



ACCESS^{TO} JUSTICE BC

STATEMENT OF COMMITMENT

Adverse Childhood Experiences and the Family Justice System

Heightened parental conflict during separation negatively affects children, and increased anxiety reduces parents' ability to support children through an inevitably stressful situation. Interaction with the court system too often exacerbates parental conflict and anxiety. Instead of supporting the natural resilience of children by giving them voice, the family justice system frequently leaves children feeling unheard and thus more vulnerable.

On October 30, 2019, the Access to Justice BC Leadership Group met to hear about the scientific research on Adverse Childhood Experiences (ACEs) and child resilience, and the evidence of immediate and long-term adverse impacts on children of parental conflict and anxiety during separation. This led to the conviction that action – both within the justice sector and across other sectors - is necessary, and to a commitment from Access to Justice BC to take leadership to address this issue. This will involve looking at the family justice system in a different way – from the perspective of families and children - and defining its success in terms of its positive impact on child well-being, and the extent to which it reduces, rather than exacerbates, parental conflict and anxiety.

The nature of this leadership will require further consideration to make it practical, impactful and consistent with the governance limitations of Access to Justice BC. Individual organizations are not being asked to endorse this Statement of Commitment, and collective leadership by Access to Justice BC (or the Leadership Group) does not bind any individual organization to a particular course of action or at all. This joint commitment is supported by the vast majority of the Leadership Group, but is not unanimous.

Opportunities to reduce parental conflict and anxiety and increase a child's resilience will differ depending on the child and their family situation, community and culture. It is recognized that historically, by reason of state actions to separate Indigenous children from their parents, Indigenous children and adults in British Columbia have disproportionately been subjected to the inter-generational impacts of adverse childhood experiences, and that opportunities to address this sad reality lie within Indigenous communities and culture. Still justice system leaders have a supportive role to play.

Therefore, the Access to Justice BC Leadership Group:

1. Commits to addressing the adverse impact on children of parental conflict and anxiety during separation;
2. Confirms the Action Framework set out below; and
3. Agrees to the development of a practical plan for cross-sector/cross-sectoral leadership to be brought back to the Leadership Group in the spring of 2020.

ACTION FRAMEWORK TO ADDRESS ADVERSE IMPACT ON CHILDREN OF PARENTAL CONFLICT AND ANXIETY DURING SEPARATION

Goal: Increased well-being of children experiencing parental separation.

Vision: A family justice system designed to reduce parental anxiety and conflict, and enhance children's resilience

Obligation: UN Declaration of the Rights of Children, Rule 1-3 of the Supreme Court Family Rules, Rule 1 of the Provincial Court (Family) Rules and section 37 of the Family Law Act

Guiding Principles: (Adapted from *Meaningful Change for Family Justice: Beyond Wise Words*):

1. **Minimize conflict** - Programs, services and procedures are designed to minimize and reduce the extent and duration of conflict and its negative impact on children.
2. **Collaboration** - Programs, services and procedures encourage collaboration and consensual dispute resolution is at the centre of the family justice system, provided that judicial determination is readily available and accessible when needed.
3. **Client Centred** - The family justice system is designed for, and around the needs of the families that use it and the children who are affected by it.
4. **Empowered families** - Families are, to the extent possible, empowered to assume responsibility for their own outcomes.
5. **Integrated multidisciplinary services** - Services to families going through separation and divorce are coordinated, integrated and multidisciplinary.
6. **Early resolution** - Information and services are available early in disputes to help people resolve their problems as quickly as possible as is appropriate to the dispute and the emotional circumstances of the parties.
7. **Voice, fairness and safety** - People with family justice problems have the opportunity to be heard and the services and processes offered to them are respectful, fair and safe. Children have the opportunity to have their views and preferences heard.
8. **Accessible** - The family justice system is affordable, understandable and timely.
9. **Proportional** - Processes and services are proportional to the interests of any child affected, the importance of the issue, and the complexity of the case.

Approach: collaborative (including multi-disciplinary), user-centred, experimental, evidenced-based and applying an Indigenous lens.

Primary objectives:

1. Increasing parental capacity
2. Enhancing children's resilience
3. Designing the justice system to reduce parental conflict and anxiety, and enhance children's resilience.

This Framework links to the *Access to Justice Triple Aim* in that it seeks to improve access to justice at the population level and the experience of children and families with the family justice system, and to do so in a way in which the costs are proportional to the benefits.