Safeguarding everyone in the family – family group conferences and family violence

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Aotearoa New Zealand has offered so much to other countries on how to draw upon family and culture in safeguarding children and young people. From applying the New Zealand model of family group conferences (FGCs), other jurisdictions have learned about ways to involve families and their communities in making decisions with and about their young members. These decisions have been found to maintain lifelong connections to family, kin and culture without further endangering children and young people’s safety. This finding is striking because too often families who come to the attention of children’s care and protection agencies are viewed as ‘dysfunctional’ and incapable of making good choices for their youngsters. When domestic violence emerges as an issue, suspicions of the family sharpen.

Both domestic violence and child maltreatment refer to patterns of violation by respectively intimate partners or parents/caregivers who are expected to offer caring, not harm. Family violence - the interaction of domestic violence and child maltreatment - generates multiple questions. On one hand, holding FGCs raises questions about their putting survivors at risk. On the other hand, not holding FGCs raises questions about perpetuating institutional racism against children and their families who are marginalised because of income, colour, heritage or nationality.

**Legitimate fears of FGCs in the context of family violence**

The identification of domestic violence in the household in itself leads to questions: Can children thrive if they are exposed to domestic violence? Will such a home teach children to abuse and be abused? Answers are not clear cut, and nuanced assessments of the impact on children are needed (Edleson, 2004). The combination of child maltreatment and domestic violence increases fears that children will be traumatised (Rossman, Rea, Graham-Bermann, & Butterfield, 2004) as well as concerns that perpetrators will use the children to control their intimate partners including after separation (Bancroft & Silverman, 2002).

Reports to child protection are one strategy that perpetrators use to manipulate their partners.
This was aggravated in the United States by some states passing legislation that children witnessing domestic violence are in need of protection. This led to many children unnecessarily being removed from their homes and increased the suffering of the abused partner (Dunford-Jackson, 2004). A countermeasure is differential response, a strategy that New Zealand is in the process of introducing. Differential response is a means of responding in a more flexible manner and reducing the reliance on forensic investigations, and enlarging family supports (Dyson, 2007).

Nevertheless, bringing FGCs or other restorative processes into this mix heightens the uncertainties: Will batterers manipulate the decision process? Will victims feel intimidated at the conference? Will relatives fear retaliation or retaliate against the abusers? Will the family group make plans to keep the couple together at the expense of those victimised? Will social workers blame the abused mother for the perpetrator’s failure to carry out the plan? And more generally, will the cultural norms and practices of the family group condone family violence? (Francis, 2002; Pennell & Burford, 2000b). Fuller discussions of these questions can be found in Cook, Daly, and Stubbs (2006); Ptacek (2005); and Strang and Braithwaite (2002).

None of these questions should be ignored - they concern legitimate issues that need to be addressed. The solution, however, is not to be found in reverting to professionally driven decision making. Such an approach, as indigenous peoples have documented (Rangihau, 1986; The four circles of Hollow Water, 1997; Kelly, 2002), has a history of reinforcing institutional racism rather than empowering families and their communities to stop family violence. Nor does the lasting solution rest on removing adult survivors and children from their homes and communities. While sanctuary may be the only recourse, refuges and secret locations are not healthy places for children and their families to live over the long-term. As severely abused women relayed, living in hiding makes them “so alone, so alienated,” “depressed,” and “sick” and their children need the “safety net” of family connections (Pennell & Francis, 2005, pp. 680-682).

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Although limited in extent, the research on FGCs and family violence shows positive results. A Canadian study of FGCs in situations of family violence did not find that violence took place during or after the meetings because of the conferences (Pennell & Burford, 2000a). In addition, the Canadian research found reductions in indicators of child maltreatment and domestic violence for the families for whom a conference was held, while these same indicators rose somewhat for the comparison families who did not have an FGC.

**Countering institutional racism**

FGCs, and more generally family-centred meetings, have demonstrated some effectiveness in countering institutional racism. When family groups have a voice in where their young relatives are to reside, they seek to keep children with their siblings, family, kin, and/or cultural group (Merkel, Nixon, & Burford, 2003). This leads to a decline in the number of children entering state care and a rise in relative foster care placements.
In the United States, a comparative study in the national capital, Washington DC, found that the institution of family team meetings significantly increased kin care and expedited the return of children to their parents without setting their safety at greater risk (Edleson & Tinworth, 2006). This largely affected children and adolescents from African American families who are disproportionately represented in the foster care system. In Washington, 71 percent of people under 18 years are African American according to the US Census Bureau on July 1, 2006, while this population comprises 94 percent of those in foster care (DC CFSA, 2007).

Similarly, another comparative study in Texas, of a hybrid model of FGCs and traditional Hawaiian practices, reported that non-relative foster care placements decreased, relative care increased, and children were reunited with their parents at a faster pace (Texas Department of Family and Protective Services, 2006). This pattern was evident for African American, Hispanic, and Anglo children but, given that it was least pronounced for the last group, non-mainstream children seemed to benefit the most from the family group meetings.

**Including different sides of the family group**

Given the benefits of FGCs to children and their families from diverse populations, prohibiting its application in all instances where there is a history of domestic violence would be problematic. Moreover, this ban would be nearly impossible to enforce because domestic violence is highly prevalent in child protection caseloads (Edleson, 1999) and because the workers are often unaware of its presence.

A US study of the extent to which child welfare agencies involve fathers who live apart from their children reported that child welfare administrators and caseworkers cited the possibility of violence as a reason for not involving the fathers (Malm, Murray, & Green, 2006). The fear is that these fathers will endanger the safety of the mother and children and the workers. At the same time, these same agencies referenced FGCs and other family group decision making meetings as good practices to engage the fathers, or at least the paternal relatives, in planning for the children.

The latter supposition is supported by various studies that found fathers or the paternal side of the family taking part in the deliberations (Pennell, 2006a; Veneski & Kemp, 2000). Moreover, having multiple sides of the family group at the meeting appears to increase the likelihood that the plan will include more contributions from the family, specify steps for monitoring and evaluating its implementation, and be approved by child welfare in a timely manner (Pennell, 2006b).

**Safeguarding FGC participants**

For any conference, FGC coordinators need to prepare the family group and service providers. This is humane, and adequate preparation seems to decrease the possibility of manipulation during the family private time (Pennell, 2006a). As FGC coordinators in New Zealand have long recognised, the family group members are more likely to feel comfortable at the conference if they know why it is being convened, identify people to invite, and figure out arrangements.
that fit their culture (Connolly & McKenzie, 1999; Paterson & Harvey, 1991). In situations of family violence, careful attention to organising the meeting is especially called for.

Helpful measures include assessing the safety of participants and working out in advance measures to safeguard them, encouraging a person who has been victimised to designate a support person to stay by them during the meeting, inviting a women’s advocate to share information at the conference about the effects of domestic violence, or more generally working with women’s groups to develop local protocols and educate workers about holding FGCS when there is a history of family violence (Burford, Pennell, & MacLeod, 1995; Pennell, 2005). If a no-contact or restraining order is in place, it should be respected. This may mean excluding the perpetrator, but other inventive strategies may be applied. For instance, meetings can stagger attendance by having the perpetrator present at the first part of the conference and the survivor at the second part. This approach holds out more promise than separate meetings or exclusions for lessening suspicions and formulating a coherent and agreed-upon plan (Pennell, 2007).

In conclusion, Aotearoa New Zealand has provided a gift to other countries seeking to place family groups at the centre of child welfare decision making. When family groups are invited to make plans concerning care and protection, they usually opt to keep the children and young persons connected to their kin and cultural roots. Holding FGCS, though, in situations of family violence raises questions about whether the process will be safe before, during, and after the conferences. Especially in these situations, conference preparations should be thorough, plans should be carefully scrutinised in terms of safeguarding all family members, and follow-through on the plans after the conferences is crucial. To not hold FGCS reduces the say that survivors and their families have over their affairs and jeopardises children’s family connections. To hold FGCS offers the promise of countering to some extent the racism ingrained in our child welfare systems.

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REFERENCES


Cook, K. J., Daly, K., &Stubbs, J. (Eds.). (2006). Gender, race and restorative justice [Special issue]. Theoretical Criminology, 10(1).


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