

Centering Trauma-Informed Practices While Serving Older Adults Facing Housing Instability

NATIONAL
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Vivianne Mbaku, Director, Equity in Elder Justice, Justice in Aging

Johna Willis, Staff Attorney, Crime Victims Legal Assistance Project of West Michigan

Introduction

Trauma-informed lawyering and advocacy practices aim to reduce re-traumatization and recognize the role trauma plays in the advocate-client relationship. The traumatic nature of housing instability underlines the importance of trauma-informed lawyering practices when serving older adults facing housing instability. The following resources provide information on trauma-informed lawyering in the general housing context, as well as trauma informed regulations that impact nursing home residents.

Trauma-Informed Lawyering Resources

Trauma-informed practices honor the lived experiences of clients. To take a trauma-informed approach is to recognize the impacts of generational, racial, and intersectional trauma that the client has experienced, including the experience of housing instability. This practice involves adjusting your approach in relation to the reality of a client's traumatic experience, as well as your own.

- National Center on Law and Elder Rights
 - » Webinar, [Introduction to Trauma-Informed Lawyering](#), August 19, 2020
 - » Webinar, [Trauma-Informed Lawyering-Effects of Secondary Trauma on Attorneys and Advocates](#), December 9, 2020
- Sarah Katz & Deeya Haldard, Article, [The Pedagogy of Trauma-Informed Lawyering](#), 22 Clinical L. Rev. 359
- Justice in Aging, Webinar, [Using the Reasonable Accommodation Process to Protect Older Tenants Living with Disabilities](#), August 26, 2022
- [Trauma-Informed Legal Advocacy Project](#) of the National Center on Domestic Violence, Trauma & Mental Health
- American Bar Association, Eliza Patten, Article, [Establishing a Trauma-Informed Lawyer-Client Relationship](#), October 1, 2014
- Comas-Díaz, L., Hall, G. N., & Neville, H. A. (2019). [Racial trauma: Theory, research, and healing: Introduction to the special issue](#). *American Psychologist*, 74(1), 1–5.
- University of Buffalo, School of Social Work, inSocialWork Podcast, [Impacts of Trauma in Later Life](#), January 30, 2017

Relevant Statutes Regarding Trauma-Informed Resident Care

Every resident's capabilities and history is unique and involves the intersection of multiple past experiences, like incarceration, homelessness, mental illness, racial identity, sexual identity, military veterans, and/or survivor of abuse. Federal regulations require that skilled nursing homes provide trauma-informed care to best navigate past trauma and mitigate new trauma.

- [42 CFR §483.21\(b\)\(3\) Comprehensive Care Plans](#)
- [42 CFR §483.25\(m\) Trauma Informed Care](#)
- [42 CFR §483.25\(d\) Quality of Care & Accidents](#)
- [42 CFR §483.70 Facility Assessments](#)
- [42 CFR §483.40 Behavior Health Services](#)
- [42 CFR §483.35 Nursing Services](#)
- [42 CFR §483.10\(i\) Safe Environment](#)
- [42 CFR 483.15\(c\) Discharge Plan](#)

Retaliation

Though retaliation is something that should never happen, even the fear of it can prevent family members and residents from expressing concerns about care and safety. This can deter reports of abuse and cause further trauma to an individual.

- Long Term Care Community Coalition
 - » Webinar, [Involuntary Nursing Home Discharges: A Fast Track from Nursing Homes to Homeless Shelter](#), July 20, 2021
 - » Webinar, [What is Nursing Home Culture Change?](#), March 29, 2022
 - » Report, [“They Make You Pay”: How Fear of Retaliation Silences Residents in America’s Nursing Homes](#), June 2023
- National Long-Term Care Ombudsman Resource Center
 - » Reference Guide, [Trauma-Informed Care: Nursing Home Requirements and Ombudsman Program Advocacy](#)
 - » Fact Sheet, [Nursing Home Discharges: You’ve Been Told to Leave...Now What?](#)
- Substance Abuse and Mental Health Services Administration (SAMHSA)
 - » Guide, [SAMHSA’s Concept of Trauma and Guidance for a Trauma-Informed Approach](#), July 2014
 - » Literature Review, [Trauma-Informed Care in Behavioral Health Services Part 3: A Review of the Literature](#)

- Justice in Aging, Eric Carlson, Guide, [25 Common Nursing Home Problems and How to Resolve Them](#), February 2024
- University of Buffalo, School of Social Work, inSocialWork Podcast, [Trauma-Informed Care in Residential Long-Term Care for Older Adults](#), May 6, 2019

Case consultation assistance is available for attorneys and professionals seeking more information to help older adults. Contact NCLER at ConsultNCLER@acl.hhs.gov.

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