

Re-imagining the Family Justice System: an introduction to Alberta's Reforming the Family Justice System initiative

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Diana Lowe, QC had a varied legal practice including research and reform of the civil and family justice systems in Canada. Since retiring as Executive Counsel to the Court of Queen's Bench of Alberta, she continues to support the Reforming the Family

Justice System ('RFJS') initiative there, and assists other jurisdictions with justice system transformation.

The Reforming the Family Justice System ('RFJS') initiative began in November 2013, and represents Alberta's response to the recommendations in the reports of Canada's Action Committee on Access to Justice, and more specifically, the call for a paradigm shift in the family justice system.

My goals in writing this article are to:

- (1) Share a brief introduction to the RFJS
- (2) Explain how the RFJS relies on brain science to achieve the goal of helping families thrive
- (3) Describe the transformational change we are seeking, and some of the frameworks and approaches we have employed
- (4) Illustrate how the changes in family justice began with family restructuring cases (separation and divorce), but are now extending to child welfare and family violence situations

Introduction to the RFJS

In 2009 the former Chief Justice of Canada, The Honourable Beverley McLachlin, hosted the inaugural meeting of Canada's Action Committee on Access to Justice in Civil and Family Matters ('the Action Committee'), and became the Honourary Chair of the committee. When the Action Committee published reports in 2013 with recommendations for improvements in the justice system¹, they were given a great deal of attention in every province and territory. These reports recognised that the family justice system was causing harm to families, and many jurisdictions undertook efforts to respond to the recommendations relating to family justice. These reports created the *opportunity* for change, and led to the creation of the RFJS in the province of Alberta.

In Canada, and in many common law jurisdictions, there has been a longstanding concern about family justice, which recognises that the family justice system is in crisis, isn't working for families, and can do more harm than good. This is the kind of very strong statement that is often made about the family justice system, and which underlines the *urgency* for change.

The RFS is a multi-sector, multi-year initiative aimed at improving outcomes for families who are dealing with family justice issues. It was originally convened by the Court of Queen's Bench of Alberta and the Ministry of Justice and Solicitor General of Alberta, who later invited the Law Society of Alberta to join them. These three convenors represent the key institutions of

1 The Action Committee Reports are all available at: <https://cfjc-fcjc.org/action-committee/publications/>

the family justice system, and their leadership has been a significant factor in the success to date. There was interest and excitement generated when these convenors extended invitations to participate. The involvement and support of the Co-Convenors created the space for collaborators to explore questions about the family justice system, and empowered a deep re-imagining of the family justice system. These discussions generated ideas for innovation, which were incorporated by the Convenors within their respective institutions. These efforts have both signalled the adoption of the RFJS theory of change at the highest institutional levels in the family justice system, and have modelled their willingness to embrace innovation. This has created confidence that change is possible, essentially a 'licence to innovate' which inspires a social licence to undertake real change among collaborators throughout the family justice system.²

More recently, two additional and important organisations have joined the RFJS convenors: a Director of the Family & Community Services in the County of Strathcona, which is one of 180 of these family support organisations throughout the province of Alberta, and the Director of Operations for Native Counselling Services of Alberta. These convenors represent the broadening of family justice beyond traditional legal institutions, to include much needed supports for families as they deal with the challenges of family restructuring, family violence and child protection.

From the outset, the Co-Convenors adopted a broad understanding of family justice and sought to include a diversity of experiences, expertise and viewpoints among the Collaborators. This has included typical justice system participants such as judges, lawyers, Ministry of Justice representatives,

legal aid and public legal education organisations. These Collaborators have been joined by participants who might not previously have been considered part of the justice community, but who help to ensure that the RFJS incorporates Indigenous, faith-based, immigrant, gender, mental health, addiction and poverty perspectives. This includes psychologists, social workers, health care providers, educators, financial advisors, family supports such as Family and Community Support Services that exist throughout the province, and participants from a number of government ministries including Children's Services, Community and Social Services, Health and Education. The Collaborators also include some for-profit corporations that are aligning their efforts with our work.

The RFJS is a large-scale collaboration, which has grown to include more than 400 formal Collaborators, as well as countless others who are learning about the paradigm shift that is underway, and embracing the opportunity for change. This has come about through an ongoing effort that we have called 'Ambassadors for Change', modelled on 'social impact networks' described by Peter Plastrik et al in *Connecting to Change the World*.³ Since 2017, hundreds of meetings and presentations have taken place with a wide variety of individuals and organisations across many different sectors. This is helping to expand awareness about the RFJS and to encourage alignment with the theory of change across broad social networks.

It is often observed that we are creating a movement.

Brain Science

A discussion of brain science will help to clarify what the RFJS is really about.

At about the time that the Action Committee reports were being released and

2 *Social Innovation* Generation, Cahill G. and Spitz K., 2017, The J.W. McConnell Family Foundation. The authors reflect on the value that a "licence to innovate" can create within a system, essentially fueling a culture of permission and empowerment to work on alternative systems that better address contemporary challenges. They were observing the role of the Social Innovation Generation in creating an ecosystem for change, and the Co-Convenors of the RFJS have played a similar role in creating a licence to innovate within the family justice system in Alberta.

3 *Connecting to Change the World: Harnessing the Power of Networks for Social Impact*, Plastrik, Peter, Madeleine Taylor & John Cleveland, 2014, Island Press, at p.33.

discussed across the country, one of the judges of Alberta's Court of Queen's Bench had just returned from a study leave to learn about brain science⁴. Justice Andrea Moen (now retired) explained that her desire to learn more about brain science arose from concerns about the way family cases were unfolding over time, and the high conflict and adversarial behaviours that she was witnessing in family matters. She described that in case management matters involving families, the parties – moms and dads – often treated each other with escalating aggressive, adversarial and hostile language and behaviour, and that it was difficult to move them either to resolution or to trial. Parties tended to become entrenched in adversarial processes, bringing multiple applications and often behaving very badly in her courtrooms. She grew concerned that if this was the way these parties were behaving in her courtroom, where people are generally respectful and on their best behaviour, then what was happening when they were at home, and most importantly, what was the impact on their children.

Justice Moen reported to the court on her findings about adverse childhood experiences and the need to reduce toxic stress that families experience, in order to achieve better outcomes for children in these families. When we first met to explore any connection between her research and the Action Committee reports, she had already been given approval to strike a court committee to develop rules that would triage family cases in order to reduce the toxic stress that families were experiencing by limiting their reliance on legal, adversarial processes.

Brain science has helped to create awareness about the role that childhood adversity can play on the developing brain, setting up children with high adversities to struggle with learning, social and health outcomes that can continue into adulthood. One of the landmark studies is the Adverse

Childhood Experiences ('ACEs') studies of the US Centre for Disease Control and Prevention, in partnership with Kaiser Permanente.⁵ This study by Dr. Vincent Filletti and Dr. Robert Anda, involving 17,000 participants from Kaiser Permanente, identified 10 types of childhood adversity that are associated with increased risk of a variety of serious health conditions, disrupted neurodevelopment, addiction and mental health problems in adulthood, early death and can have intergenerational effects. The risk increases with higher levels of ACEs.

There are three categories of ACEs: abuse, neglect and household dysfunction, and many ACEs arise in families experiencing family justice issues, which means that the family justice system really must consider how our processes contribute to this adversity. Separation and divorce is one of the ten ACEs. Abuse, neglect and other household dysfunction are also part of the situations arising in family restructuring, child welfare and family violence matters. The removal of children from their family home and the incarceration of a parent are themselves ACEs, which means that unfortunately some of the responses that our justice system has had to these situations, have actually added to the ACEs burden that children in these families experience. The RFJS recognises the importance both to be aware of ACEs and to explore ways to reduce the adversities that children are exposed to. We believe it is incumbent on our family justice systems to understand ACEs, and bring about changes that will reduce the burdens associated with adverse experiences.

In Alberta, we have the benefit of the Alberta Family Wellness Initiative (AFWI)⁶, which has contributed extensive research, education, knowledge mobilisation and implementation of brain science into policy and programs over the past decade. One invaluable resource that the AFWI has

4 Justice Andrea Moen (now retired), who became the Court's first Co-Convenor for the RFJS.

5 Centers for Disease Control and Prevention, Adverse Childhood Experiences (ACEs): <http://www.cdc.gov/violenceprevention/acestudy/index.html>

6 Alberta Family Wellness Initiative: <https://www.albertafamilywellness.org/>

created is an online Brain Story Certification, which is made up of 19 modules and is free and accessible to all.⁷ We encourage all RFJS Collaborators, including judges and lawyers, to become brain science certified. The AFWI is an initiative created by the Palix Foundation, which is a private family foundation in Alberta. They also do work in the UK, including a collaboration with Oxford University,⁸ support for community-based application of brain science with Blackpool Better Start,⁹ and with the National Society for the Prevention of Cruelty to Children ('NSPCC').¹⁰

In addition to the AFWI research and resources, there are many important resources that can help to describe brain science and ACEs.¹¹

In the RFJS, brain science provides the foundation of *evidence* both to support the need for change in the family justice system, and the types of changes that will lead to better outcomes for families. The ACEs studies, and brain science more generally, help us to know what causes harm, and how we can prevent or reduce that harm. It is this knowledge that leads to hope.

The science of resilience is really where the hope comes from. This is about neuroplasticity, which is the lifelong ability of the brain to continue to learn. It is also about practices that reduce negative

experiences, increase positive supports, and build skills which will reduce the effects of toxic stress and help to build resilience and well-being. These principles were identified by the Harvard Center on the Developing Child in their report on the 'Three Principles to Improve Outcomes for Children and Families'.¹² The AFWI has developed a 'Resilience Scale' which builds on the three principles and has become a valuable tool to design and evaluate policies, programs and systems¹³. In the RFJS, the resilience scale helps to ensure that we focus our approaches on helping families to achieve healthy outcomes in spite of adverse experiences.

In the RFJS, we're focusing on change that will prevent harms from occurring. Specifically, we're reducing the focus on improving legal adversarial processes, and instead working to ensure that families have:

- the supports they need as they enter into a new relationship as parents;
- the skills to parent their children apart;
- the information they need to deal with the financial challenges of creating two households; and
- the emotional and social supports to help them thrive.

We are partnering with many non-legal professionals, not-for-profit organisations,

7 AFWI Brain Story Certification: <https://www.albertafamilywellness.org/training>

8 The collaboration between Palix Foundation and Oxford University was announced in late 2019: <https://www.development.ox.ac.uk/news/oxford-joins-forces-with-palix-foundation-to-share-knowledge-about-brain-and-psychological-science> and resources are available here: <https://www.oxfordbrainstory.org/>

9 <https://blackpoolbetterstart.org.uk/> which includes resources, reports, conferences and a case study

10 Resources created by the NSPCC in collaboration with AFWI include How childhood trauma affects child brain development: <https://learning.nspcc.org.uk/child-health-development/childhood-trauma-brain-development> and NSPCC Metaphors Summary Booklet and videos: <https://learning.nspcc.org.uk/media/2547/sharing-the-brain-story-metaphors-summary-booklet.pdf>

11 These include: Harvard Centre on the Developing Child: <https://developingchild.harvard.edu/>; Centre for Disease Control and Prevention: <https://www.cdc.gov/violenceprevention/aces/about.html>; Paper Tigers Documentary (Trailer): <https://www.youtube.com/watch?v=NCPpv>; Resilience Documentary (Trailer): <https://vimeo.com/137282528>; *The Deepest Well* by Dr. Nadine Burke Harris, 2019, Mariner Books: <https://www.goodreads.com/book/show/33413909-the-deepest-well>; Apple Magazine, Special Issue "Our brain Your Guide" (2018): <https://www.albertahealthservices.ca/assets/apple/app-our-brain-evergreen-2016-17.pdf>

12 "Three Principles to Improve Outcomes for Children and Families", Harvard Center on the Developing Child, updated in 2021: <https://developingchild.harvard.edu/resources/three-early-childhood-development-principles-improve-child-family-outcomes/>

13 The resilience scale is described on the landing page of the AFWI website: <https://www.albertafamilywellness.org/> and there is a link there to a recent report on *Early Learnings with the Resilience Scale Metaphor in Practice* <https://www.albertafamilywellness.org/resources/reports/early-learnings-about-the-resilience-scale-metaphor-in-practice>

and other sectors to help us both to prevent harm, and to ensure supports and skills are available for families.

Transformational change

The first four substantive reports of the Action Committee were followed later in 2013 with their *Roadmap Report*, which called for a shift in culture, or a paradigm shift. Apart from the recommendations in the first four Action Committee Reports, there wasn't any direction on how this paradigm shift should be achieved. Those recommendations were really focused on *improving* the current paradigm, rather than creating a new one, and so in Alberta we have created our own path to achieve the kind of paradigm shift that was called for.

One of the leaders we followed in developing our process of systems change was Donella Meadows in her well-known article on 'Leverage Points', where she described leverage points to bring about systems change. She identified a list of 12 places to intervene in a system, which she listed in increasing order of effectiveness¹⁴. The two most effective leverage points were:

- The mindset or paradigm out of which the system – its goals, structure, rules, delays, parameters – arises.

And the most powerful:

- The power to transcend paradigms.

In Alberta, we recognised that the *Roadmap Report* was calling for transformational change. We have worked to understand, shift and transcend the paradigm of the family justice system in order to achieve this transformational change. We have been learning, undertaking new processes, applying systems change frameworks, innovating and taking action, to empower the transformational change that is needed in the family justice system.

What is the change we are seeking?

One of the most important things we did early on, was to develop a Theory of

Change. 'Theory of Change' is a systems-change concept that reflects the experimental nature of bringing about change in a large, complex system.

Facilitators guided us through a powerful process known as 'causal layered analysis' which assists participants to work through four layers of understanding about the current system: (1) the problems, (2) patterns, (3) systems, and, (4) beliefs which hold us there. Through an exploration of these layers of understanding, our collaborators were able to articulate the current mental model of the family justice system, and then to agree on the new mental model they were seeking to achieve. This process has been replicated numerous times with different groups of our Collaborators, and the theory of change has been confirmed each time.

Prior to the causal layered analysis process, the typical focus on 'access to justice' meant that the justice system was concerned with ensuring that the system is working well, that families have access to legal information and advice, as well as other legal supports such as Family Court Counsellors, and has encouraged the use of mediation and other less adversarial processes to achieve resolution. But as we know, the system was not working well for families. The RFJS theory of change seeks to shift the focus, by recognising that 'family justice issues are primarily social, relationship, parenting and financial, that may contain a legal element'. What this means is that we need to untangle the social, relationship, parenting and financial issues, from legal. And then ensure that there are supports available to help parents deal with parenting issues, relationship needs, social, financial and other needs.

When we untangle these elements of family justice, it is clear that legal responses are not helpful for responding to social, relationship, parenting and financial issues – they usually just escalate the situation into a battle ground. Even where there are legal

¹⁴ Donella Meadows, "Leverage Points: Places to Intervene in a System" at p. 3
<https://donellameadows.org/archives/leverage-points-places-to-intervene-in-a-system/>

issues, the RFJS encourages parties to reach agreement through mediation processes, rather than fight.

The goal in the RFJS Theory of Change is simply that families thrive. This is our culture shift – away from a focus on adversarial, legal processes to family wellness.

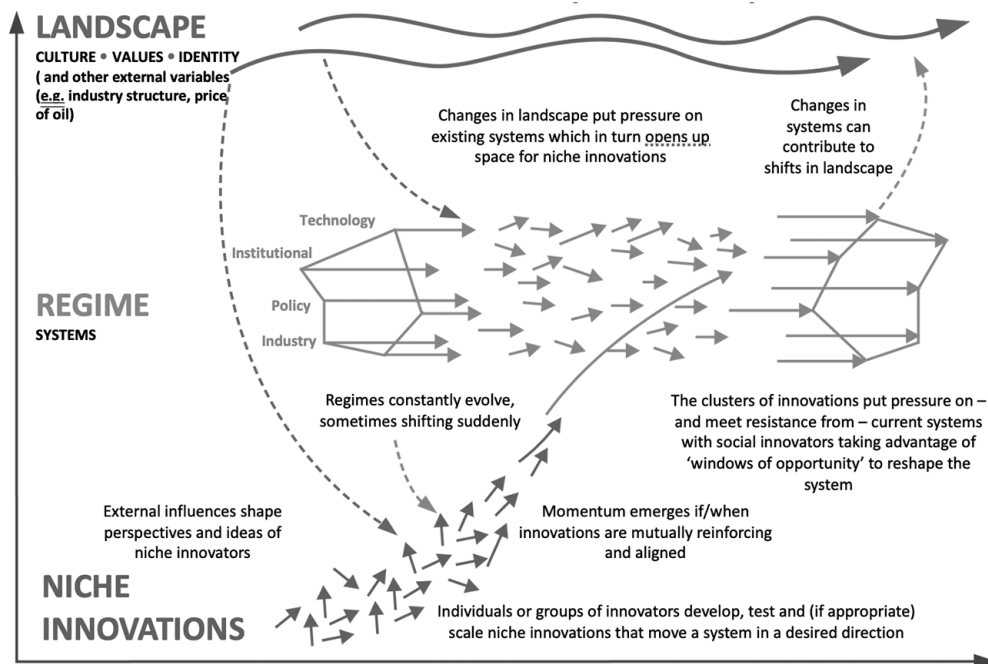
How are we doing this?

The Geels Framework really helps to visualise complex systems change, and how efforts to accelerate change can be understood to be occurring simultaneously at three levels, in alignment with the goal of achieving wellness for families.

small experiments with new ideas based in brain science, designed to achieve family well-being. The middle layer represents systems, which are themselves complex with many different players. As participants align their efforts with the culture shift, and as niche innovations create pressure for change, the systems level undergoes a wholesale change, completing a paradigm shift over time.

Communication is key. As systems players undertake change, share information with each other, and can see shifts happening, this creates momentum and mutually reinforcing outcomes. Changes at each level create space for more change and

Multi-level framework on sustainability transitions' by F Geels



This visual was created and shared with the RFJS by Developmental Evaluation Coach Mark Cabaj, Here to There, based on the Multi-level framework on sustainability transitions by Frank W. Geels.

The upper level represents the culture shift, with large arrows illustrating the shift away from the current paradigm of legal, adversarial processes for family matters, to the desired state of family well-being. The bottom level represents niche innovations or

momentum increases as aligned innovations take place.

The culture shift is the most powerful change, setting the direction for the transformation. Often culture shifts arise when there is new knowledge. In the RFJS

there is no doubt that brain science is the new knowledge that has helped us to achieve the understandings guiding the RFJS. From this knowledge, we know that we can't continue to do harm. Essentially, we are working to take 'separation & divorce' off the list of ACEs and to focus on reducing the negative impacts of other ACEs on family well-being.

Innovations (experimenting, evaluation and scaling) to achieve family well-being. At the bottom level of the framework, we see experiments or niche innovations, which represent the efforts of system players to find new ways to support families as they restructure. There have been a number of interesting and informative innovations undertaken in the RFJS, which are helping to shape the re-imagined family justice system.

coParenter is an online tool that was made available for Alberta families during the pandemic. It is a tool aimed at assisting parents to work together to address the everyday challenges of parenting, in a way that reduces stress and increases family well-being. The app includes many tools that coach and empower families to work together to parent their children. Perhaps most important, is the real time access to coaching and mediation by family mediators who volunteered their time for the duration of the free licence.¹⁵

Calgary Women's Emergency Shelter ('CWES') / coParenter Case Study

The RFJS relationship with *coParenter* and with the domestic violence sector led to a case study that launched on October 1, 2020. Frontline workers of the Calgary Women's Emergency Shelter (CWES) who support women experiencing domestic violence, have introduced *coParenter* as a tool to empower families to work together

in a healthy way to address the needs of their children.¹⁶ While the data is still being collected from the case study, CWES has observed the value that *coParenter* has provided for the families they assist, and have obtained funding to enable them to continue the licences for the families that are already using *coParenter*, and to continue to make this app available.

Similarly, our volunteer mediators are incredibly committed to the *coParenter* app, observing that they see the app as an extremely effective method of assisting parents to address family matters, of empowering them to parent their children, and reducing the reliance on adversarial processes.

Divorce Magazine

Another exciting innovation is the *Divorce Magazine*, which is a publication created to inform the public about the wide variety of services that are available for families as they deal with the challenges of separation and divorce: co-parent coaching, life-coaching, financial, insurance, mediation and legal services.¹⁷

Grande Prairie community

The RFJS is now working in a specific geographic community in northwestern Alberta: Grande Prairie, to shift the path that families take in their approach to family matters. We've engaged with stakeholders that include typical justice system players (judges, lawyers, legal aid, Ministry of Justice, court staff) but also with domestic violence organisations, Children's Services Ministry, frontline service providers for families, Indigenous organisations, police, and are planning to also bring in educators, health care providers etc.

New Ways for Families

The RFJS is returning to some of the learnings of the *New Ways for Families*

15 You can learn more about *coParenter* by watching a 40-minute demo that *coParenter* did with Alberta's Domestic Violence community: <https://www.youtube.com/watch?v=5UaHYmqbv4s&feature=youtu.be>

16 You may be interested to read a brief article about the use of *coParenter* in a domestic violence court in Bonner County Idaho: <https://rcdvcpc.org/march-2020-technology-friend-or-foe-a-spotlight-on-co-parenting-apps-in-bonner-county-idaho.html>

17 Divorce Magazine website: <https://canadadivorcemagazine.com/>. There is an article about the RFJS at pages 5–6 of the current issue of the magazine, (and in each of the past 5 issues.)

(‘NWFF’) pilot in Medicine Hat, Alberta, and exploring the possibility of working with Bill Eddy and his High Conflict Institute. As Bill describes, ‘high conflict litigants don’t need decisions, as much as they need decision-making skills.’ His goal is not only to provide families with NWFF training, but also to train those who work with high conflict individuals, so that they are surrounded with supports that will reinforce the skills that they learn through NWFF. This will help to reduce the reliance on adversarial approaches. Training for frontline service providers and for the judiciary is also available online.

Each of these innovations provides an opportunity to test new ideas and learn as we go. Those innovations that are successful can then be scaled to other locations, which begins to create the systems-level change that is needed.

At the systems level, policy and programs can be designed to reduce toxic stress, strengthen resilience and support families. The RFJS has identified six key areas of work in our Framework for Change – including for the courts, the legal profession, frontline services, government, Ministry of Justice specifically and the public. With lawyers, for example, our goal is to encourage lawyers to become brain science informed (or certified), and to reconsider the ethical responsibility of lawyers in family matters – to ensure that toxic stress is reduced while supports are put in place and resilience is strengthened.

We envision the future of family law having a very limited role for litigation or other legal, adversarial processes. Rather, the role of lawyers will be that of a trusted solicitor, who assists the parties to come to agreement and to document their agreement.¹⁸

These are all ‘systems-level change’, impacting policy, programs and institutions.

Systems change takes time, but the RFJS has already been able to create systems level

change. Our efforts to integrate participants across different sectors, levels of government, and professions means that increasingly we’re breaking down the silos that have kept us from providing families with the supports they actually need. We’ve moved out of the justice system silo, and discovered that there are 180 Family & Community Services offices across the province, all with the legislative mandate to support families and prevent harm.

The Ministry of Justice has undertaken an important pilot which embeds Family Justice Navigators (formerly known as Family Court Counsellors – who are Social Workers, and trained in brain science) into an existing Family & Community Services office in the County of Strathcona. This opened up access to the supports that families need. When they met with the Family Justice Navigator, they were encouraged to ensure that their social, relationship, parenting and financial issues were addressed. When they met with counselling teams in the FCSS, they were able to support these families by suggesting other supports, rather than their previous practice of simply sending families to the justice system. This resulted in better supports for families, and helped the FCS counsellors to see that they have an important role to play in supporting families. This pilot provides a great potential for scaling out to FCSS organisations across the province.

The Court of Queen’s Bench has also adopted the Theory of Change in its strategic plan. We’re seeing that individual judges are bringing about change in their courtrooms, including referring families to resources available through the AFWI to help them understand that the toxic stress that arises in high conflict, adversarial processes can do harm to their children.¹⁹ The court is also exploring ways to bring about greater change.

¹⁸ Note: in Canada, all lawyers are considered to be both barristers and solicitors, so this shift involves a change in roles.

¹⁹ For example, the AFWI core story video:

<https://www.albertafamilywellness.org/resources/watch/how-brains-are-built-core-story-of-brain-development> and AFWI resilience video: <https://www.albertafamilywellness.org/resources/video/brains-journey-to-resilience>

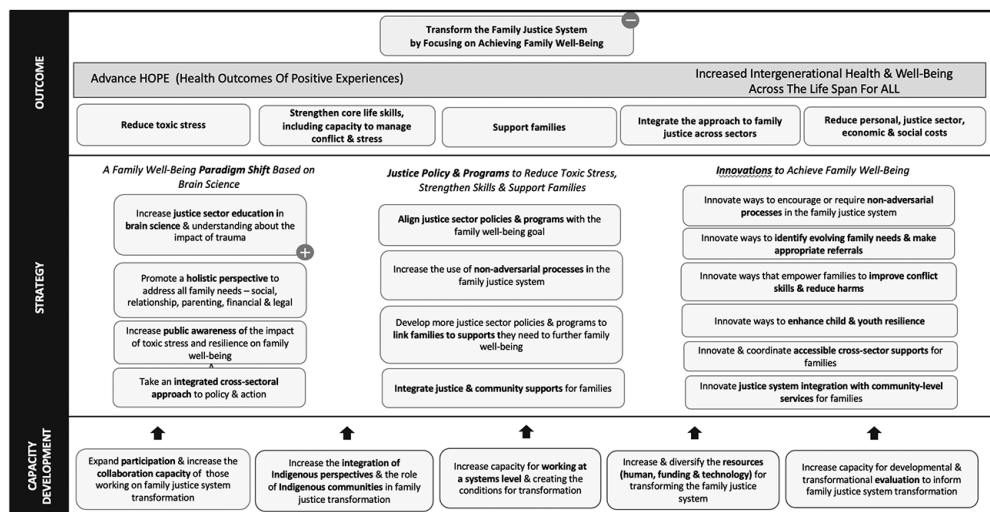
Strategy mapping

Since January 2021 the RFJS has been working with powerful strategy mapping tools which help us to build community capacity, track and measure our work, and understand how all of the different efforts come together to bring about the desired change. This work was done with InsightFormation, in collaboration with our counterparts in British Columbia. Together, we created a shared Strategy Map for Transforming the Family Justice System, and have explained the strategy mapping approach and platform in a one-hour webinar.²⁰

evaluation discussed the processes of systems transformation, and identified the RFJS and our BC counterparts as an example of transformational change.²¹ Our work is gaining this kind of recognition both from within the justice system, and from others who are observing the work we are doing.

As described above, the RFJS has many collaborators with diverse backgrounds and expertise. This broad collaboration has been a factor in the ability of the RFJS to focus on the kind of transformational change that was called for in the *Roadmap for Change* report. The power of a broad collaboration

Zoom: Transform the family justice system



This Strategy Map was created through a collaboration by Bill Barberg of InsightFormation, Diana Lowe, QC (RFJS) and Jane Morley, QC (A2JBC) as part of the ACEs and Resilience Resource Commons for Communities (ARRCC) that is being supported by InsightFormation: <https://www.insightformation.com/arrcc>

Is transformational change occurring?

In a recent article in the *Journal of Change Management*, the authors, who are leaders in governance, systems change and

to achieve transformational change was the subject of a Harvard Business School study, *The Network Secrets of Great Change Agents* which reported that ‘people who bridged disconnected groups and individuals were more effective at implementing

20 The link to a webinar on Strategy Mapping with Bill Barberg from InsightFormation, Diana Lowe, QC (RFJS) and Jane Morley, QC (A2JBC) “Advancing Your Community’s ACEs & Resilience Strategy” is at:

20 <https://improvepophealth.org/advancing-your-communitys-aces>

21 John M. Bryson, Bill Barberg, Barbara C. Crosby & Michael Quinn Patton

21 (2021) *Leading Social Transformations: Creating Public Value and Advancing the Common Good*,

21 *Journal of Change Management*, 21:2, 180–202, DOI: 10.1080/14697017.2021.1917492

dramatic reforms, while those with cohesive networks were better at instituting minor changes.²²

The RFJS collaboration continues to expand, and we are seeing alignments that are leveraging the family well-being approach, which in turn helps to accelerate the desired change. A recent example is a ‘Statement of Concern’ that Alberta’s Child & Youth Advocate (OCYA – an independent officer of the Alberta Legislature) issued on March 1, 2021 regarding the well-being of children whose families are involved in high-conflict custody disputes.

‘I am releasing this statement of concern so that community professionals and decision-makers are able to ensure young people’s needs are at the forefront, their voices are heard, and they are adequately supported.’²³

The concerns he refers to are actually quite well-known in the family justice system, but it is particularly striking, as this was the first ever Statement of Concern issued by the Advocate. The Child & Youth Advocate normally addresses issues of children who are harmed while in protective care, and doesn’t normally engage with the formal justice system, yet in the Statement he specifically calls on the Ministry of Justice to lead the work that is needed in order to address these concerns.

Expanding the scope of the RFJS to include child welfare and family violence

While our early work focused on family restructuring, the RFJS is now moving into the area of child welfare.

Just as our approach in family restructuring cases is a real departure from the typical efforts of our justice system, the same is true in child welfare cases. We’re concerned first and foremost with the well-being of

children. We want to ensure that we ‘do no more harm’ by removing children from their families, communities and culture.

Instead, we want to encourage support and skill-building for families and communities to enable them to keep children in their homes. They should be supported by extended family and connected to their community and culture, to the greatest extent possible.

Family violence is another area of law which cries out for new approaches based in brain science. Through changes in the approach to family violence and child welfare matters, we hope to break the cycle of intergenerational harm, and reduce the rates of indigenous families with children in care.

Again, there is a very high proportion of family violence occurring in Indigenous families and communities. In the RFJS we are seeking the guidance of indigenous leaders to describe supports their families need, promising programs to heal families, and to lead the efforts to break the cycle of harm.

In the field of family violence, the RFJS is already beginning to work with a number of organisations:

- Sagesse and Impact, which have adopted the goal of ‘eradicating family violence’. This work engages all of the family and sexual violence networks across the province, who are seeking ways to prevent violence before it happens. Efforts are also underway in collaboration with SHIFT at the University of Calgary, to create a primary prevention framework for domestic and sexual violence
- The Access to Legal Services Working Group of the Calgary Domestic Violence Collective has identified ‘alignment with the RFJS’ as one of their key priorities
- We are assisting the Calgary Domestic

22 Casciaro, Julie Battilana and Tiziana Casciaro. “The Network Secrets of Great Change Agents” Harvard Business Review, HBR, July 2013, <https://hbr.org/2013/07/the-network-secrets-of-great-change-agents>

23 OCYA Statement of Concern, p.1: <https://www.ocy.a.alberta.ca/adult/news/child-and-youth-advocate-releases-statement-of-concern/>

Articles

Violence Collective with their own work on governance and their theory of change, and they have adopted a strategy mapping approach with a focus on healing, supporting healthy relationships, reducing binary approaches toward people experiencing and using violence, cultivating restorative approaches and supporting belonging, dignity and justice.

- As noted, the Calgary Women's Emergency Shelter has undertaken a case study to introduce coParenter with some of their families, and we will be able to report on their findings later this spring.
- 'Safe at Home' is a pilot in Claresholm,

Alberta aimed at keeping women and children who have experienced violence in the family home and providing them with supports, while making available temporary housing, programs and supports for men who have used family violence.²⁴

We believe that the RFJS is a message of HOPE for Alberta families. The evidence of brain science is now also forming the foundation for family justice transformation in neighbouring British Columbia, and there is interest in other Canadian jurisdictions. It would be valuable to know whether this approach resonates in the United Kingdom, and to learn from your observations and experiences.

²⁴ Information about the Safe at Home pilot is available online at: <https://www.rowanhouse.ca/safe-at-home> and is also discussed in this podcast: <https://rowanhousesociety.buzzsprout.com/887248/8234445-s2-e3-safe-at-home-a-change-in-perspective>