



DEFENSE

NATIONAL DEFENSE CENTER
FOR CRIMINALIZED SURVIVORS

A CRIMINALIZED SURVIVOR'S FIRST COURT DATE

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BWJP



Introduction

Going to court can be an overwhelming, stressful, and emotionally distressing experience for those who are pulled into the criminal legal system. The criminal legal system is confusing and difficult to navigate. For survivors who are defendants, it can be especially disorienting because of the trauma of battering and its other effects. A survivor moving through the process as a defendant is often faced with one indignity after another, with few supports. Survivors who are incarcerated can feel particularly isolated from those they love and whose support they need most. It is not uncommon for victim-defendants to feel powerless and alone or for their experience in court to retraumatize them and/or bring up past experiences of abuse.

This brief guide is meant to offer some guidance for advocates in helping victim-defendants prepare for court. It offers some suggestions for making a self-care plan to help manage the stress of court. It is also meant to inspire self-care practices that can be done anywhere - and at any moment - whether in court, the holding cell, jail, on the streets, or at home.

This guide does not include the full range of practices that are available, nor are the practices included here always possible because of the many barriers to wellbeing and care that exist within the criminal legal system. By working together, however, an advocate and criminalized survivor may be able to tailor a plan that will work for that particular survivor's specific needs and circumstances.

Importance of Self-care

Court can be a stressor that activates the “fight, flight, freeze, or fawn” response; these are instinctive reactions initiated by the release of hormones that ready the body to act in the face of perceived danger.¹ For victim-defendants, the court experience can replicate their experiences of abuse and exacerbate the effects of trauma, especially as it limits their self-determination. For example, they are instructed where to be, when to speak and when to remain silent. Their movements may be restricted, and they will be at the behest of the judge, law enforcement, or other court staff for direction of what they may or may not do. Defendants face the possibility of hearing false, degrading, or perplexing statements about them from the prosecution, the judge, or even their own attorney, and they are unable to refute them without risking severe repercussions. Victim-defendants may also be in close proximity to their abuser. This can make it difficult for them to see beyond their immediate circumstances or regulate their emotions to be able to engage and participate in their own defense.

Trauma can cause a dysregulated or heightened stress response, resulting in hypervigilance, chronic stress, and an increased sensitivity to trauma triggers. This might be experienced in the body as a clenched jaw, a racing heart, a pit in the stomach, a pain in the chest, shortness of breath, or tightness in the shoulders. Feelings of depression, exhaustion, and disconnection—when survivors are so overwhelmed that they feel outside of themselves— may also arise. As a result, self-care during court can be especially important for helping victim-defendants make it through the experience and be focused enough to aid in their own defense.

Self-care is not done alone; it requires a safe environment and a supportive community that nurtures wellbeing. When survivors are unable to access these conditions and resources, however, they can still try to care for themselves with what they have available, including practices and techniques to help ground themselves in moments of stress or distress.

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Making a Plan for Court

When survivors are stressed or in emotional crisis, they can often forget how to soothe themselves. By making a plan with the survivor in advance, advocates can help in grounding them in moments of emotional distress and can help foster self-care before, during, and after court. They can also help survivors work on tailoring a plan to their specific circumstances. Whether or not a survivor is incarcerated, and what resources are available to them, may shift how they can prepare and care for themselves. It may be helpful for the survivor to share their plan with their attorney for additional input and a sense of what their options might be while they are in court.

The following questions can serve as a starting point for survivors in making a court self-care plan. Advocates might ask survivors:

What do you need to get through your day? What can you not do without?

Of these needs, which ones can you easily meet on the day of your court hearing? Which ones are difficult or impossible? Of those that are difficult and impossible, can you think of other ways to meet these needs?

Thinking back to other stressful experiences or times you felt anxious, angry, sad, or overwhelmed, what practices or supports did you find helpful?

What practices help you stay engaged with what is happening around you? Are those things that you could do before, during, or after court?

What can you do to relax after the court hearing is over?

Before and After Court

A court self-care plan should consider the entire day—before, during, and after court—and focus on specific things that the survivor wants to do to prepare for their day in court, self-soothing practices they may want to use during court, and ways to process and unwind after court.

The following are examples of essential needs that advocates can help victim-defendants pay close attention to; doing so will help survivors take better care of themselves during their day in court. If they are not able to engage in these practices for whatever reason, that is okay, too.

Advocates can assure them that it is not their fault if it is a challenge to meet their basic needs. An advocate can help them meet some of these needs (assistance with transportation, food, clothing, housing, etc.) or connect them to other community supportive resources.

Nourishment and Hydration: Being hungry can make it more difficult to regulate emotions and self-soothe. Victim-defendants should be encouraged, if it is possible, to eat something nourishing that will sit well with their body. Eating what they can, even if not a complete meal, may be preferable to not eating at all. In addition, keeping hydrated can be essential to help the day go smoothly. Dehydration may increase fatigue or lead to headaches and overall feelings of discomfort.

Medication: If the victim-defendant takes medication, they should take their medication as prescribed, if possible. This might involve bringing their medication with them to court if they need to take it during the day. They should consult their pharmacist or doctor about what to do if they miss a dose. Those who are incarcerated may find this particularly challenging but may want to consult jail medical staff in advance of court.

Rest: Victim-defendants should try to get a good night's rest before court. Being tired can make it hard to focus and regulate. In anticipation of the day in court, it may be hard to sleep the night before and it might also be hard to rest afterwards thinking about all that has transpired. Rigorous physical movement can be one way to move these feelings through the body to help relax and feel tired, as can grounding and breathing exercises such as those in the appendix.

Physical Movement: If the survivor is anxious about going to court or needs to unwind from the day after court, they might consider movements such as stretching, going for a walk, or any other physical movement that they are able to do that feels comfortable for them; this can help release the build-up of stress in the body.

Spiritual Resources: Religious traditions and spiritual practices help some people connect to something outside of themselves, make meaning, provide a sense of purpose, and supply internal resources with which to face challenging times and situations. If spiritual practice is something that keeps the survivor grounded and gives them repose from the hectic environment of court, it can be helpful for them to make time to center their practice in the way that works for them.

Emotional Support: Whether before or after court, it may be cathartic for victim-defendants to give themselves permission to cry or otherwise express themselves in a place where they feel safe doing so. They can debrief the emotions of the day in a journal or with a friend (taking care not to get into the details of their case), or they may need to reach out to someone—whether an advocate, therapist, or crisis hotline—for additional support.

In the criminal legal system, victim-defendants face a lot of barriers to taking care of themselves, even for meeting their most basic needs. When self-care feels impossible, doing whatever it is that they can do in the moment is something to celebrate, even if that is just waking up for the day, drinking water, or taking their medication. These small acts of self-care help build up to other ones.

During Court



It may be very difficult for a victim-defendant to practice self-care during their hearing. Ideally, a defendant is able to be fully present to listen to what is going on and understand what is happening so that they can make notes of questions they may have for their attorney regarding their case. Following all that is going on at a hearing can be a lot to process for any defendant, but if one is also dealing with the effects of trauma, it may be especially overwhelming or feel impossible to do.

There are some practices in the Appendix that advocates can share with victim-defendants that they may want to try if they need to ground themselves during the hearing. These can be done without disruption and from their seat.

If there is a break during the court hearing, and if it is possible, an advocate might check in with the survivor and encourage them to consider taking a moment to do some of the self-care practices they have discussed together such as drinking water or eating. If the victim-defendant can leave the courtroom, they may want to stretch or move in ways that work for them.

Throughout the legal process and during court, survivors might feel a range of emotions, such as sadness, grief, anxiety, fear, or anger; these are natural responses to experiences of harm and injustice.

Some survivors might also feel shame—negative judgment of themselves often based on the fear of how others might judge them—or they might feel frustration with the legal process, their loved ones, their attorney, or advocates. Feelings of loneliness and heartache from being separated from their family and children might also arise, while others might find themselves feeling numb or bored during the long stretches of time when one is left to sit and wait. Justice-involved people commonly experience these feelings, and victim-defendants are likely to feel many of these at the same time. Advocates can tell survivors that they are not alone in these feelings and affirm them.

Giving the Kind of Support That Survivors Seek

Sometimes, it is very hard or uncomfortable for victim-defendants to ask for help or reach out to someone for support. For survivors with no experience with the criminal legal system, they may have no idea what to ask for or what kinds of support are possible. Advocates can assure them that it is okay to ask for help or support and make sure they share with the survivor how they may be able to support them. For example, advocates should let survivors know if they are able to go to court hearings with them.



Survivors may feel additionally supported knowing that advocates are well trained in the dynamics of domestic violence, familiar with the effects of abuse, and are prepared to offer emotional support. For survivors seeking additional emotional support from people in their life who are less familiar with how to support someone who is going through the effects of trauma, they may want to ask that person directly if they are comfortable providing that type of support. If they are, the survivor might begin by sharing their own strengths and the ways they are taking care of themselves.

To help survivors set their own expectations before sharing experiences that might bring up painful feelings, an advocate should let them know it is okay to ask for what they need: whether it is someone just to be present, to listen to their concerns and feelings, or to offer words of support (affirmations, etc.). For example, are they seeking support in the form of a listening ear, words of reassurance, questions, a hug – or something else? No matter how well-meaning, advocates and loved ones do not always know how to support victim-defendants, because each survivor has differing needs. Identifying the support an advocate can provide and the support a survivor is hoping for may also build a stronger support relationship between the two of them by making both of their expectations clear.

Other Information to Share and Discuss Before the Court Hearing



Once a self-care plan is set for the day in court and the survivor has some grounding exercises they can practice, if needed, advocates can also go over any questions the survivor may have about what to expect or the essentials of what they need to know for their hearing.

Going over the questions that they have well before the hearing itself can provide advocates with enough time to find out the answers they do not already know, either through the survivor's defense attorney or with court staff. The following set of questions is not intended to be a complete list of questions a survivor may have, but an introduction to what kinds of questions an advocate might be able to expect.

Advocates should consider finding out the answers to some of the following common questions. A victim-defendant might ask their advocate:

What is the court address? Where is the entrance?

How do I know what court room my hearing is in?

If I drive, is there parking and how much does it cost? What is the best way to get there if I need to take public transportation?

What do I wear? What is the temperature in the courtroom?

What paperwork or identification do I need to bring with me?

Can I bring water and/or food with me?

Can I bring my kids? Is there a place in the court where my kids can stay during my hearing?

What time should I get to the court? At the time of the hearing or earlier? What should I do if I am running late?

What is the check-in process? Will I have to go through a metal detector or search? Will I have to be patted down? [Note: Advocates may want to prepare victim-defendants if a body search or pat down is a possibility and consider if they may find it particularly difficult and how they can support the survivor.]

Can I bring my phone, a book, or other materials? What are the things I will not be able to bring with me into the courtroom?

What floor do I go to? Where is the courtroom?

Where are the restrooms?

Will my abuser be present? If so, where will they be? [Note: Advocates may want to have a safety plan in place that considers ways to limit this contact if the victim-defendant's abusive partner will be there.]

Where will you, my advocate, be? Where should I meet you?

Where does the prosecutor sit? Where does the defense attorney sit? Where do I sit in the courtroom? Who else will be there?

How long will I wait for the hearing to start?

Can I leave the hearing room at any time? Who do I need to ask?

Who can tell me what will be happening at the hearing?

Who can tell me if I'll have to speak at the hearing or what questions I will be asked and who will be asking me the questions? Will I be asked to tell my story? Will I have to talk to my abuser?

If I don't already have an attorney, what do I need to do in court to ask for one?

What do I do if my abuser tries to talk to me or approach me?

Advocates can do a lot to put survivors—especially those who may have little to no experience in the criminal legal system—at ease by knowing and sharing the answers to some of these questions. Anything that advocates can do to reduce survivors' unfamiliarity with court proceedings will help to reduce their anxiety as well.

Closing Thoughts

Our hope is that this guide will help highlight the significant ways that advocates can support victim-defendants when they go to court. In a system in which victim-defendants are not recognized as victims or given the services and support they deserve, advocates can help bridge this gap. By sharing information, helping survivors prepare for the ways the effects of trauma and abuse can arise, and helping victim-defendants make a plan to move through the court day, an advocate's support can make all the difference for criminalized survivors.

Appendix

The following exercises and resources are intended to offer ideas for ways that victim-defendants might ground themselves before, during, and after court and can be adapted to their particular context.

GROUNDING EXERCISES

Getting Grounded

1. Plant your feet. Feel the earth holding you up.
2. Breathe. Inhale and exhale to a count of five.
3. Attend to your senses. What do you see, hear, smell, taste, feel?

Speak to yourself with loving-kindness.

Breath in fully this truth: you are not who the prosecutor says you are. Just because it is said in court, does not make it so.

When you hear words spoken aloud in court that you know to be untrue about you, whether by the prosecutor or others, speak back to yourself silent words of love and affirmation, such as:

I am loved and I am not alone.

I am worthy of love and belonging.

I am worthy of compassion and kindness.

I did the best I could with what resources and support I had.

What happened is not my fault.

I did what I needed to survive and I deserve to be alive.

I deserve healing and support, not punishment.

I am still my child's parent no matter what happened to them.

I am not the worst thing I have done.

(Write your own affirmation/s).

Body Scan Meditation²

1. Begin by bringing your attention to your environment, slowly looking around and noticing that you are safe in this moment.
2. Bring your attention into your body.
3. You can close your eyes if that is comfortable for you or maintain a soft gaze, with your eyes partially closed but not focusing on anything in particular.
4. You can notice your body seated wherever you're seated, feeling the support of the seating or the floor beneath you.
5. Take a few long, deep breaths within the range of what is comfortable for you.
6. As you take a deep breath, bring in more oxygen, enlivening your body. And as you exhale, you might experience a sense of relaxing more deeply.
7. You can notice your feet on the floor, notice the sensations of your feet touching the floor. The weight and pressure, vibration, heat.
8. You can notice your legs against the chair, pressure, pulsing, heaviness, lightness.
9. Notice your back against the chair, supporting you. If you are not able to notice sensations in all areas of the body, that is OK. At different times of the day, we are more connected to certain areas of the body than others.
10. Bring your attention into your stomach area. If your stomach is tense or tight, can you allow it to soften? Take a breath.
11. Notice your hands. Are your hands tense or tight? See if you can allow them to soften.
12. Notice your arms. Feel any sensation in your arms. Do your best to allow your shoulders to be soft.
13. Notice your neck and throat. Try to allow them to be soft. See if you can invite a sense of relaxation in.
14. Try to soften your jaw. Do your best to allow your face and facial muscles to be soft.
15. Then notice your whole body. Take one more breath.
16. Be aware of your entire body as best you can. Take a breath. Slowly open up your eyes without focusing on anything in particular. Allow your head and neck to gently rotate, taking in the space you are in. When you feel ready, you can return to your normal gaze.

Fingerholds³

1. Hold each finger with the opposite hand for two to five minutes. You can work with one/or both hands. You can also hold the center of the palm, by folding your hands or placing them together or holding a few fingers in the center.
2. Breathe in deeply: recognize and acknowledge the strong or disturbing feelings or emotions you are holding inside yourself.
3. Breathe out slowly and let go. Imagine the feelings drawing out your finger into the earth.
4. Breathe in a sense of harmony, strength and healing. And breathe out slowly, releasing past feelings and problems.

HOTLINE and HELPLINE RESOURCES

National Suicide and Crisis Lifeline (Available 24/7): 988

For more information and options to connect: <https://988lifeline.org/>

Additional options for those who are Deaf, Hard of Hearing, Hearing Loss: <https://988lifeline.org/deaf-hard-of-hearing-hearing-loss/>

Additional options for Veterans: <https://www.veteranscrisisline.net/>

National Sexual Assault Hotline (Available 24/7): 800-656-HOPE (800-656-4673)

For more information and options to connect: <https://rainn.org/>

National Domestic Violence Hotline (Available 24/7): 1-800-799-SAFE (1-800-7233)

For more information and options to connect: <https://www.thehotline.org/>

Substance Abuse and Mental Health Services Administration (SAMHSA) National Helpline (Available 24/7): 1-800-662-HELP (1-800-662-4357)

For additional information: <https://www.samhsa.gov/find-help/helplines/national-helpline>

ENDNOTES

¹ This might look like (but is not limited to) heightened anger and irritability (fight), restlessness, avoidance and noncooperation (flight), shut down or dissociation (freeze), or placation, accommodation and caretaking (fawn). Sherry Gaba, “[Understanding Fight, Flight, Freeze and the Fawn Response](#),” Psychology Today, August 22, 2020.

² “Body Scan Meditation,” Greater Good Science Center at the University of California, Berkeley, accessed on March 28, 2026, https://ggia.berkeley.edu/practice/body_scan_meditation. The website includes a recording and a PDF that can be downloaded.

³ Srilatha Batiwala and Michel Friedman, *Achieving Transformative Feminist Leadership: A Toolkit for Organisations and Movements* (2014), CREA, 102-104, <https://creaworld.org/resource/feminist-leadership-toolkit/>. This toolkit includes a diagram that may be a useful aid in understanding the fingerhold practice.

Planning Worksheet

COURT HEARING PLAN

Survivor/Case No.	
Attorney/Attorney Phone	
Advocate/Advocate Phone	
Other Phone Numbers	
Court Date/Arrival Time	
Court Address	
Court Room/Judge	
Transportation	
Childcare	
Items to Bring	

If I am feeling overwhelmed, anxious, or stressed, I can:

- 1.
- 2.
- 3.

People I can ask to be my support before, during, or after:

- 1.
- 2.
- 3.

Additional Notes:

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