

Law for Families and Integrated Practice in the Human Services by Dr Grania Sheehan, Acknowledge Education.

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1. Introduction

The focus of my introduction to today's training session is on 'integration' with law in the context of providing human services to families in crisis.

The term 'Human Services' as it is used here includes a broad range of assistance provided to families. For example, it covers family violence support services, family mediation, counselling, as well as human service work in the child protection and family law systems.

2. What is integration?

"Integration implies the weaving together of separate things so the result is more than the sum of the parts" (Kennedy et al., 2016, p. 23). Law is ever present in human services work, even though the balance between the legal and human service mindset shifts depending on the work being done. The law and human services work are *already integrated* (Kennedy et al., 2016).

For example, in instances of child protection casework, family violence support and prevention work, and family dispute resolution, clients are processed within legal parameters. Law shapes the work done by these professionals when they apply regulations; follow legislative directions, many of which will be translated into policy and practice protocols for use in the human service. The court can ultimately scrutinise the work done by human services professionals.

Figure 1 provides an example of this existing integration applying the best interests of the child paramountcy principle in child protection. The principle is included in legal instruments; it is then translated into Victorian policy and practice protocols to shape day-to-day human service practice in child protection.

Figure 1. Example of the integration cascade from law to human service practice



Because the law of families and human service work with families are already integrated, the focus for inter-professional training shifts to lawyers and human service professionals learning about each other's work, and working towards improving the processes and outcomes of this existing integration

3. Engagement with the law and effectiveness

Deliberate engagement with law and legal information enhances a human service worker's capacity to provide quality service (Kennedy et al., 2016).

Recognition of existing integration is important to effective service delivery because the issues and problems faced by clients are characterised by social, psychological, legal, and other elements. Responding to a client in a way that advances only one of these elements is incomplete.

Examples of the different ways in which legal problems present for human service clients are presented below:

- Clients can be subject to court orders. Their status as a human service client can be the result of a court order that directs the client to attend the service.
- Clients can attend human services because they want to be able to take their dispute to court and obtain orders. Service attendance is part of the compliance process.

- Clients may have pressing legal issues that are part of the entangled set of circumstances bringing them to seek help from a human service. These clients may have not yet entered the legal system or sought any legal assistance.
- Some human service clients can experience all of the above simultaneously, albeit for different issues.

For example: A mother applied for and is granted a family violence intervention order for her protection and the protection of her two adolescent children. The order granted is limited so that she can remain in the family home with her de facto partner – the children’s father. She is working with a family violence service to develop a safety plan and they have referred her and the children to counselling.

Child protection services have been notified that the children are being exposed to family violence at home, and an investigation of the family’s circumstances is underway. They have advised the mother to vary her intervention order to exclude the de facto partner from the home, or to find somewhere else to live with her children. If the order is not varied, the service may apply to the Children’s Court to remove the children from her care.

There is now an application to vary the intervention order before the Magistrate’s Court and her separation from her de-facto partner is imminent. She will soon enter the family law system as she seeks to make supervised arrangements for the children to safely visit their father, and for the family home to be sold and the proceeds of the sale divided.

Human service workers alert to legal issues are better placed to reframe this mother’s individual problems and address her concerns and needs broadly through a comprehensive service plan, and referral to legal services for advice and representation.

4. The unifying purposes of protection and support for clients

There are unifying purposes or ideals held in common by human service worker and lawyers working with families. Human service workers and lawyers both function in the context of individual cases and work to:

- (a) advocate for and advance the rights of their clients, even though these may not mean the same thing for the different professional groups;
- (b) **protect** their clients against harm; and
- (c) **support** clients to express, and have recognized by authority, their needs and wishes.

Even though lawyers and human service workers may function in parallel, both professional groups are reliant on the work of the other to protect and support their clients. There is great potential for the client in each other's professional expertise and this unity of purpose.

The question for human service professionals, as it is for lawyers, is what protection and support can I offer my client, and what protection and support can the other professional offer my client? Referral is the mechanism by which the client moves between these two service sectors to achieve substantive protection and meaningful support.

Despite these beneficial connections between the law and human services there remain differences and tensions that need to be understood and accepted before integrated thinking and practice is possible (Kennedy et al., 2016). For example, there can be uncertainty on the part of human service workers about the law and legal service provision. The same applies to lawyers in relation to the work of human services and the social sciences knowledge base.

Kennedy et al., (2016) describe the origins of law as lying in professional combat, and winning through battle. The concern here is for a client's civil rights, and responsibility for a client's behavior is shifted to others, where possible. In contrast, human service work emphasises conflict resolution by negotiation and there is individual responsibility for actions taken by the client.

6. Conclusion

Some understanding and appreciation of the law, and the work of lawyers, is integral to practice in the human services because there exists integration.

Where to begin:

(a) Understand what it is that lawyers can provide to clients of the human services, and know the respective professional strengths and limitations.

(b) Know when to refer a client to a lawyer or legal service.

This engagement will not be without challenges as the cultures, traditions and practice approaches are very different.

Where I teach at Acknowledge Education, students studying to work in human services undertake training to understand the law, the legal system and the work of lawyers. Lawyers too have a responsibility to understand other ways of thinking and working if the rich potential that lies in integration is to be fully realised for families in crisis.

The material presented during this introduction is for general educational information purposes only and is the opinion of the speaker. It is left to the discretion and is the responsibility of attendees to ascertain what is important in their own professional practice.

References

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