

**Productivity Commission Inquiry submission- Dr Effie Zafirakis**

**RE: Recommendations for Therapeutic Justice reform to enhance mental health & justice outcomes for families with complex needs**

❖ **Advancing integrated servicing and therapeutic justice responses for families with complex needs**

Accessibility to integrated service provision for families with complex needs requires an integrated service system which adopts a strength-based approach that seeks to strengthen the capacity of service providers to work collaboratively and seeks to improve justice and therapeutic outcomes for children and their families. Developing inter-agency collaboration may assist in improving the coordination of service provision and optimise therapeutic justice outcomes for vulnerable children and families with complex needs 1.

❖ **Prioritising primary prevention: Promoting community-based family-focused servicing & support**

Promoting primary prevention involves a conscious systemic response and a level of ‘collective accountability’ to mitigate the ‘drivers ‘of family violence and justice involvement, by strategically addressing intergenerational trauma, complex trauma and complex needs.<sup>2</sup> Prioritising Primary prevention aims to curtail ‘crisis-driven’ system responses, where child protection becomes the first point of contact for families experiencing family violence. Our collective challenge therefore is to sufficiently resource the capacity for ‘proactive prevention’ through family-focused early intervention services to help reduce the number of children requiring state intervention in the first place. It is proposed that child removal needs to be essentially viewed as a last-resort system response, and child protection services form a part of what is envisaged as a broader therapeutic context and integrated systemic response that effectively seeks to harness collaborative ‘wrap around ‘care and promotes community-based family-focused servicing and support. Accordingly, serving the ‘best interests’ of families with complex needs requires a focus on primary intervention and systemically targeting families that are assessed as being ‘at risk’ of family violence and child protection /justice involvement.

‘Primary prevention’ may be assisted for instance by promoting:

- Engagement with family-focussed services & programs;

- Timely accessibility to integrated and family-based servicing to address the needs of children and families experiencing complex needs;
- Early service engagement by strengthening early intervention & prevention services *before* the family situation deteriorates to the point of requiring ‘crisis’ intervention 3. &
- Further it is the author’s opinion that systematic research is needed to determine the basis for trauma informed services and family -focussed interventions that seek to screen and treat unresolved trauma in the context of family violence and factors that perpetuate recursive cycles of family violence & justice involvement.

Prioritising early intervention & prevention best practice models for children & their families accessing legal services, by promoting a child-focussed & family centred approach essentially seeks to balance and reconcile the best interests of the both children and the needs for family restoration and support. Adopting 'family-focused' servicing and support needs to reconcile the best interests of children and the needs for family restoration and support. Relevant therapeutic interventions/models that may inform assessment and treatment for families with complex needs may include:

- Implementation of trauma-informed and attachment-based paradigms;
- Assessment of inter-generational trauma histories & attachment patterns; &
- Strength -based parenting practices aimed at facilitating family restoration & support.

❖ **Promoting cultural safety and effective service engagement for Aboriginal families with complex needs**

‘Cultural safety’ - seeks to support and affirm Aboriginal and/or Torres Strait Islander cultural identity & connection & entails delivering culturally appropriate modes of service delivery & respect for cultural norms. This in turn entails the need for cultural responsibility by embracing Aboriginal and Torres Strait Islander notions of kinship, which are based on collectivist principles, and actively involve extended networks of kin & family in service provision. The need to prioritise ‘cultural safety’ is notably ‘echoed’ in the TASKFORCE 1000 Report findings:

“TASKFORCE 1000 demonstrated the need for reform and ongoing collaborative work to mitigate the drivers for Aboriginal children’s escalating entry to care, improve the experience for Aboriginal children who require out-of-home care and prevent the cycle of

abuse for future generations by ensuring that cultural safety and enrichment are the foundation for service provision (p.11).<sup>4</sup>

Promoting 'cultural safety' in family violence servicing may facilitate service engagement for Aboriginal families with complex needs and access to culturally-responsive and integrated servicing and support. Culturally responsive service delivery for Aboriginal and Torres Strait Islander families with complex needs acknowledges the need for promoting *cultural safety*, especially given the reported lack of family violence service engagement by Aboriginal families.

Therapeutic justice reform needs to support the implementation of culturally responsive service delivery for Aboriginal and Torres Strait Islander families with complex needs. As noted by the Family Law Council Report (2016) there is a need for promoting 'cultural safety', where the family law system and allied servicing work collectively to:

- Tailor 'culturally safe' family law services for Aboriginal and Torres Strait Islander families, especially given the experience of intergenerational trauma and the chronic disruption of family and kinship ties and reported removal of children through child protection systems;<sup>5</sup>
- Promote access to culturally responsive early intervention family -focussed support services that meet the needs of Aboriginal families. Ensuring accessibility to family-focused support services that are deemed 'culturally safe' for Aboriginal families is essential to creating 'safe spaces' for Aboriginal families to explore the painful reality of intergenerational trauma related to family violence;
- Encourage and facilitate the maintenance of the child's family and kinship relationships, cultural connections, identity & connection to culture <sup>4</sup> and
- Promoting transparency of servicing for children and families by regulating /statutory bodies, thereby facilitating a sense of trust and relationship building <sup>6</sup>.

Promoting 'cultural safety' involves strategically 'working in partnership' with Aboriginal communities and services to:

- ensure that Aboriginal 'voices' are instrumentally heard in the design and implementation of family -focused servicing & support;
- form policies and guidelines in partnership that have been developed with the Aboriginal community & working together to ensure aboriginal community -led initiatives &

- prioritise cultural safety -allowing development of trusting relationships & a ‘safe environment’ for acknowledging family violence –this in turn facilitates the capacity for healing.

As Professor Judy Atkinson, notes in her in-depth study of transgenerational traumatic experience and healing for *Aboriginal people*, “Trauma Trails”:

*“the first principle of healing from trauma is: ‘the creation of safe places for sharing, where the unspeakable can be given voice, where feelings can be felt, and where sense can be made out of what seemed previously senseless”*. 7.

❖ **Advancing culturally responsive resolution and adjudication processes for Aboriginal families**

It is proposed that this recommendation requires expanding accessibility to alternatives to family law adjudication. For instance, facilitating alternative non-adjudicative pathways for families experiencing family violence and/or have complex needs such as trauma -informed and culturally responsive:

- Family group conferencing;
- Family dispute resolution for families experiencing family violence and other
- Mediation services.

Culturally responsive resolution and adjudication processes for Aboriginal families also includes promoting the need for:

- Preparation of culturally secure family assessments to assist decision -making processes for children & families;
- Development of cultural plans outlining the importance of maintaining child’s connection with kinship & family ties; &
- Observing the Aboriginal and Torres Strait Islander Child Placement Principles in convening family group conferences that encourage family-based decision making in the best interests of the child & prioritise the need to maintain family & kinship ties. 8

The Family Law Council Report (2016) advocates for reform to improve accessibility to the family law courts by Aboriginal families with complex needs by:

- employing workers from Aboriginal and Torres Strait Islander services in the family courts and Family Relationship Centres as family liaison officers; &

- resourcing the development of culturally -responsive and trauma-informed psycho-education programs about the family law and child protection systems to help facilitate service engagement for Aboriginal families with complex needs and access to cultural-responsive & integrated servicing & support 9.

❖ **Promoting systemic change for an inter-sector ‘dual focus’ safety & wellbeing model**

In relation to balancing considerations of family safety & wellbeing there is a need to foster professional training that seeks to balance the needs for assessing and therapeutically promoting ‘Family Safety & Wellbeing’. This is especially pertinent when forensic psychologists may be engaged in conducting family risk assessments in the context of prioritising safety, especially where there are legitimate concerns of family violence and/or other child /family safety concerns and/or complex needs. The author respectfully proposes the need to extend the Family Law Council’s report 10. recommendation for the establishment of a family safety service within the family law system, through the dual promotion of *Family Safety and Wellbeing services*, which would be embedded within the justice system (and work in collaboration with other health and allied support servicing) to promote more sustainable and transformative therapeutic justice outcomes for families with complex needs accessing legal servicing and support. This overarching framework potentially may further be applied cross-jurisdictionally and aligned with a ‘continuity of care model’, may transcend the child protection/juvenile justice, family & criminal law jurisdictions respectively.

It is respectfully submitted that there is also a pressing need for promoting culturally responsive policies and integrated service responses that adopt multidisciplinary & integrated-service responses that seek to collaboratively promote family safety and wellbeing & aim to:

- Enhance safety and wellbeing of families with complex needs (who may be experiencing a multiplicity of justice and health-related problems);
- Promote family -focussed, strength -based & culturally responsive service modalities that aim to improve family functioning & family reintegration;
- Balance the needs for family Safety & Wellbeing through trauma-informed care and practice initiatives; &
- Strengthen parenting practices and support family restoration & the preservation of family ties.<sup>11</sup>

❖ **Developing a ‘continuity of care model’ for trauma-informed care and practice**

To develop a ‘continuity of care model’ that promotes trauma-informed care and practice across the continuum of child protection and youth justice sectors. Such an initiative may ensure a better understanding of the role of trauma exposure and how having a history of complex trauma may impact on presenting psychopathology, co-morbidity and continued justice involvement. This in turn may better inform the rehabilitation and treatment planning for families with complex needs, as well as enhance early intervention initiatives the promotion of proactive therapeutic justice initiatives.

It is proposed that more research is needed on investigating the possible impact of trauma and complex trauma histories in relation to:

- parenting capacity in the context of unresolved complex trauma /intergenerational trauma
- the risk of family violence & child protection substantiations;
- the perpetuation of youth offending and justice involvement. Research findings suggest for instance, that victimization experiences and a history of child maltreatment (physical abuse, sexual abuse, and/or neglect), may undermine academic attainment, perpetuate adverse psychosocial outcomes and contribute to the children’s and adolescents’ pathway into continued justice involvement, which for some adolescents becomes an ‘offending recidivism cycle’<sup>12</sup>. This is especially pertinent, given that prospective longitudinal research suggests that psychiatric disorders and comorbidity is prevalent in youth in detention, and disconcertingly prevalence rates continue to be substantially high, post detention, which effectively may undermine the prospects of rehabilitation and community reintegration. <sup>13.</sup> &
- the impact of complex trauma /trauma exposure on mental health presentations, including increased susceptibility to comorbidity (mental health and substance abuse issues) and continuity of psychopathology. It is also noteworthy that exposure to complex trauma in childhood may place adolescents and young adults at risk of psychopathology and further justice involvement PTSD, depression, suicidality, and susceptibility to further trauma and re-victimisation.<sup>14.</sup>

❖ **Facilitating a trauma -informed milieu for management, screening, assessment and treatment of justice involved children, youth & families**

Trauma-Informed care & practice can facilitate a ‘systemic’ understanding of the effects of trauma exposure and ensure that relevant service systems in child protection, juvenile justice, & adult justice attain requisite training in responding to the potential impact of unresolved complex trauma & trauma. Early screening & identification of trauma can inform trauma-specific assessment and treatment interventions that are responsive to the needs of traumatised children, youth and reduce the potential for re-traumatisation.

Trauma & complex trauma screening for instance, in the child welfare and juvenile detention service systems may in turn help to facilitate appropriate referrals and enhanced case management and monitoring activities.<sup>15</sup> In considering the need for wider implementation of trauma-informed care practices at organisational level, some important domains include, organisational readiness for trauma-informed care change and design and implementation of trauma-informed practice models; competent trauma-informed organisational practices (including a recognition of and training for vicarious trauma) and youth and family engagement in trauma-informed care initiatives <sup>16</sup>

Adopting trauma -informed frameworks, as models of good practice, may help to support cultural change within organisations and promote more strength-based solutions that examine the underlying causes of child protection and youth justice involvement and more collaborative models of trauma-informed care and practice. This in turn has the potential to foster positive change by informing the development and implementation of sustainable and effective strategies for the treatment of children in care & youth held in detention facilities.

❖ **Fostering client service engagement through relationship building and trust.**

The importance of consolidating professional training in risk assessment and family violence that is family -centred & seeks to foster client engagement through relationship building and trust. Professional training that overemphasises the use of assessment procedures without seeking to build relationships with clients may inadvertently undermine client engagement with & uptake of servicing and support. As noted in the Family Law Council Report (2016), there is an “over-emphasis on screening tools at the expense of professional training in risk assessment and family violence ...It can also hinder the relationship of trust building, and

clients may be reluctant or not believe you need or want to know about any behaviour that occurs in the future after the tool is complete”( p.34) 17.

❖ **Promoting ‘multidisciplinary collaboration & dialogue’**

Promoting multidisciplinary collaboration and dialogue is needed to promote more responsive and effective servicing for families with complex needs experiencing justice system involvement. Recent research findings for instance propose the need for a ‘paradigm shift’ to more integrated systemic level responses, that provide ‘wrap around care’ for promoting the effective use of justice, mental health and community services and optimally servicing the needs of families with complex needs. Promoting an inter-sector collaboration to optimally address the complex needs of families encountering the justice system requires ‘meaningful interdisciplinary dialogue’<sup>18.</sup>, which in turn may foster collaborative consultation and optimal use of servicing and resources to assist families with complex needs and encountering justice involvement.

## **References:**

1. Victorian Government Department of Human Services. Children and their Families Best Interests Case Practice -Model Specialist Practice Resource, 2012  
<http://www.cpmanual.vic.gov.au/sites/default/files/Children%20their%20families%20specialist%20prctice%20resource%202012%203018.pdf1>
2. Commission for Children and Young People, Rapid Impact: Taskforce 1000 Reflection, 2016.  
<https://ccyp.vic.gov.au/assets/Publications-inquiries/taskforce-1000-reflection.pdf>
3. Toumbourou, J., Hartman, D., Field, K., Jeffery, R., Brady, J., Heaton, A., Ghayour-Minaie, M., & Heerde, J. (2017). Strengthening prevention and early intervention services for families into the future. Deakin University and FRSA.  
<http://frsa.org.au/wp-content/uploads/2018/01/FRSA-Research-Report-Printable.pdf>
4. Op cit.2.
5. Family Law Council Report to the Attorney General on Families with Complex Needs and the Intersection of the Family Law and Child Protection Systems: Final Report, June 2016  
<https://www.ag.gov.au/FamiliesAndMarriage/FamilyLawCouncil/Documents/Family-with-Complex-Needs-Intersection-of-Family-Law-and-Child-Protection-Systems-Final-Report-Terms-3-4-5.PDF>
6. Op cit.1
7. Atkinson J, (2013). Trauma-informed services and trauma-specific care for Indigenous Australian children. *Closing the Gap Clearinghouse Australian Institute of Health and Welfare*  
<http://www.aihw.gov.au/uploadedFiles/ClosingTheGap/Content/Publications/2013/rs21.pdf>
8. Op cit.5
9. Ibid.
10. Ibid.
11. SANDAS Position Paper No.5. Children in families with multiple and complex needs, 2016.  
<http://sandas.org.au/wp-content/uploads/2016/05/Position-Paper-No.5-Children-in-families.pdf>
12. Mallett, C. (2014). Youthful Offending and Delinquency: The Comorbid Impact of Maltreatment, Mental Health Problems, and Learning Disabilities. *Child and Adolescent Social Work Journal*, 31(4), 369-392.

13. Abram, K., Zwecker, N., Welty, L., Hershfield, A., Dulcan, M., & Teplin, L. (2015). Comorbidity and continuity of psychiatric disorders in youth after detention: A prospective longitudinal study. *72* (1), 84.
14. Langton, Calvin M, Ford, Julian D, Chapman, John, Connor, Daniel F, & Cruise, Keith R. (2012). Complex Trauma and Aggression in Secure Juvenile Justice Settings. *Criminal Justice and Behavior*, *39*(6), 694-724.
15. Espinosa, E., Sorensen, J., & Lopez, M. (2013). Youth Pathways to Placement: The Influence of Gender, Mental Health Need and Trauma on Confinement in the Juvenile Justice System. *Journal of Youth and Adolescence*, *42*(12), 1824-36.
16. Latham, V., Dollard, N., Robst, J., & Armstrong, M. (2010). Innovations in implementation of trauma-informed care practices in youth residential treatment: A curriculum for organizational change. *Child Welfare*, *89*(2), 79.
17. Op cit.5
18. Salem, P., & Saini, M. (2017). A survey of beliefs and priorities about access to justice of family law: The search for a multidisciplinary perspective. *Family Court Review*, *55*(1), 120-138.