

Exercise

Parenting Orders

AVERT
FAMILY VIOLENCE



**Collaborative Responses in
the Family Law System**



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Parenting Orders Exercise

Purpose:

- To provide an opportunity to examine issues in parenting orders
- To consider child focused practice

Process:

- Divide participants into small groups of 5-7 people
- Handout *Sam's Story* on the sheet attached
- Ask participants to read part one and discuss question one within their group; then pause and debrief this in the whole group. Do the same for part two and then part three.

Key things to draw out of the discussion:

- It is entirely appropriate not to force children to do something they do not wish to do, even with a parenting order in place
- Professional collaboration is important
- Engaging both parents in order to support their parenting capacity and focus on the child, is critical for safety and to ensure a workable parenting arrangement.



Sam's Story

Part One: Background

Sam is five and a half years old and has just started school. His parent's, Jodi and Danny, are a professional couple in their mid 30s. She is a midwife and he works at a senior level in a government department. Both are Aboriginal and have been raised in the city. During their relationship Danny had regular affairs with women he met through his job. He often demeaned Jodi, criticising her care of Sam and insulting her about her work. He became most abusive if she questioned his whereabouts or fidelity. At these times he would shout, kick the dog and several times pulled her hair and punched her.

Jodi first left Danny when Sam was less than 12 months old. It was an acrimonious separation and after Family Court proceedings, a parenting arrangement was ordered, using the Children's Contact Service (CCS) for handover. Jodi still loved Danny however and upon his request she returned to him twice in the following four year period, hoping he would have changed. On both occasions the pattern of violence resumed and Sam often heard or saw the violence. Once, he tried to intervene and Danny pushed him away and yelled at him. Finally, 6 months ago, Jodi left "for good".

The parenting arrangement has remained in place and this means that Sam goes to the CCS most Saturday mornings, where he moves between his conflicted and frustrated parents.

Question 1: What are the possible effects of this history upon Sam?



Sam's Story

Part Two: Current Situation

Sam shows a lot of anxiety at handover going from Mum to Dad. He often wets his pants, says he feels sick and sometimes simply clings to Jodi, refusing to let go. He cannot be distracted by any of the toys or equipment in the centre or by a positive, encouraging approach from either his mother or the CCS workers. In spite of Jodi's attempts to reassure him, Sam doesn't appear to feel safe to stay with the CCS workers, knowing he is going to see his dad. He does the best he can, to convey his distress.

After three weeks of this behaviour, on the most recent handover, the CCS worker once more tries to encourage Sam to spend time with his dad. However, she is concerned about forcing him to do something he plainly does not wish to do and thereby distressing him further. She watches him for signals about what he needs:

"I tried to engage his interest with a favourite book, and then I attempted to distract him while his mum left – I wanted to see if he could use me as a source of security to help the transition to his Dad. When none of these attempts worked, it became clear to me that Sam was trying to let us know that he was too anxious to go to his dad." (CCS worker)

Question 2: What should the CCS worker do when Sam refuses to go with his father?



Sam's Story

Part Three: CCS Intervention

The CCS worker supports Jodi to take Sam home instead of going with his dad and also gains her permission to refer Sam to a child consultant.

Danny is immediately informed by the CCS worker that Sam was very anxious and not able to go with him. Danny feels disappointed and frustrated, blaming Jodi for “turning Sam against me”. He is encouraged to put his personal feelings about his relationship with Jodi aside and to think like “Sam’s Dad”, rather than “Jodi’s ex-partner” or “The other party”. He is informed of his legal rights, but the main emphasis is on introducing Danny to the idea of Child Consultation and focusing on Sam’s needs.

Immediately following this event the CCS worker arranges a planning meeting with a child consultant and a family dispute resolution practitioner to discuss a coordinated approach to the family’s issues. Their primary purpose is to enable Sam to regain a sense of security through supporting a focus on his needs, building on the parenting capacity of his mum and dad.

Question 3: What are the ethical dilemmas in this scenario?

Question 4: Should the parenting order remain in place as it is?

Question 5: If Jodi came to you seeking legal help to vary the order what would you advise and what evidence would you present to the court?

Question 6: If you were representing Danny, what would you advise him to do?

Question 7: What referral resources might be necessary?