

# **Multidisciplinary Collaborative Practice: Innovative Child Focused Family Dispute Resolution**

Dr Amanda Shea Hart

# Collaborative Practice Goal

*To reach sustainable resolution & provide opportunity for clients to grow as a result of the process*



# Collaborative Practice Principles

- Comprehensive client focused interests based approach, not rights based positional bargaining
- Client empowerment, supportive, non-competitive process
  - respectful communication
  - not act unilaterally
  - facilitate positive future focus
  - progress at clients' pace
- Confidential & respectful process
  - No client or lawyer can take advantage of any mistake of the other
  - Open sharing of all relevant information
  - Signed Participation Agreement - prevents lawyers and other professionals involved from participation in litigation
- Adhere to process and to interim agreements

# Collaborative Practice Principles

- Multidisciplinary team – joint engagement of impartial experts as required
  - Child and Family Consultant
  - Financial planner
- Clients are fully supported in the process by their lawyers & other professionals
- Confidential & respectful process
  - No client or lawyer can take advantage of any mistake of the other
  - Open sharing of all relevant information
  - Signed Participation Agreement - prevents lawyers and other professionals involved from participation in litigation
- Cooperative team approach amongst lawyers and other professionals
- Creative options for sustainable solutions - not limited to what a court can order

# Role of Child & Family Consultant

- Individual &/or couple sessions; whole team & client sessions:
  - Facilitate effective client communication & negotiation
  - Facilitate flexible/creative thinking & options generation
  - Assist clients to identify/manage their own issues & referral as needed
  - Recognise & respond to individuals' needs
  - Stress management & deal with emotions
  - Transform clients' fear response to new learning
  - Explore parenting concerns
  - Assist clients' understanding of family relationship dynamics
  - Child inclusive practice
  - Consultation with parent's or child's therapists
  - Debrief clients & team & contribute to case management

# Multidisciplinary Practice

## Research

- Client Surveys (USA 2010 & England & Wales 2009)
  - **Vast majority** satisfied with process and outcome
  - Benefits - felt respected & heard; enhanced communication; impartiality; understood the process
- Lawyer Surveys (England & Wales 2009)
  - Benefits - emotional support; communication enhanced; improved conflict management

# Child Inclusive Practice

## Aim

Direct involvement of child & constructive feedback to parents to enhance understanding of their child's needs & to minimize risks

## Individual Child Session

- Develop understanding of:
  - Child's experience of the family separation, including exposure to conflict or violence
  - Child's development, coping capacity & adjustment
  - Family relationship dynamics
  - Child's support network
  - Child's perspectives & wishes

# ***CHILDREN REFLECT THE WORLD IN WHICH THEY ARE RAISED***

(Perry & Pollard 1998, P.35)





# Adverse Effects on Children from Exposure to Family Violence

## Possible Long & Short Term Consequences:

- Serious physical, psychological, cognitive, behavioral, developmental, emotional & relational problems
- Poor life satisfaction, self esteem & future relationships
- Disrupted tasks of childhood

# Adverse Effects on Children from Exposure to Family Violence

*There is no greater hell than to be a prisoner  
of fear*

(Cozolino quoting Ben Johnson, 2010, p. 258).

# Childhood Trauma

## **Impact - Live defensively**

- Impaired orienting and defensive responses
  - Sensory alertness –hyperactive or hypoactive
  - Muscular adjustments
  - Hypervigilance

(Sensorimotor Psychotherapy Institute 2012)

- Deficits in anticipatory & regulatory pathways for modulation of emotion, autonomic functions, & behaviors

(Sinnamon, 2012)

- Disorganised attachment patterns
- Volatile or submissive responses

(Sensorimotor Psychotherapy Institute 2012)

# Reasons to Include Children

## Child inclusive research on children exposed to family violence show children:

- Want to be included in discussing future family relationships
- Coping capacity enhanced
- Feel recognized, heard, & understood
- Overcome fear of disclosure
- Build hope for their future

# **The National Framework for Protecting Australia's Children**

- **Protecting children is everyone's responsibility**
- **Emphasis on early intervention and prevention in assisting children & families**
- **Cross sector collaborative practice is often needed in complex cases**

## Some Inherent Challenges for Practitioners

- Screen for appropriateness for child inclusive practice:
  - Parents' cognitive capacity & emotional functioning
  - Relational dynamics – potency & pattern of violence
- Manage power imbalance, & multiple & complex needs –risk is never static
- Prepare parents to appropriately invite child
- Child session:
  - Engage anxious child & explore relevant sensitive information
  - Aware of & manage signs of trauma
- Provide constructive & safe feedback to parents that addresses child's needs
- Motivate parents to follow up with recommended referrals for self or child
- Resource intensive – flexible and timely intervention; team work

## Young Adolescent's Self Reflection after Child Inclusive Collaborative Dispute Resolution

*My mother never imagined having to start over as a single mother but when the unimaginable happened she adapted she found strength. She moved on and I hope when my life doesn't go as I plan which it certainly won't I can handle myself with the same grace and strength that my mother has taught me. She may not be an Olympic athlete or a world leader but my mum is definitely my hero*



- What children experience affects how they mature and function as adults (Perry 2000)
- Use holistic Multidisciplinary Collaborative Practice in family dispute resolution to identify and address each vulnerable child's needs and their parents' needs and reach sustainable agreements in the child's best interests