

WORKSHOP ABSTRACT – Presenters: Robin Purvis and Stephen Page

The Challenge Of Change – Why Collaboration between the Law and Social Sciences Can Help at Risk Australian Children

Recent Australian research (Parkinson, September 2011) has reported concerning outcomes for children over the past decade, linking major deterioration in youth mental health to fragile home lives impacted by unstable, conflictual family relationships. Concurrent research findings have consistently identified the failure of the Family Court to make child protective decisions.

The presenters would identify the complexity of issues confronting the system, compounded by judicial systems, interdisciplinary tensions, lack of understanding of psycho-social factors and an adversarial process which precludes a realistic assessment of family dynamics. The workshop would facilitate discussion of ideas and suggestions for a collaborative approach that would assist better outcomes for children.

WORKSHOP OUTLINE

The workshop, through informed discussion and experiential exercises, aims to assist participants to identify realistic impediments to effective collaboration at a personal, professional and systems level, gain personal awareness and a more informed ability/ capacity to meet the challenge.

Introduction

The report, 'For Kids Sake' released in Australia in September 2011, has provided a unique and comprehensive overview of the state of Australian children's wellbeing. Authored by Professor Patrick Parkinson of the Law School, Sydney University and commissioned by the Australian Christian Lobby, the report made the connection between relationship breakdown and poor outcomes for children. Professor Parkinson has previously chaired reviews for the Family Law Council and Federal and NSW governments.

The report refers to the population of "Fragile Families" and outlines factors contributing to fragility in families and which, result in heightened vulnerability in their children including:

- ◆ Family conflict;
- ◆ Cohabiting parents;
- ◆ Separated families;
- ◆ Single parent families;
- ◆ Blended and step-parent families;
- ◆ Lack of constructive father involvement.

and found

- ◆ Poor mental health outcomes for Australian children;
- ◆ Significant deterioration (particularly for girls) over the past decade;
- ◆ Fragility of Australian families over recent generations is a major contributing factor.

The findings are a comment on the complex, multi-problem nature of 'fragile' families and have implications for intervention. This workshop will consider systems difficulties in meeting the challenges, and will identify the need for appropriate training, recognition and respect for inter-disciplinary differences and other factors, which challenge effective collaboration.

Summary of Relevant Research Findings Outlining Implications for Children

Parents' marital unhappiness and discord have a broad negative impact on virtually every dimension of offspring wellbeing.

Long term consequences for children of inter-parental discord:

- ◆ *Poor marital quality plus declines in marital quality over time are associated with problematic relationships with mothers and fathers;*
- ◆ *More difficulties in dating among single offspring;*
- ◆ *Lower marital quality among married offspring;*
- ◆ *Greater probability of offspring relationship dissolution (cohabitating and marriages);*
- ◆ *Lower social integration (smaller networks of close kin, friends, less community attach);*
- ◆ *Less education;*
- ◆ *Poorer psychological wellbeing (greater psychological distress, lower self-esteem, less happiness and lower life satisfaction).*

Parental divorce lowers offspring's wellbeing even further.

Sources of detriment for children whose parents separate

- ◆ *Separation creates different sources of conflict between parents from the conflict occurring when parents live together;*
- ◆ *Arguments about property settlement or parenting arrangements;*
- ◆ *Litigation;*
- ◆ *Ongoing arguments about child support;*
- ◆ *Different approaches to discipline, diet and bedtime may be a source of friction;*
- ◆ *Parents don't have the same need to reach agreement on these matters as they would in an intact family;*
- ◆ *Unresolved issues about the break up may cause continuing tension and hostility;*
- ◆ *Mothers forming new intimate partnership;*
- ◆ *New partners may arouse feelings of resentment or jealousy;*
- ◆ *Frequent moves;*
- ◆ *Security of tenure in the private rental market is not guaranteed;*
- ◆ *As parent's lives move in different directions, there may be serious conflict concerning primary caregiver's desire to relocate;*

Outcomes significantly associated with parental separation included:

- ◆ *First experience of sexual intercourse before the age of 16;*
- ◆ *Leaving the parental home before the age of 17;*
- ◆ *Living with a partner before the age of 20;*
- ◆ *Having a first child before the age of 20;*
- ◆ *Significantly more likely to experience separation themselves;*
- ◆ *Significant associations with failures to complete secondary school education;*
- ◆ *Smoking, depression in adulthood, suicidal ideation, marijuana use more likely.*

Conflict in single parent families and step-families:

Young people report significantly higher levels of conflict in step-families and lone parent families. Step-families, in particular, create new sources of tension. In addition to the challenges of marital or quasi-marital relationships, step-families involve numerous pressures and tensions from raising children who have different parents.

Additional adversities for children of separated parents:

- ◆ *Child abuse and neglect – international evidence shows that lone parent families, blended families and step-families are significantly more likely to be subject to reports of abuse and neglect;*
- ◆ *The family member with whom the child was living with may not have been the person responsible for harm to the child, but overall risk of the child and abuse and neglect is much greater for children in families without two biological parents in the home;*

- ◆ *Institute of Family Studies Australia, noted child abuse in lone parents is about 2½ times higher than expected;*
- ◆ *Abuse in blended families or step-families is about twice as high. (Parkinson, 2011)*

Fragile Families - Target Population In Family Law

The population presenting in the family law context are characteristically 'Fragile Families'. In Australia, of the separating population 70% resolve their own matters without litigation. Of the 30% who present to the Family Court estimates suggest 70-80% are multi-problem families presenting with issues of domestic violence, child abuse and neglect, mental health issues and substance abuse.

A significant challenge in providing positive intervention for families presenting to the system lies in recognising the characteristics and predictors of this population, identifying and understanding their specific and complex needs. This requires informed, skilled assessment and intervention involving multi-disciplinary and inter-agency co-operation

The psychodynamics of denial in confronting painful realities and resultant accommodation of the 'unacceptable', also contribute to difficulties at practice level, and can result in ill-informed approaches of various disciplines, which compromise effective intervention and outcomes for these families.

Factors contributing to Limited Effectiveness of Legislative Initiatives

There has been significant legislative change in Australia over the past 25 years in particular in addressing law as it relates to vulnerable people in our society. Compelling research studies have been prolific during this time. However, despite research findings, increased awareness, legislative change, ongoing training, the introduction of interagency protocols, our children would appear to be faring worse than ever.

The characteristic presentation of this population has become more complex with increased family separation, fewer marriages, high conflict families, multi problem presentation of many cohabiting families and damaged function resulting from intergenerational patterning. *(Parkinson, 2011)*

In Court proceedings, limitations of the adversarial contest where children's issues are presented in a mode of counter allegations about parenting shortcomings compound dilemmas for judicial officers, legal advocates and expert witnesses. Further inhibiting factors include difficulties in meeting evidentiary requirements of proof, a legal culture that until recently advised against raising issues of family violence in evidence, and constraints on available Court time for hearing these complex matters.

In the counselling and mediation context, assessing the nature of the problem can be difficult as these relationships are frequently characterised by extreme polarities of blame and denial, love and hate, exaggeration and minimisation. *(Goldner, 1992)*

Skill, awareness and discernment are needed in clinical intervention, case management and reporting. Counsellors and mediators are in need of ongoing training in line with expanding understanding of what constitutes abuse. Such training would involve knowledge of family dynamics, the relationship between power and gender, the emotional, psychological and behavioural consequences of abuse of all kinds, and specific learning to assess for the presence and/or history of physical, sexual, psychological and emotional abuse.

For judicial, legal and social science practitioners alike there are personal 'coping' dilemmas in assessing cases on presentation. Individually we grapple with shock, denial and disbelief. Some times being able to confront the issues presenting can be 'too hard'. As Judith Hermann states "Denial of knowledge that is unspeakable is not peculiar to victims or perpetrators of abuse. As a society, both at personal and political levels, there is great investment in banishing from consciousness what is too painful and confronting. Dissociation is a common phenomenon. Under conditions of extreme stress, dissociation may be used to wall off traumatic memories." (Hermann, 1992)

Challenges For Multisystem Involvement

Recognition and understanding of the characteristics and vulnerabilities of these families is required to shape interventions and responses at all levels: judicial, legal advocacy, expert assessments, conciliation approaches, interagency (welfare, police, mental health) responses and collaboration.

The system however is diverse and requires identification and recognition of the competing jurisdictions, various training, values, tasks and roles that each profession brings with their involvement in any given context.

The challenge is to understand, identify and work in complementary ways with the different mandates albeit in a context of currently, often ill-defined pathways, limited communication or collaboration in an under-resourced, time poor world. The result frequently, unfortunately, is a standoff or ineffective and at odds intervention and frequently the compromising of mandated authority.

In identifying impediments to effective collaboration the presenters propose to engage participants in identifying the various roles, philosophies and values that each profession contributes and 'speaks' from.

Examples of role differentiation and focus would include:

- ◆ Assessment – investigation (police, child welfare, expert assessment)
- ◆ Mental Health – support (counselling, mental health practitioners)
- ◆ Mediation – dispute resolution
- ◆ Education – informing and training (parenting, offenders, anger management, self-esteem, self-help groups)
- ◆ Advocacy – support (social)
- ◆ Advocacy – legal (adversarial)
- ◆ Judicial – adjudicate – rules of law and evidence

Discussion among participants of these training and values based differences would assist to enhance personal awareness and understanding of the various professional approaches, which can impede collaborative initiatives.

Difficulties at Practice Level and Interdisciplinary Tensions

Difficulties at practice level will be discussed and identified addressing various interdisciplinary tensions such as:

- ◆ dominant and sub-cultures;
- ◆ use and meaning of language;
- ◆ gender differences, individually, professionally and within systems;

- ◆ skills and knowledge base;
- ◆ differing approaches of various disciplines;
- ◆ social, systems, professional & personal “deafness”;
- ◆ lack of knowledge and understanding of client experience;
- ◆ lack of recognition of meaning of behaviour, disturbed functioning, presenting dynamics and best response;
- ◆ limitations of interpreting through an adversarial legal system.

Participant contribution will assist to articulate the impact of such factors and discussion would be aimed at tabling these factors as an educative / awareness tool.

The Anxiety of Collaboration

Psychodynamics factors contributing to the anxiety of collaboration will be discussed.

In achieving a greater capacity to work together it is relevant to gain conscious awareness of the defences we individually and as professionals engage, as a means to ward off a sense of helplessness, maintain a sense of power/control, or as a defence against guilt (of non-action or powerlessness).

In their book “Anxiety and Dynamics of Collaboration”, Woodhouse and Pengelly comment, “Collaboration is never easy, which is why it is presumably more talked about than practised”. They state realistically “it requires a great deal of work and time”. The authors discuss the nature of anxiety as it pertains to interactive models in the problems of partnership. They discuss the importance of allowing for “learning and time” (to develop partnership) and the “role of values in the appreciation of experience” in building a collaborative exchange. (*Pengally and Woodhouse, 1991*)

To assist participants to consider and gain awareness of the factors shaping their value and behavioural stance professionally, participants will be asked to engage in experiential exercises that lend to self-awareness and greater understanding of ‘other’ approaches.

Initiatives For Collaborative Response

There are many examples of good intentions and the presenters will refer to initiatives in Australia that have sought to engage in collaborative responses to assist ‘best’ outcomes for children. Factors contributing to effectiveness and factors that impede will be discussed.

Goldner, Virginia (1992) “Making room for both/and”, *Networker*, March/April
 Herman, Judith L., (1992). “Trauma and Recovery from Domestic Abuse and Political Terror”
 Basic Books USA
 Parkinson, P. (2011) “For Kids Sake: Repairing the Environment for Australian Children and Young People”, Sydney University
 “*The Common Cause Handbook: A Guide to Values and Frames*”, *Public Interest Research Centre, UK (2011)*
 Woodhouse, D. and Pengally, P. (1991) “*Anxiety and the Dynamics of Collaboration*”,
 Aberdeen University Press

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