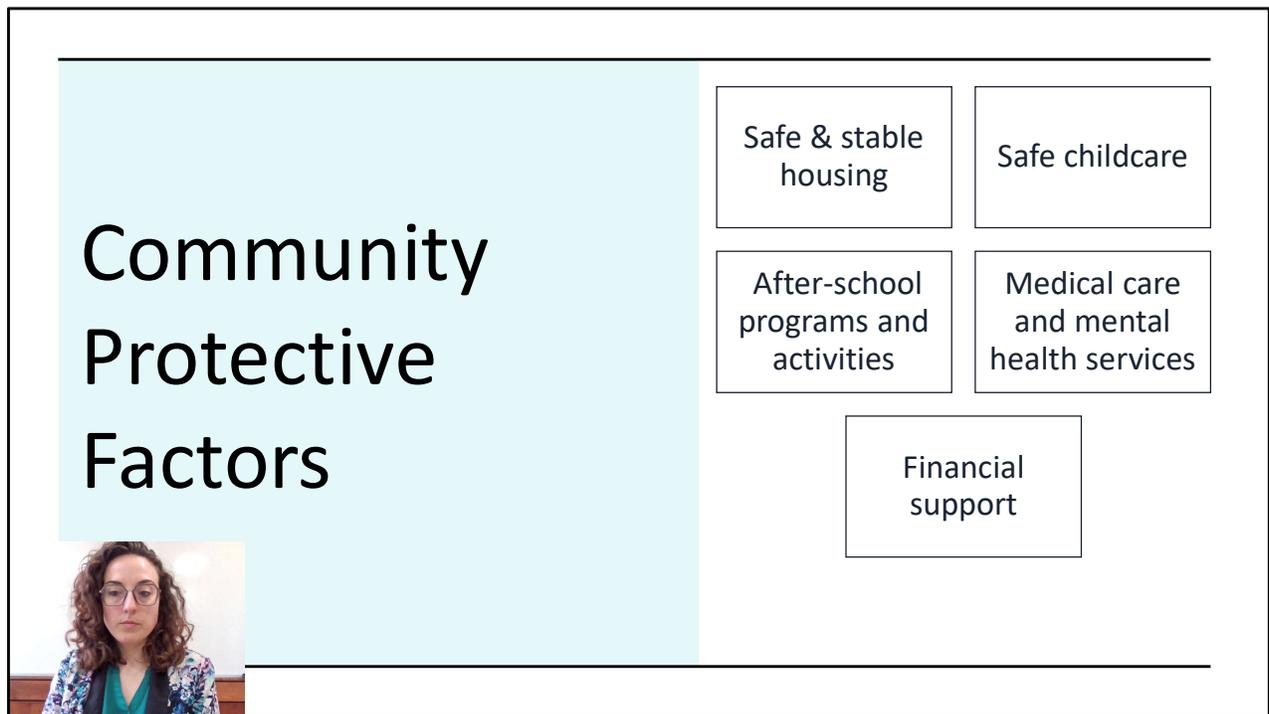
Families where there are clear expectations for behavior and values .

Families with caring adults outside the family who can serve as role models or mentors.

A study has shown that "the strongest protective factor to combat diminished parenting during a divorce is by successful post-divorce adjustment by the parent." This shows that "if a parent can be responsive and sensitive to the child's thoughts and feelings following the divorce, the child will likely work through the divorce more effectively." Another study found that "when the quality of parenting improved, a child's behavior also improved. Concluding that positive child adjustment is most likely to occur when the divorced parents each provide a stable home environment. This includes: a sense of routine, and authoritative, consistent, and warm parenting practices.

While current studies focus on children of divorce, this concept for stable homes resulting in children that are more able to adjust to unexpected changes and trauma, can be utilized

in all areas of family law.



Community protective factors are created in schools, workplaces, and neighborhoods. It builds social relationships and identifies the characteristics of these settings that shields children from becoming victims or perpetrators of violence.

- Community protective factors may include:
- Access to safe, stable housing
- Access to high-quality preschool.
- Access to affordable, quality, and safe childcare.
- Access to safe, engaging after-school programs and activities.
- Access to medical care and mental health services.
- Access to basic needs such as adequate wages, adequate full-time employment, affordable food and housing
- Working in collaboration with communities around shared protective factors can be an effective way to stretch limited funding, strengthen partnership, and increase a child's protection from harm.

More Information

[www.cdc.gov/violenceprevention/childabuseandneglect/
riskprotectivefactors.html](http://www.cdc.gov/violenceprevention/childabuseandneglect/riskprotectivefactors.html)



For a more extensive list of child abuse risk factors and protective factors, visit the CDC website.

Hypothetical

Sandra is 11 years old. She lives at home with her single mother, Tonya, and grandmother, Maria. Sandra is Tonya's only child. Tonya has steady employment at Walmart. She receives food stamps and Medicaid for Sandra. Tonya is able to take care of Sandra's basic needs. While Tonya is working, Sandra's grandmother Maria takes care of Sandra. Maria is a retired teacher, and she tutors Sandra. Sandra's father, Mark, wants immediate custody of Sandra because he believes that Tonya works too much and neglects Sandra.

Are there protective factors that help Sandra?



To help you understand how protective factors come up in a family law context, we have created some hypotheticals. First, let's consider Sandra's situation.

Sandra is 11 years old. She lives at home with her single mother, Tonya, and grandmother, Maria. Sandra is Tonya's only child. Tonya has steady employment at Walmart. She receives food stamps and Medicaid for Sandra. Tonya is able to take care of Sandra's basic needs. While Tonya is working, Sandra's grandmother Maria takes care of Sandra. Maria is a retired teacher, and she tutors Sandra. Sandra's father, Mark wants immediate custody of Sandra because he believes that Tonya works too much and neglects Sandra.

Does Sandra have any protective factors limiting her risk of child abuse, neglect, or long-term negative outcomes?

Yes!

- **Basic needs are met**
 - Tonya's steady job, Medicaid, food stamps
- **Extended family members involved in her life**
 - Maria (grandmother) lives in the home and takes care of Sandra when Tonya is working
- **Receives tutoring**
 - Maria is a retired teacher, and helps Sandra with her schoolwork



Yes, although Sandra may be experiencing adversity, there are several protective factors in Sandra's situation.

Tonya can provide Sandra's basic needs. Tonya has a steady job at Walmart, and she also has food stamps and Medicaid for Sandra. Also, Sandra has an extended family member who is involved in her upbringing. Maria, Sandra's grandmother takes care of Sandra when Tonya is working. She even provides tutoring to Sandra. Although Sandra does not have two parents in the home and her mother, Tonya is working. These protective factors shields Sandra from harm.

In this case, it is important that you advocate to the judge to consider all of the protective factors that Sandra has. Courts some time focus on the risk without even considering the protective factors, while deciding the best interest of the child.

Tonya's wages may be low, but she has a lot of strengths as a parent. Even if Mark has more economic resources than Tonya, that will not make him a more appropriate placement for Sandra. By looking beneath the surface and identifying the protective factors in place, we can see that Sandra is well-supported in her current living situation.

What influence do protective factors have?



While those in the legal system may have very little ability to change risk factors that may be present in a case, protective factors play a major role in mitigating those risk factors. By using the protective factors approach to working with families in the legal system, lawyers can shift the focus to more positive ways in which there can be an emphasis on the families' strengths and what the parents and caregivers do well. Lawyers can also identify areas that may need support with less shame and stigma based on the risk factors of the family.

Resilience

Skills to help
overcome adversity



Importantly, protective factors help children build resilience and develop skills that will help them overcome the risk that they are faced with – both short-term and long-term.

- Resilience is the ability to persevere in the face of adversity in a positive way. Resilience in families, children, and adults who experienced adverse childhoods, allows them to thrive despite the trauma. It is a learned skill.
- Resilience has been described as "a product of interacting factors—biological, psychological, social, and cultural—that determine how a child responds to traumatic events."
- Resilience to childhood trauma depends largely on the supports available to a child and his or her family.



The legal system must recognize protective factors in order to best resolve conflicts involving children. Attorneys, judges, or guardians ad litem who ignore or overlook protective factors cannot accurately assess the best interest of the child. Instead, legal professionals must use protective factors as a lens to help them understand and apply the best interest of the child standard.

How Can the Legal System Destroy Protective Factors?



Courts and attorneys often focus on risk factors during cases involving children. While it is necessary to acknowledge risk factors, it is equally necessary to focus on protective factors and family strengths.

- For example, if a court fails to recognize the value of protective factors, such as social support and positive relationships, it may order a child to be separated from those social supports and positive relationships.
- Similarly, if a parent's attorney is unable to identify a protective factor such as high educational aspirations, that attorney may fail to emphasize their client's educational aspirations when putting on a case for the best interest of the child.
- Finally, a GAL who becomes overly focused on risk factors without considering protective factors may focus on family violence without distinguishing a perpetrating parent from a protective parent who provides social connection and stability to a child.

Preserving Protective Factors within the Legal System

- Focus on strengths
- Advocate with protective factors in mind



How can the court preserve these very important protective factors?

- A good advocate will be able to leverage protective factors in court.
 - By focusing on a families strengths, protective factors can be preserved within the legal system.
 - This could be done by advocating for family visits if the child is in out-of-home placement, or by encouraging new or continued involvement in school and the community.

Compare:

BIOC Factors

- Each parent's role and involvement with the minor child before and after separation.
- The emotional and physical needs of the child.



Protective Factors

- Caregivers who create safe, positive relationships with the child.
 - Caregivers who practice nurturing parenting skills and provide emotional support.
 - Families where caregivers are present and interested in the child.
-

The court is to consider the best interests of the child when determining the issue of child custody, residency, and parenting time. Statute lays out what factors the court should consider when applying this standard. Many best interest factors are closely related to protective factors, but others are not. It is important for attorneys and courts to see protective factors as part of the best interest analysis. Linking protective factors with the best interest of the child factors is a way to look deeper into the situation and effectively evaluate and advocate for the true best interest of the child.

Compare the best interest factor on the left with the protective factors on the right.

The best interest factors are:

- Each parent's role and involvement with the minor child before and after separation. and
- The emotional and physical needs of the child.

The relevant protective factors are:

- Caregivers who create safe, positive relationships with the child.
- Caregivers who practice nurturing parenting skills and provide emotional support.

- Families where caregivers are present and interested in the child.

Compare:

BIOC Factors

- The desires of a child as to the child's custody or residency.

Protective Factors

- Families where caregivers enforce household rules and engage in child monitoring.



Now let's compare the best interest factor on the left with a potentially conflicting protective factor.

A child may not wish to live with a parent who is subjecting that child to rules and checking up on them. However, as long as the rules are enforced in a safe and nurturing way, free from violence or coercive control, rules and monitoring are, in fact, a protective factor.

It is important for GALs and judges to prioritize protective factors as part of the best interest analysis.

How to leverage protective factors in court:

Factors	Indicators
Effective parenting/stable family	Parental care, family support, responsiveness, monitoring and supervision, clear family rules
Relationship with parents/attachment to family	Presence of a parent at key times, family cohesion, commitment to parents and family
Opportunities for social bonding	Opportunities for family activities, monitored after school activities, recognition for involvement in activities within the family



By looking out for indicators of protective factors, one could leverage those family strengths for a more well-rounded outcome, one that may satisfy the well-being of the child and the desires of the family system. Here, we compare a few protective factors and their indicators.

Indicators of effective parenting and stable families include parental care, family support, responsiveness, monitoring and supervision, and clear family rules.

Indicators of a healthy relationship with parents or attachment to the family system include: Presence of a parent at key times, family cohesion, and commitment to parents and family

Indicators of a child with opportunities for social bonding include: Opportunities for family activities, monitored after school activities, and recognition for involvement in activities within the family.

Hypothetical:



Child has been missing several school days a week due to parent's substance use disorder. Child lives with parent, who is the sole adult in the home. However, they have a neighbor who takes the child to appointments on occasion. The parent has begun looking for an addiction treatment center. The child looks forward to school because likes learning and has friends there.

Let's consider another hypothetical. [Pause for audience to read.]

This child has been missing too many school days, due mostly in part to parent's substance use disorder.

There are at least two risk factors for the child. However, let's look at some of the potential protective factors to highlight in this scenario. Take a moment to identify which protective factors are in place for this child [pause].

Hypothetical, continued:



Are there indicators of protective factors in this scenario?

- Parent has other adults to assist with transport to school and appointments.
- Child has healthy level of self-esteem, communication skills, and social/friend-making skills.
- Parent seeks help/treatment

Here, the parent has access to other adults who can assist with transportation to and from school and to appointments. This protective factor indicates healthy social/community protective factors. The child has a healthy level of self esteem, communication skills, and social skills, including the ability to make friends. These are indicators of personal protective factors of the child. Additionally, the parent has sought out addiction and mental health treatment – which indicates parental resilience.

These indicators of protective factors can be leveraged in the legal setting – while the parents' substance use disorder is a risk factor, the ability and willingness to reach out for help, access to friends and community members that can help the parent with task that may be difficult at times, are protective factors that can be used to try to preserve the family unit.

How Can Lawyers Help?

Acknowledge	Acknowledge and understand protective factors.
Advocate	Advocate to Judge for consideration of protective factors.
Mitigate	Understand how to mitigate risk.



- It is important to know and understand protective factors to be able to help a family maximize their potential.
- Judges in family court seem to focus more on the best interest of a child without considering protective factors in a family. By not considering protective factors, children may be taken from a protected situation and placed in far worse conditions. It is important to ask the judge to consider protective factors in decisions about family.
- Building on protective factors can help to mitigate risk. Although building on protective factors are most important, it is good to know and understand the risk in the family. This will give you a better idea on how to help the family.

Practical Approach

- Project a positive strength-based approach to the family.
- Support the family as key decision-makers throughout the case planning process.
- Validate and support good decisions.



There are certain things that you can do as a lawyer representing a client in a child welfare case that includes screening the client. Screening your client will give you more information to make better strength-based decisions for your client. Here are some ways that you can help a family in a child welfare case:

- Project a positive strength-based approach to the family.
 - This will encourage the family to continue to build on these protective factors.
- Support the family as key decision-makers throughout the case planning process
 - This lets the family know that they are apart of the process and that someone else is listening to them.
- Validate and support good decisions
 - This encourages more positive outcomes from the family.

Questions to Ask Your Client

- What helps you cope with everyday life?
- Where do you draw your strength from?
- How does this help you in parenting?
- What kind of worries and frustrations do you deal with during the day? How do you solve them?
- What do you do to take care of yourself when you are stressed?



Lawyers are trained to look for problems and are generally very good at it. A strengths-based approach requires lawyers to take a different approach. You can identify your client's strengths and find protective factors within the family by asking questions such as these:

- What helps you cope with everyday life?
 - This shows an ability to cope with stress
- Where do you draw your strength from?
 - This shows an ability to seek help.
- How does this help you in parenting?
- What kind of worries and frustrations do you deal with during the day? How do you solve them?
 - This shows problem solving skills
- What do you do to take care of yourself when you are stressed?
 - This shows self-care strategies
- These are all questions that may give you some protective factors from a family. You may also think of good questions that can be used.

Conclusion

- Incorporate protective factors into your legal decision making, rather than focusing solely on risk factors.
- Leverage family strengths for a more well-rounded outcome, one that may satisfy the well-being of the child and the desires of the family system.



Thank you for your attention today. We will leave you with two final points to consider.

- First, remember to always incorporate protective factors into your legal decision making, rather the focusing solely on risk factors.
- Second, by looking out for indicators of protective factors, you can leverage those family strengths for a more well-rounded outcome, one that may satisfy the well-being of the child and the desires of the family system.

Thank you!

