

Strengthening Children's Voices

Strategies for engaging parents in child focused thinking

Joanne Trentin – Norma Williams

Child Aware Conference

31 March – 1 April 2014 Melbourne

Topics

- Protracted conflict after separation and children's healthy development
- UN Convention and Rights of the Child
- Family Law reform and family dispute resolution
- Supporting the best interests of children during family dispute resolution: from theory to practice

One in four children from
separated families suffer poor
mental health

High conflict and negative parenting behaviors

- Significant levels of anger and distrust
- Verbal conflict
- Poor Communication and cooperation over parenting
- Ongoing negative attitude to the ex-partner
- Lack of support for children's relationships with their other parent
- Covert and overt hostility
- Allegations about the other parent's behaviour and parenting practices
- Litigation and re-litigation

Impact on a child's psycho-social development

- They lose their ability to trust.
- They attach poorly to their parents.
- They don't believe in themselves
- They get overwhelmed by their feelings
- They show their distress in bad behaviour
- They have trouble making and keeping friends
- They lack confidence in themselves
- They may suffer a worsening of school performance
- They have trouble having healthy adult relationships

“Life will impose difficulty and sometimes trauma upon those who are least able to determine their own paths: children. If at these times we can lend children our minds, and build environments for their emotional safety and recovery, we make the load more manageable and less damaging to the developing self.”

Dr Jennifer McIntosh

Current research tells us that negative parenting behaviors associated with entrenched long-term conflict and parental relationship breakdown forecasts a myriad of child outcomes that are not geared to the rights of children as described in the UN Convention On the Rights of the Child – and their “best interests” as defined in the *Family Law Act 1975 (Cth)*

Articles of UN Convention

Article 12

Children have a right to say what they think should happen when adults are making decisions that affect them and to have their opinions taken into account

Article 13

Children have the right to get and share information as long as the information is not damaging to them or to others

Article 18

Both parents share responsibility for bringing up their children and should always consider what is best for each child

Articles of UN Convention

Article 31

Children have the right to relax, play and to join in a wide range of leisure activities

Article 31 in *Child Friendly Language*

You have the right to play and rest

Articles of UN Convention

Article 19

Governments should ensure children are properly cared for and protect them from violence, abuse and neglect by their parents and anyone else who looks after them

Article 19 *in Child Friendly Language*

You have the right to be protected from being hurt and mistreated, in body and in mind

Articles of UN Convention

Article 36

Children should be protected from any activities that can harm their development

Article 36 in *Child Friendly Language*

You have the right to protection from any kind of exploitation (being taken advantage of)

Family Law Reform and family dispute resolution

- In 2006, reforms to the Australian Family Law System included the introduction of Family Relationship Centres – 65 federally funded centres opened between 2006 and 2008 in major cities and regional areas.
- FRC's provide family dispute resolution, referrals and operate within the legislative: *Family Law Act 1975* and a *family systems* developmental framework.

Best Interests of the Child and Family Law Act 1975

1. Both parents are responsible for the care and welfare of their children until the children reach 18 years.
2. *Arrangements that involve shared responsibilities and cooperation between the parents are in the best interests of the child.*

Best Interests of the Child and Family Law Act 1975 – Primary Considerations

- the benefit to children of meaningful relationships with both parents
- the need to protect children from physical or psychological harm (from being subjected or exposed to abuse, neglect or family violence).

Best Interests of the Child and Family Law Act 1975 – Secondary Considerations

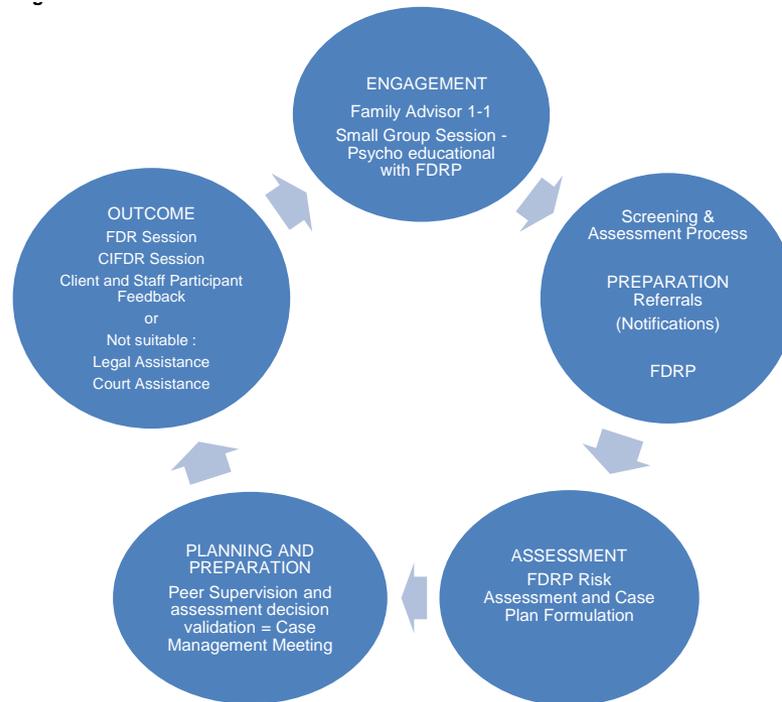
- the child's views.
- the child's relationships.
- the willingness, maturity, background and ability of each parent to take on the responsibilities of the best interests of the child
- the likely effect on the child of changed circumstances, including separation from a parent or person with whom the child has been living, including a grandparent or other relatives
- the practical difficulty and expense of a child spending time with and communicating with a parent
- any family violence involving the child or a member of the child's family
- any other fact or circumstance that the court thinks is relevant.

Family Dispute Resolution

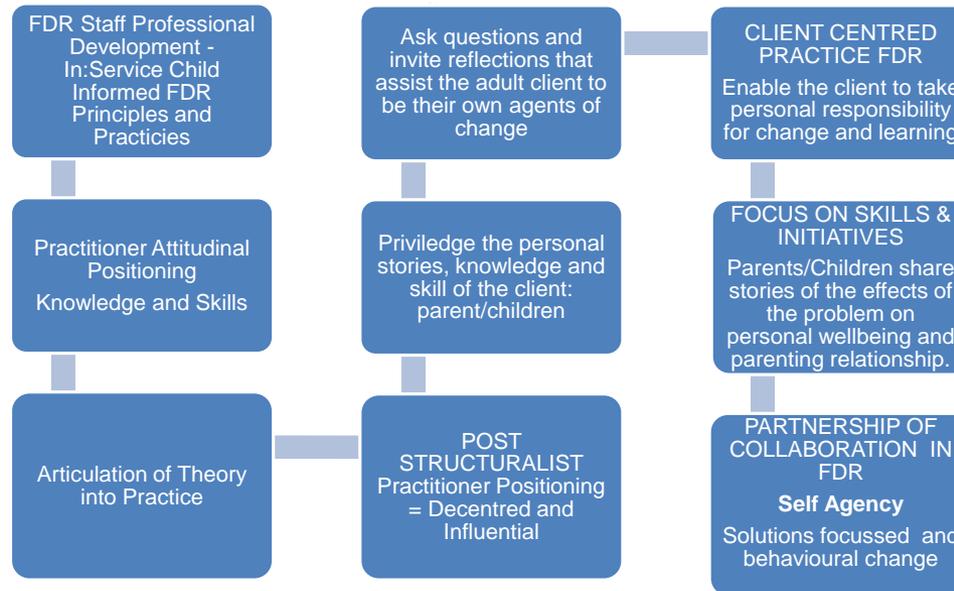
Family Dispute Resolution (FDR) can be a transformative process: *from conflicted parenting after separation to a more aligned parenting relationship focused on the best interests of children*

Clinical principles that guide FDR practice can have a therapeutic impact or outcome for individuals and their family relationships

Family Relationship Centre Logan – FDR Process



Clinical Principles FRC Logan



From theory to practice

2 Case Studies

Workshop Activity

Discuss and review case studies:

- The case studies demonstrate brief strength-based solution focused interventions engaged by family dispute resolution practitioners to support change to negative parenting behaviors associated with entrenched long-term conflict.

Workshop Activity – 3 Groups

Critique one case study from the following two perspectives:

Perspective 1.

Can child informed practice in a family law context support and assist children affected by long-term high conflict – and their parents ?

Perspective 2

How did FDR provide a catalyst for the parents to regain mindfulness and sensitivity to the conditions that erode their capacity to focus on their children's needs for healthy development?

(