



# IDENTIFYING AND REINFORCING RESILIENCY in Children Exposed to Maltreatment and Domestic Violence: Some Initial Considerations

## Defining Resiliency and Why It Matters

Resiliency in children has been defined in many ways across various settings (Child Welfare Information Gateway, 2014). In juvenile and family courts, there appears to be growing interest in how judges and other stakeholders can better identify and reinforce factors associated with resiliency for children and youth who experience or are at risk of experiencing maltreatment or family violence. This growing interest reflects courts' recognition of the importance of not only safety and the impact of trauma experienced by child victims, but also protective factors that can help child victims and those at risk of becoming victims achieve better life trajectories and long-term well-being. The resiliency concepts discussed in this brief may apply primarily to courts handling child abuse and neglect matters, although often there is overlap with other family court cases including custody, divorce, and visitation matters (English, Edleson, & Herrick, 2005).

## What the Research Says About Resiliency

While the topic of resiliency continues to interest many judges and practitioners, it is important to have a clear sense of what this term means.

Some general definitions of resiliency include:

- the building of capacities and skills that facilitate successful negotiation of high-risk environments (Olsson, Bond, Burns, Vella-Brodrick, & Sawyer, 2003);
- a process or phenomenon reflecting relatively positive adaptation despite experiences of significant risk or trauma (Luthar, 20013);
- the ability to succeed or thrive in the face of high levels of risk or adversity (Development Services Group, 2013);
- a dynamic process of positive adaptation following the presence of significant risk (Sattler & Font, 2018); and
- personality characteristics involving equanimity, perseverance, self-reliance, meaningfulness, and a sense of personal uniqueness (Hong et al., 2018).

### Protective Factors That Promote Resilience

#### INDIVIDUAL FACTORS

- **Temperament** – the child exhibits a positive temperament or sense of humor.
- **Understanding** – the child demonstrates the ability to make sense of their experiences.
- **Relationships** – the child has the ability to form positive peer relationships.
- **Mastery** – the child has opportunities to master important aspects of their life.
- **Expression** – the child has opportunities to express feelings through words, music, etc.
- **Conflict Resolution** – the child demonstrates the ability to resolve conflict and can relax.
- **Culture** – the child has strong cultural identity.



#### FAMILY FACTORS

- **Role Models** – there are healthy adult role models in the child’s life.
- **Supportive Relationships** – there are positive child-caregiver relationships.
- **Health** – there are healthy caregivers for the child.
- **Networks** – the child can maintain relationships with family members and others.
- **Stability** – there is a stable living environment available for the child.

#### COMMUNITY FACTORS

- **Access to Services** – there is access to services that address basic needs, advocacy, and health.
- **School** – the child participates in a positive and supportive school climate.
- **Mentors** – there are positive role models in the child’s life.
- **Neighborhood Cohesion** – the child can reside in a safe and connected community.

Adapted from “Promoting Resiliency among Children and Youth Experiencing Domestic Violence,” by Promising Futures: Best Practices for Serving Children, Youth & Parents, a project of Futures Without Violence, 2014. Retrieved from <http://www.futureswithoutviolence.org/promoting-resiliency-infographic>. Copyright 2014 by Promising Futures.

## Identifying Protective Factors That Promote Resiliency

To promote resiliency in these difficult cases, one option is for judges and stakeholders working with the court to consider how best to identify and reinforce protective factors that often are associated with resiliency. The table on the previous page can support such efforts. Although it describes the protective factors indicative of resiliency in youth exposed to domestic violence, it also may be applicable to child maltreatment victims.

In a similar vein, a more recent infographic (Capacity Building Center for States, n.d.) provides another useful reference source that more specifically focuses on how child welfare practitioners can more acutely consider resiliency factors for assessing child safety and working with families. It describes two frameworks – “protective capacities” and “protective factors” – that augment those covered by Promising Futures (2014).

According to Promising Futures (2014), the research on resiliency in children exposed to domestic violence “indicates that the number one protective factor in helping children heal from the experience is the presence of a consistent, supportive, and loving adult – most often, the child’s mother.” This is consistent with the more recent frameworks described by the Capacity Building Center for States (n.d.). As judges and other stakeholders involved in child welfare and/or domestic violence matters recognize, the issue of keeping a child with a consistent, supportive, and loving adult is often quite complex. Parents, particularly

at the early stages of these cases, may present a multitude of serious challenges (e.g., substance abuse, mental health, homelessness, economic, etc.) that complicate common notions of being a consistent, loving, and/or supportive parent. It is also important to recognize that the extent and presence of these protective factors will vary across children.

Promoting resiliency in younger children versus adolescents involves different considerations. Trauma in early childhood can result in disrupted attachment, cognitive delays, and impaired emotional regulation. Maltreatment and exposure to family violence during this stage can have significant impact on learning, social relationships, and school success (Gerrity & Folcarelli, 2008). In order to counteract these adverse effects, cognitive stimulation, including activities that can improve a young child’s attention span, memory, curiosity, and nervous system development, and emotional support can help reinforce resiliency in younger children (Sattler & Font, 2018).

In addition to the general indicators previously described by Promising Futures (2014) and others, the research literature also describes more specific assessment tools that can be used to capture indicators of resiliency, though courts should remain sensitive to any concerns regarding children receiving too many assessments. In some jurisdictions, service or treatment providers may not be aware of the clinical resources specifically designed to assess resiliency in children and/or teenagers, and the court should consider facilitating discussions, outside of court hearings, regarding which assessment



methods are currently being used, and which may be best for local use. A subsequent TA brief will delve more specifically into assessment and screening tools.

### Potential Obstacles to Enhancing Resiliency in Domestic Violence Cases

Perhaps one of the most significant obstacles to enhancing resiliency in children who have been exposed to family violence is the possibility that the perpetrator of domestic violence may attempt to undermine the efforts of the victimized parent to reinforce or support a child's resiliency. This phenomenon has been documented in the research (Jaffe & Crooks, 2005) and judges should be particularly mindful of it.

Survivors of domestic violence, for example, may try to strengthen their child's resiliency with their own protective behaviors and may try to provide "supporting parenting" (Promising Futures, 2016), but may be thwarted by the offending parent. Identifying this circumstance can be extremely difficult for a variety of reasons, but it is particularly acute when domestic

violence matters also involve child custody disputes, child abuse and neglect allegations, and other contested family issues.

Differential screening for risk refers to "a method of assessing risk by screening for the *potency, pattern,* and *primary perpetrator* of the violence ... as well as parental functioning" in cases where domestic violence is alleged (Jaffe, Johnston, Crooks, & Bala, 2008, p. 500). It may provide preliminary guidance in identifying parenting arrangements that are appropriate for children exposed to violence and, if confirmed by subsequent assessment, may form the basis for a long-term parenting plan that can reinforce resiliency considerations.

### Initial Suggestions for Enhancing Practices

The *Enhanced Resource Guidelines for Improving Court Practices in Child Abuse and Neglect Hearings* (Gatowski, Miller, Rubin, Escher, & Maze, 2016) present key principles and recommendations for conducting sensitive and substantive proceedings in dependency cases. Some of the key principles most applicable to judge-facilitated discussions of resiliency in the courtroom include:

- avoiding legal jargon and speaking in terms that children and families/caregivers can understand;
- demonstrating respect for children and families/caregivers;
- emphasizing the importance of fairness;
- emphasizing the need for permanency and stability for the child and safely maintaining family connections;





- not being confrontational;
- not being adversarial;
- fostering an environment of encouragement and trust;
- being open-minded;
- assuring children and families of their privacy and safety;
- considering cultural differences; and
- being particularly sensitive to women and girls experiencing violence.



## The Importance of Judicial Leadership

The key principles outlined in the *Enhanced Resource Guidelines* (Gatowski et al., 2016) emphasize the critically important role of judicial leadership in promoting best practice reforms in child abuse and neglect cases, and judges can and should provide appropriate leadership in enhancing resiliency-based practices. Judicial officers should consider appropriate ways their courts can support consideration of resiliency factors in and out of the courtroom.

## Adapting Concepts and Practices from Trauma-informed Courts

Juvenile and family courts have gained important knowledge and skills through the development of trauma-informed practices (Marsh & Bickett, 2015). These practices have helped judges and other key stakeholders involved in child abuse/neglect and domestic violence proceedings develop greater sensitivity in their interactions with child victims, and they may offer some parallels to courts in how to discuss, identify, reinforce, and enhance the resiliency of children and youth involved in these difficult proceedings.

With resiliency discussions, however, the focus shifts from identifying possible sources of trauma and the effects of trauma on behavior to identifying the strengths (i.e. protective factors) associated with and presented by the child or adolescent. In many of these cases, judges will have to go beyond being trauma-responsive to also promote resiliency.

The following basic steps may be appropriate as a court begins to address resiliency considerations:

- Assemble key stakeholders and community members to formulate plans for enhancing resiliency-based practices.
- Conduct strategic planning to develop consensus on what resiliency should mean in and out of the courtroom and how it can be routinely included in applicable proceedings and related practices.
- Develop a very clear and shared approach for how resiliency will be discussed in and out of court.
- Be aware of coinciding domestic or other cases (e.g., custody, domestic violence) that can adversely affect resiliency considerations. Consider appropriate differential screening for risk in cases in which domestic violence is alleged.
- Identify and construct the resiliency criteria that will be covered in court and in related case matters (e.g., from assessment through case planning and ongoing case management) most importantly, focus on the

presence of a consistent, loving, and supportive adult in the child's life.

- Recognize the importance of a child's developmental stage criteria for enhancing resiliency in younger children, which may be different than resiliency in adolescence.
- Allow for sufficient time to substantively discuss resiliency in court proceedings and other processes associated with court matters (e.g., case planning or staffing meetings).
- Provide information to children and parents, including information on services that can reinforce resiliency factors.
- Ensure resiliency aspects are included in court orders and case plans.
- Develop feasible ways to track how resiliency-informed practices impact court performance, case outcomes, and child/stakeholder perceptions of court practices.

## Concluding Remarks

This is the first in a series of technical assistance briefs on resiliency by the Resource Center on Domestic Violence: Child Protection and Custody, a project of the National Council of Juvenile and Family Court Judges. This brief focuses on clarifying and refining the concept of resiliency, provides an overview of the research on this important topic, and offers some initial considerations as courts attempt to further reinforce resiliency in applicable cases.



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Resource Center on Domestic Violence:  
Child Protection and Custody

### ABOUT THE RESOURCE CENTER

The National Council of Juvenile and Family Court Judges houses The National Resource Center on Domestic Violence: Child Protection and Custody. The Resource Center is devoted to helping domestic violence survivors and professionals such as judges, attorneys, social workers, and domestic violence advocates who work with survivors in the child protection and custody systems. In addition to providing training and technical assistance, the Resource Center also conducts research and evaluation projects focused on the intersection of domestic violence and child protection or child custody. Contact us by telephone at (800) 527-3223 or by email at [fvdinfo@ncjfcj.org](mailto:fvdinfo@ncjfcj.org).



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