Reforming the family justice system initiative
Jehn, Michelle and Spina, Jessica and Lowe, Diana and Turner, Barb

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Reforming the Family Justice System

Using a Causal Layered Analysis to Develop a Theory of Change

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Michelle Jehn; Diana Lowe, QC; Jessica Spina; Barb Turner, QC
Who are We?

What are Our Perspectives?
Evolution of the Family Justice System

Impetus for Change

Photo credits: iStock http://www.istockphoto.com/photo/difficult-choice-4879520?st=3912863
Why Traditional Approaches Were Not Working
Actors of the System Convene
Alberta’s Response
Seeking New Ways
Causal Layered Analysis

- Legalistic
  - Litany
  - role of lawyer to get more vs. role of parent
  - focus on process vs. people
  - unrealistic expectations of litigants → want quick decisions
  - system is starting to want it to be over and to move on
  - lack of early assessment
  - lack of understanding

- Systemic causes
  - focus on process vs. people
  - realistic vs. perspective
  - intimidation
  - people are resilient but better defensiveness vs. problem solving
  - need for speed → sometimes not enough (food/shelter)
  - judge as problem solver vs. decision maker

- Work Life
  - discourse of problem solving vs. decision maker
  - solutions need power of law vs. decision maker

- Myth metaphor
  - family is dysfunctional

- Win - Lose
  - official
  - individual vs. systemic
  - grief and loss
  - distrust
  - pre-emptive strike to win more
  - "I can do it myself"

- Court battle ground
  - courts are above all
  - something no one wants

- FEAR
  - marriage happens over time, divorce happens instantly
  - fear of asking for help

- Judge
  - Judge Judy Swipes both ways.
  - Highway to Hell
  - Scared to Hardware
  - courts as weapon

- Emotional psychological strain
  - causes confusion
  - time
  - power imbalance
Family Justice System: Systemic Causes

“The law is jurisprudence, the language legalese, the system is designed for a win-lose scenario.”
Family Justice System: Worldview
Family Justice System: Metaphor/Myth

Family Justice System: A New Mental Model

Families Thrive

**Problems**
- System is based on legal rights, with an adversarial, win-lose approach that is detrimental to children and parents
- The system ignores the impact of toxic stress on children and parents

**Capacity**
- The court system is the default, but courts lack the capacity and expertise for resolving family relationship issues

**Access**
- The system is expensive and complicated with unequal access to appropriate forms of resolution
- Legal language is a barrier which adds to the fear that parents experience
- There is a need for clarity of language and consistency across all geographic locations

**Focus**
- Parents and system providers focus on legal solutions, not family wellness

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**Values**
- Emphasize community-based resources, with a focus on healthy parents, on strong, healthy relationships between parents, and on children’s needs
- Need to inform decisions and approaches with brain science re impact of toxic stress on children

**Key Strategies**
- Focus on resources needed to build on the family’s strengths. Provide families with education, tools and resources to maintain healthy relationships, and to resolve disputes
- Empower parents to exercise personal responsibility and self-determination so that they can make choices together for the well-being of their family

**Key Outcomes**
- Family supports and education resources are in place
- Parents are empowered to competently address disputes within the family – building resilience, co-operative parenting skills and capacity to address and anticipate problems

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**Assumptions**
- Chronic conflict leads to toxic stress and negative outcomes for children and parents
- Empowering parents to make early and informed decisions is effective in resolving family problems
- Social, relationship, financial and legal supports help foster stronger, more resilient families
- If parents strengthen their personal health and their parenting relationship, they and their children are happier and healthier
- The public costs associated with unresolved family problems are greater than the costs of supporting families to thrive

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*This is a living document which will be updated as we learn.*

Revised August 25, 2015
Our Observations
What Did We Learn?
What's Next?
Questions?