



In the child's best interests: strategies workers use to make supervised contact with non-residential parents a positive experience for children.

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Abstract

The principle of the child's best interests is said to be central to any work with children and their families. How practitioners define and enact this principle however, depends in large part on the kind of service they are providing. This paper reports research with practitioners in a Queensland children's contact service [CCS]. Workers were asked what the notion of the child's best interests meant for them and how they identified and acted in children's interests. The focus here is on three strategies or sets of practices they saw as essential: effectively engaging all service participants, facilitating positive parent-child interaction and encouraging children's participation in decision making. Some practitioners expressed dilemmas around working to promote children's interests while also achieving aims related to parents, in particular providing a neutral environment where parents could re-establish a sense of their identity as a parent. Such dilemmas imply consideration be given to models for the delivery of services for children whose parents are divorced or separated.

The notion of the child's best interests is broad, encompassing socio-cultural values as well as factors that research has found to maximise children's well being (Kelly, 1996; Piper, 2000). A number of different approaches to defining the child's best interests have been developed. One influential document is the United Nations Convention on the Rights of the Child [CROC] which identifies processes and practices that will advance children's development and their access to social and material resources (United Nations, 1989). However, having rights and being able to exercise these rights are different matters, especially for vulnerable groups such as children who generally rely on adults to facilitate their access to rights.

The aim of this paper is portray how providers at a children's contact centre define and work to promote the child's best interests. Two rights identified by the practitioners that the CROC also presents as important components of the child's best interests are discussed. One, the right to maintain regular, direct contact with both parents "except if it is contrary to the child's best interests" (Article 9.3) which provides the basic rationale for establishing contact services. Two, the right to participate to extent they are able in decisions regarding their lives (Article 12), a right workers identified as central to effective service delivery.

The paper is structured as follows. I first briefly outline the service context. Next I provide information about the study and present data gathered from staff at a Queensland CCS. My focus is on reporting participant accounts of how they provide services so children's best interests are met. Their approaches are comparable to the child focused, family-centred ways of working endorsed by child and family service literature (see for example Elliot, Mulroney & O'Neil, 2000; Tomison, 2003). In particular they present the view that, in the words of Petr (1998), "the best way to help the child is to support the family in providing for the child's needs" (p.44). Nonetheless, they were also aware that the interests of children and parents do not always coincide (Rhodes, 1986). In concluding I discuss how workers' interest in

promoting the child's best interests was at times in tension with another principle central to the delivery of CCS: neutrality.

Services for children whose parents have separated

Researchers have been increasingly interested the principle of the child's best interests since the *Family Law Reform Act 1995* (Cth) which followed ratification of the CROC. Amendments provided for 'shared parenting' and listed 'considerations' to guide decisions about the child's best interests (s.68F(2)). Considerations included the need to protect children from direct and indirect harm resulting from physical or psychological abuse of the child or a member of the child's family (Nicholson, 2002). In this way the law recognised the benefit of the child having a relationship with both parents while also acknowledging that the family can be a dangerous place. Therefore, CCSs arose so children could interact with both parents while being protected from direct abuse and indirect harm from witnessing domestic violence.

Divorce is the main reason why children might be separated from a parent. For most Australian children planning for residence and contact happens in the context of parental agreements that are presumed to take children's ideas into account (Brown, 1996; Nicholson, 2002). Few families call on the court to make decisions regarding contact and some of these decisions result in an order that contact or changeover be supervised. Some families might also arrange via solicitors or counsellors for supervision of contact or changeover. Another reason why children may be separated from a parent is domestic violence. Where one parent has been granted an apprehended violence order (or DVO) the courts tend to allow contact for the ex-partner to see the child/ren. Finally, child protection services make some use of contact centres so children who have been placed in care can interact with parents.

Children's contact services¹ have been provided for about thirty years. The Australian Federal government funded ten pilot services in 1995/96 as part of the National Women's Justice Strategy. There has been some expansion to the thirty five services currently funded (Attorney-General, 2003). Services are provided by community organisations, some of which were providing services prior to Federal funding (Strategic Partners, 1998). Some other organisations also provide a service without specific funding. Families using these services have generally experienced high levels of conflict around contact (Kaye, Stubbs & Tolmies, 2003).

CCSs are increasingly seen as an essential element of a family law system that is working toward a more supportive and integrated range of services. Recent inquiries have reinvigorated debates around what makes for an effective family law system (Family Law Pathways Advisory Group [hereafter the Pathways report], 2001). Programs to support resolution of more difficult cases are being trialled and developed. The Magellan, Columbus and Contact Pilot programs have all achieved sound outcomes via the provision of a range of specialist, case managed services (Brown, Sheehan, Frederico & Hewitt, 2002; Dickinson, Francke & Murphy, 2003; Kerin & Murphy, 2003; Pathways report, 2001).

As relatively new services there has been very little research on CCCs, especially from the Australian perspective. An evaluation conducted by consultants Strategic

¹ Called children's access centres in New Zealand and visitation services in the United States.

Partners (1998) and the recent Pathways report (2001) found these services to be innovative and valuable and called for more centres to be established. Concerns for physical safety were generally addressed (Strategic Partners, 1998). However, both studies reported a limited focus on children and suggested improvements, such as including children more directly as clients (Pathways report, p.43; Strategic Partners, p.xii). Other needs identified were to provide children with more “direct support (for example counselling or debriefing)” (Pathways report, p.88) and services such as parenting programs (Strategic Partners, p.11). However, reports differ in terms of how such services might best be provided. In particular, Strategic Partners reported concerns that “contact services not try to expand their role in a way that would threaten their independent status” (p.11).

While the ‘best interests’ principle has been in operation since the mid 1990s children remain overlooked, marginalised and powerless, especially in divorce mediation and litigation (Pathways report, 2001; Piper, 2000). As Brown (1996) argues, there are many stages in the process of parental separation where children’s wishes can be sought. My research focused on finding out how CCS workers strive to meet children’s best interests. Data presented here focus on strategies designed to facilitate children’s rights to parental contact and participation in decision-making.

The research

This paper reports data from four staff members of a Queensland centre. This data was gathered as part of a larger, ongoing study of the views of practitioners from five centres in Australia (NSW and Queensland) and New Zealand. My aim was to explore how workers defined the child’s best interests and how they identified and acted to meet these interests. Individual semi-structured interviews lasting about eighty minutes were audio-taped and fully transcribed. A range of service documents was also collected. Analysis focused on identifying practitioner aims and the policies, procedures and interactions used to achieve these. Actions were clustered according to key goals and the resulting sets of practices termed strategies (Strauss & Corbin, 1990). Particular attention was paid to instances where practitioners spoke of tension between aims that required them to make choices about how best to proceed.

The service

The service is located in a regional centre in Queensland. Funding is received from the Commonwealth Department of Family and Community Services. The centre is described to the community as providing

an impartial place at contact time for changeover (i.e. picking up and dropping off children) and supervised contact (i.e. a Family Support worker stays with the family for the whole visit to ensure children are comfortable with the visit) for ... (1 to 3 hours).

Services are provided on weekends with some visits supervised on weekdays. A coordinator, Belinda (all names are fictitious) is employed full-time and three staff, Yazi, Karen and Oliver, are engaged on a part-time casual basis. Belinda attends to administration and management and, with other staff, provides direct services to families. Staff are a mix of mainly trained and also in-training and work from knowledge bases of education, psychology and human services.

Most families who use the service are referred by solicitors, counsellors, domestic violence services or the courts. However there is no requirement for a referral or a

court order. Parents attend separate intake interviews where client details are gathered, including information about child/ren involved and relevant court documents. Guidelines, policies and expectations are discussed and client suitability is assessed, especially in terms of the level of vigilance required. Parents are shown the facilities and each parent is allocated a separate entrance and car park. At the time of data collection (Nov- Dec 2002) about 100 families used the service. Most clients use the changeover service on a fortnightly basis.

The service brochure begins by stating that the centre was established to meet children's "right to have contact with both parents in a low stress, non violent environment". Below I present worker views about how enabling children's access to this right is, in most instances, in their best interests.

What the 'child's best interests' means for these service providers

All practitioners spoke of the child's best interests as being the primary reason for providing the service. As Belinda stated, "the contact is for the child". Most linked this to the child's right to know both parents. Oliver described the benefits of contact in these terms:

I think there's something about the notion of mother and father that has children craving for that connection... there's something essential there, maybe in the way we identify ourselves. I think it's important to maintain contact with your parents and know what's happening with your parents and know that your parents care for you. Most of the children who come here expect and want that interaction.

Yazi spoke of how it was useful for children to "make up their own minds about their other parent ... no matter what they're like, as long as they're not believed to be abusive toward the child". As seen here, an important proviso is that the contact does not place the child in an unsafe situation. Close attention to physical and emotional safety also met the child's best interests by taking "a lot of the strain out of the parenting relationship" (Belinda).

While each worker identified benefits they also expressed the possibility that contact may not be in a child's interests. For example, Oliver spoke of a child who "constantly refused to interact with the father and after several times when the dynamic didn't change the visits were terminated". Therefore, as Yazi said, "also their best interests is not being pushed into a position where they have to go with the other parent".

Workers spoke about how parents might hold different opinions about what was in a child's best interests. For example Karen related an incident where children were disappointed by a residential parent refusing a request by a non-residential parent. While Karen saw the children's disappointment she also thought that "probably [the residential parent] knows far more about their relationship [with the non-residential parent] than I do". Workers generally respected parents' views yet also spoke about situations where they needed to intervene if what the parent wanted was seen as detrimental to the child's best interests. Service guidelines covered most instances, for example, making promises about the future to the child (Karen) and using physical punishment to discipline (Oliver).

In addition to parents' views about their children's best interests staff spoke of how decisions made in the court were significant. Staff needed to "trust" that if matters had been decided in court the child's safety had been assessed and orders made to "minimize or remove ... risk" (Yazi). As Karen said they did not "see the whole picture" and focused on trying to do what was in the child's best interests while they were at the centre.

Strategies for promoting children's best interest

Three key strategies were identified from how workers talked about their efforts to make contact a good experience for children. These, as stated earlier, are (1) effectively engaging all service participants, (2) facilitating positive parent-child interaction and (3) encouraging the child's participation in decision making. Practices, service guidelines (policies and procedures) and the arrangement of the physical environment are considered part of these strategies. However, with practices more responsiveness to particular situations and events is evident. Throughout the interviews workers talked about how observation as well as direct feedback from parents and children was used to decide whether to intervene and how best to intervene. Being aware of relevant issues to address with a particular family sensitised workers to potential interventions - things they "might be able to help happen" (Oliver).

Effectively engaging all service participants

The engagement phase of human service interventions has a strong influence on all that follows (Sheafor, Horejsi & Horejsi, 2000). Families using contact services are often in crisis. Fear of abuse, resentment over court processes and anticipation of re-establishing a relationship with a parent or child may also contribute to heightened emotions (Maxwell & Oehme, 2001). At times residential parents are not happy about the child having contact and visiting parents are unlikely to be receptive to being supervised. In this tense emotional context a vital first task for workers is to help all family members feel more at ease about using the service.

Effective engagement provides a basis for achieving more developmental aims. Ensuring children were comfortable while at the centre and developing good relationships with staff were often referred to when workers talked about the most important factors in making contact a positive experience. Parents' attitudes toward attending the service were also important. Most children were only able to interact with their non-residential parent by using the service and this was dependent on the residential parent bringing them and the non-residential parent attending. Part of engaging fathers, typically non-residential parents, was allaying fears the service was critical of men.

Many service procedures, policies and practices helped reduce the "mystery" (Belinda) and tension for children and adults; for example, providing clear information "about the rules and scope for choice" (Karen) and trying "to maintain the same main person so ... they feel comfortable as you get to know the family" (Oliver). Making parents feel at ease built trust and generally increased receptiveness to ideas about improving the child's contact experience. This was seen as very important since, as Yazi reported:

It tends to be more that things are happening between the parents which are affecting the kids. So to do things for the best interest of the children we have to look at what's happening with the parents. In this way aims for children were achieved indirectly by working with parents.

Facilitating positive parent-child interaction

Staff anticipated bringing parents through a process whereby clear information about the service and the focus on children's experience was followed by alertness to views expressed by parents and attention to the dynamics of contact. Aspects of practice and policy that worked toward positive parent-child interaction were:

- minimising conflict between parents,
- focussing parents on their children's best interests,
- *helping re-establish non-residential parent's identity as a parent,*
 - *accepting different ways of parenting,*
- helping parents interact with their children,
 - modelling appropriate interaction,
- suggesting referrals, and
- encouraging parents to begin to communicate.

There is insufficient space to discuss all in detail so here I mainly report workers' efforts to re-establish the non-residential parent's identity as a parent.

Non-residential parents tend to be very disappointed, and sometimes angry about having to use the service. Many do not realise it might take time for their child/ren to see them as someone they want to have a relationship with. As Karen noted, if a young child had not seen the parent for a long time they "might even have forgotten who they are". This could be very disheartening for a parent. Oliver talked about the importance of re-establishing the parent's identity as a parent.

Obviously someone in the system doesn't trust their ability to be a parent ... Also if they're going to be a parent, then they've now got to do it with someone watching ... their identity as parents has already been damaged a bit and our role here is ... to build it up.
(Oliver)

To encourage non-residential parents to play a more active role in their child's life workers thought very carefully about when and how to intervene so as not to unnecessarily step between parent and child. Workers were sensitive to the quality of interaction and intervened only to the extent needed to maintain a positive experience. For example, if they felt they had to raise an issue with a parent they would not do this in front of the child/ren unless safety was jeopardised. Issues were generally "subtly" addressed away from the child/ren by finding "opportunities to offer another perspective" (Yazi). Workers made themselves available, especially after emotionally taxing visits, to help parents talk through what had happened and discuss strategies that could be applied in future.

Allowing the parent to be a parent meant workers had to accept different ways of parenting: to be non-judgemental. However, the tension between respecting different ways of parenting and meeting the child's best interests can be seen if we begin to consider how workers enacted the strategy to be discussed below – encouraging children to participate in decision-making – via their work with parents.

Workers spoke about encouraging some parents to give their child/ren “more control of what happens to them” (Yazi). While trying not to interfere workers also felt that it was important that the child took the lead, especially in terms of selecting activities. At times they needed to try “to alter people’s thinking a bit” so parents focused more on what the child/ren was interested in doing (Yazi). Many examples of modelling appropriate adult-child interaction were about encouraging parents to allow children more control. Oliver gave the following account of a father playing a game with his two children:

He was telling them what they should do rather than letting them make their own decisions. So when I joined in ... I was giving the child a lot of options to choose and evaluate what he wanted to do but without saying to the father ‘I think this is how it should be done’. (Oliver)

As can be seen here workers tried to sensitise parents to ways of interaction that would facilitate the child’s right to participate in decisions. Below I describe how practitioners worked with children to meet this aim.

Encouraging children to participate in decision making

Encouragement to participate in decisions basically involved first gaining the child’s trust. In this way, to return to the first strategy, effectively engaging children was a basis for including them in decisions. Children came to see staff as “approachable” and were therefore prepared to raise concerns (Yazi). Practices noted below are observing and listening to children, responding to requests and behaviour, offering choices and maintaining confidentiality for the child.

Since most children who attended for supervised visits were under 8 years old skilful *observation of behaviour and affect* was central to good practice. While it was “fairly clear if the child is verbalising” what they wanted, in younger children staff needed to try “really hard to identify what is normal crying and unhappy behaviour and what is distress” (Belinda). Workers stated that, in addition to formal training, practice experience helped them interpret children’s behaviour. As noted earlier, observation of the quality of interaction and the level of parent and child interest during visits helped structure and maintain successful interactions.

Observation is essential. However, for children’s views to be taken into account workers must *respond to identified needs and interests*. If a child appeared anxious or frightened workers would step in and ask if they wanted to talk. The service had a policy of being flexible about how long visits would last, especially for very young children. This depended on being responsive to children. Being responsive is closely connected to the kinds of *choices* that are made available to children. Basic to a child’s input into decisions around contact is being able to decide not to attend the visit or make the changeover. Karen spoke about how she offered children choices when they seemed unsure about contact. Offering “lots of opportunities to find a way to feel good” about contact helped allay children’s anxieties (Belinda). Eliciting children’s ideas on “what might make them feel safe” led to tailoring contact according to expressed wishes (Belinda). For example, a child may not want to have a full visit but would be prepared to just say hello to their parent, another might say they did not want to be touched. Karen observed, “many [children], even the older ones, are surprised that I am asking them and giving them some responsibility and a say”. Staff also identified choice in terms of the range and quality of activities and

games to play during contact as a very important factor in making contact enjoyable for children.

Maintaining confidentiality was essential so children continued to share information with staff and openly express feelings and opinions. For example, Yazi spoke of the importance of confidentiality for children who were still caught up in the animosity between parents and were worried about the reaction of one parent who didn't "want to hear that the child has had a good time" with the other parent.

Workers also talked about how they would like to improve children's participation. They would like to have a separate orientation meeting with children. They also felt that at times a private talk would be useful. However, they did not think routine debriefing of children was necessary because most children attended for changeover and were comfortable with contact. They felt some children would benefit from services such as counselling and group programs but noted the lack of such services.

In sum, these three strategies are designed so the service will be focused on children's best interests. In particular the strategies enable staff to engage family members so children can access their right to contact, promote positive interaction so children enjoy the time spent with their non-residential parent thus enhancing the potential for ongoing contact, and take account of children's views so the child has a say in if and how contact happens and also so parents have a model for taking more a child-focus in their interactions. Workers identified additional services they felt would further promote children's well being. However, as discussed below, they questioned what role the centre might have in providing such services.

Service boundaries and the child's best interest

Worker's interest in improving parent-child interaction and encouraging children to participate in decisions was seen at times to be in tension with another principle central to the delivery of children's contact services: neutrality or impartiality. Each worker had experienced occasions when they had to think carefully about how they could promote children's best interests while also achieving aims related to parents, in particular maintaining a non-judgemental environment where parents could re-establish a sense of their identity as a parent.

On the one hand neutrality was important in terms of children's best interests because if one parent feels that we're taking the other parent's side, they may just not want to use the service and then the child may lose ... access. (Belinda)

On the other hand remaining impartial meant that "what we can do to help the children is very restricted" (Yazi). As Belinda reported:

There's some children that you know would be helped if could step in and give them a bit of a hand but we're not really in a position to do that.... If we did go into counselling or mediation it would be hard for us to appear to be neutral.

As mentioned above, this interest in remaining neutral affected their work with parents because care needed to be taken not to "overstep the boundaries" since, within safety limits, it is "their choice how they want to parent" (Yazi).

Referrals to other services or the court could help workers manage this dilemma. They did not however, have the resources to follow-up to see parents took up suggested referrals nor did they have the authority to require parents attend the counselling or parenting programs staff believed would be useful. Furthermore, appropriate referrals for children were generally not available.

While CCSs were established to provide a safe place for contact it was clear from this study that workers saw the absence of violence and conflict as a necessary but insufficient goal for service delivery. Workers were attending to developmental outcomes (rather than just safety) and focused on the interests of the children.

Conclusion

Children's contact services are a relatively new addition to services for children and families. They have demonstrated their usefulness in terms of providing a safe place for children to interact with non-residential parents who are alleged or found to pose a risk to the child or residential parent. Evaluations and reports have suggested a closer focus on children as clients is warranted. This research indicates the kinds of strategies workers use to improve children's experience of contact. The focus in this report is on how practitioners engage, observe and respond to children and also promote parent's interactional abilities.

The best interests of children using CCSs would be better met if additional services were available. In particular workers believed that access to counselling and group work programs was needed as well as programs for parents. Nonetheless the research participants also indicated their discomfit with providing more services themselves. For some this was because they knew they were not qualified to provide services such as counselling and that employing such professionals would require additional funding. However their main concern was that the centre needed to be seen as an impartial or neutral place so parents continued to either bring or visit their children.

Different views exist on the potential for CCSs to offer counselling, parenting programs and associated services (Pathways report, 2001; Strategic Partners, 1998). Programs developed for more litigious parents and for families where child abuse or domestic violence is alleged or substantiated are effective in reducing conflict and helping parents reach decisions (Brown *et al.*, 2002). Such programs tend to be more holistic, often including court mandated attendance at services such as classes about parenting when separated (Kerin & Murphy, 2003). Some similar services in other countries also offer more therapeutic services (Pearson & Theonnes, 2000; Renouf, 1997). Additional research on appropriate service models is clearly warranted to capitalise on the potential of services to enhance child and family wellbeing.

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