

Trauma informed care approach: a legal perspective



The presence of adequate legislation with regard to children rights is NOT enough



Within the legal procedures following the violence, an integrated approach is needed



every person's experience is unique and requires an individualised approach



So, the challenge is to apply the TIC approach to the legal context

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- A large, black, hand-drawn style bracket on the left side of the list, grouping the four items.
- culture of respect**
 - specific training**
 - child-friendly approach**
 - help lines easily accessible**

Key word → Participation



Trauma informed care approach requires to take into account the opinion and the voice in the decision-making process



The right of the child to be heard



«States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child»
(Article 12 CRC, par. 1)

Participatory guarantees for the child in civil and criminal proceedings



First keyword → information



Only a child with adequate knowledge can profitably **participate** in the decision-making process

About what?

- meaning of the proceedings
- facts in issue
- rights and protections
- child's role
- possible consequences of his views

Who?

- judicial authority
- lawyer
- representative
- expert

How?

use of a language and of concepts suitable for the age and the understanding

Second keyword → hearing



Criminal proceedings

witness about violence and abuse suffered, in order to ascertain the facts

Civil proceedings

Child's opinion about eventual custody and adoption



High risk of secondary victimization



The weight of the opinion depends on the child's capacity of forming his/her own views