

CYFIAWNDER TEULU: TRAWMA I BLANT A PHOBL IFANC?

FAMILY JUSTICE: A TRAUMA FOR CHILDREN AND YOUNG PEOPLE?

Dafydd Ifans

Prif Weithredwr/Chief Executive

CAFCASS CYMRU



PLANT A PHOBL IFANC YN Y SYSTEM CYFIAWNDER TEULU *CHILDREN & YOUNG PEOPLE IN THE FAMILY JUSTICE SYSTEM*



- Disgrifiad cryno o'r System Cyfiawnder Teulu
- Yr Effaith ar Blant a Phobl Ifanc
- Effaith Rhieni'n Gwahanu
- Yr hyn y gellir ei wneud
 - System Cyfiawnder Teulu
 - CAFCASS CYMRU
 - Eraill
- *Brief Description of Family Justice System*
- *Impact on Children and Young People*
- *Impact of Parental Separation*
- *What can be done*
 - *Family Justice System*
 - *CAFCASS CYMRU*
 - *Others*

Y SYSTEM CYFIAWNDER TEULU *THE FAMILY JUSTICE SYSTEM*

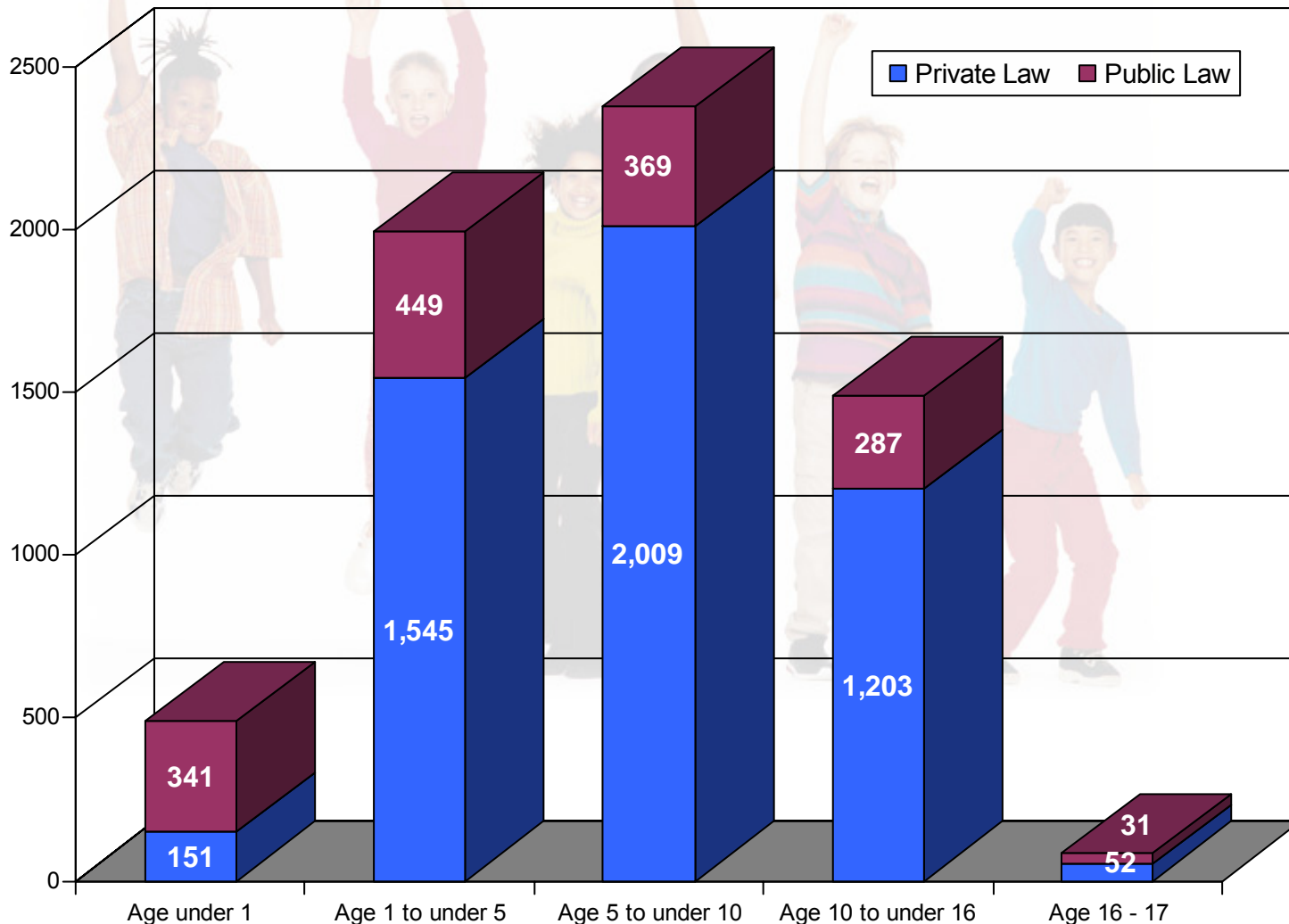


Y Weinyddiaeth Gyfiawnder

Ministry for Justice

- System sy'n ceisio gwasanaethu teuluoedd trwy ddarparu ffyrdd o ddatrys anghydfodau teulu a diogelu aelodau o'r teulu.
- Ymhlith materion sy'n ymwneud â'r Gyfraith Gyhoeddus a'r Gyfraith Breifat mae:
 - Ceisiadau gan Awdurdodau Lleol am orchmynion ynglŷn â gofal plentyn.
 - Trefniadau i blant pan fydd paru'n gwahanu.
- *A system aimed at serving families by providing ways to resolve family disputes and protect family members.*
- *Public and Private Law matters including:*
 - *Applications by Local Authorities for orders about a child's care.*
 - *Arrangements for children when couples separate.*

**ATGYFEIRIWYD 6437 O BLANT I CAFCASS CYMRU
(Awst 2006 - Gorffennaf 2007)
6437 CHILDREN REFERRED TO CAFCASS CYMRU
(August 2006 - July 2007)**



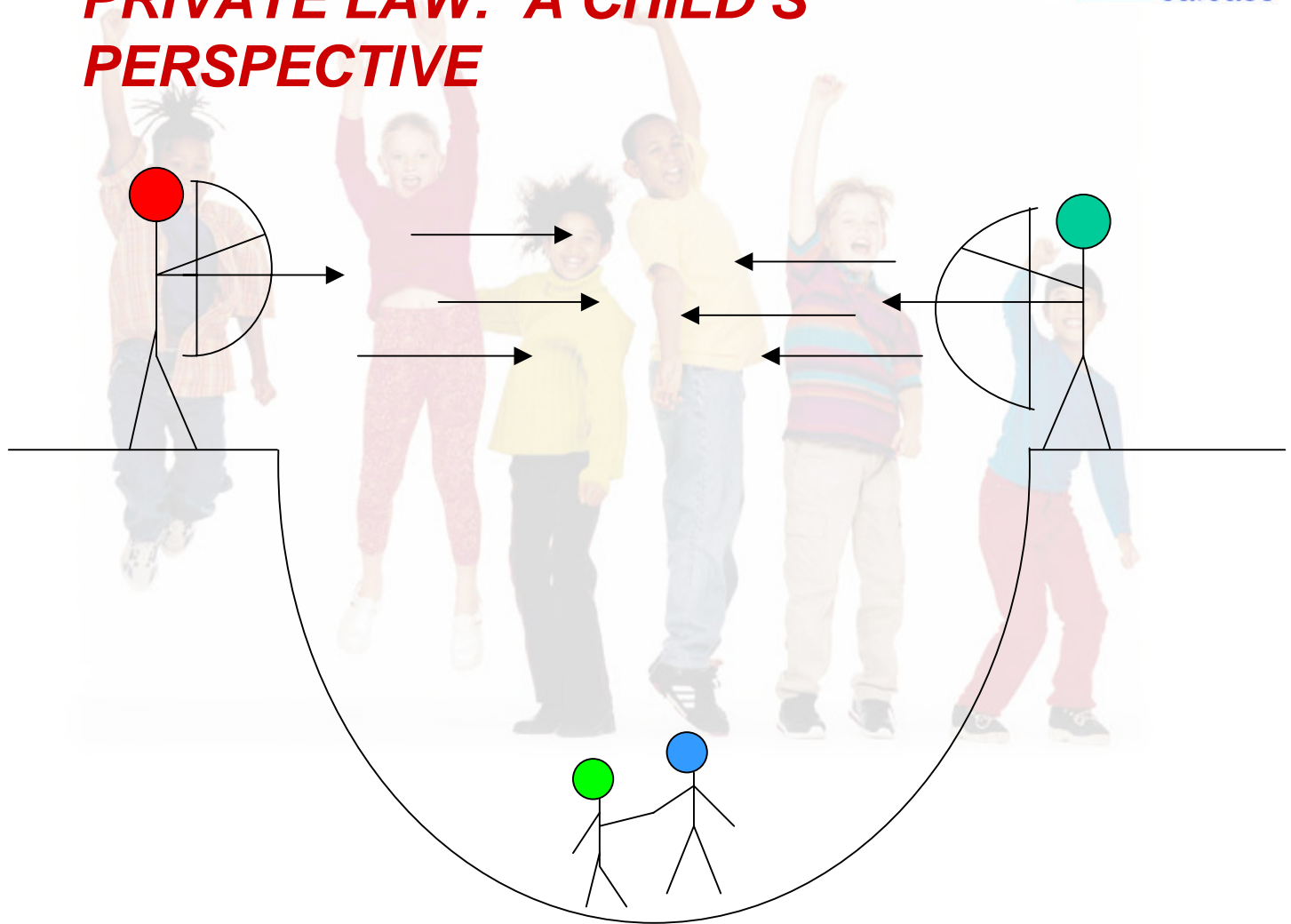
PROBLEMAU PROBLEMS



- Oedi
 - 40 – 53 wythnos + (Gofal)
 - 6 wythnos i'r gwrandawriad cyntaf (Cyfraith Breifat)
- Aseidiadau gwael
- Cymhlethdod diangen
 - Cyfathrebu gwael
 - Defnydd diangen o arbenigwyr
 - Anghydfodau
 - rhieni
 - gweithwyr proffesiynol
- Problemau â chyswllt
- Cynlluniau Gofal ddim yn cael eu rhoi ar waith
- Gall natur wrthwynebus achosion waethygu drwgdeimlad
- *Delays*
 - 40 – 53 weeks + (Care)
 - 6 weeks to first hearing (Private Law)
- *Poor assessments*
- *Unnecessary complexity*
 - *Poor communication*
 - *Unnecessary use of experts*
 - *Disputes*
 - *parents*
 - *professionals*
- *Contact problems*
- *Care Plans not implemented*
- *Adversarial nature of proceedings can exacerbate acrimony*



CYFRAITH BREIFAT: PERSBECTIF PLENTYN *PRIVATE LAW: A CHILD'S PERSPECTIVE*





RHIENI'N GWAHANU PARENTAL SEPARATION



Data'r DU

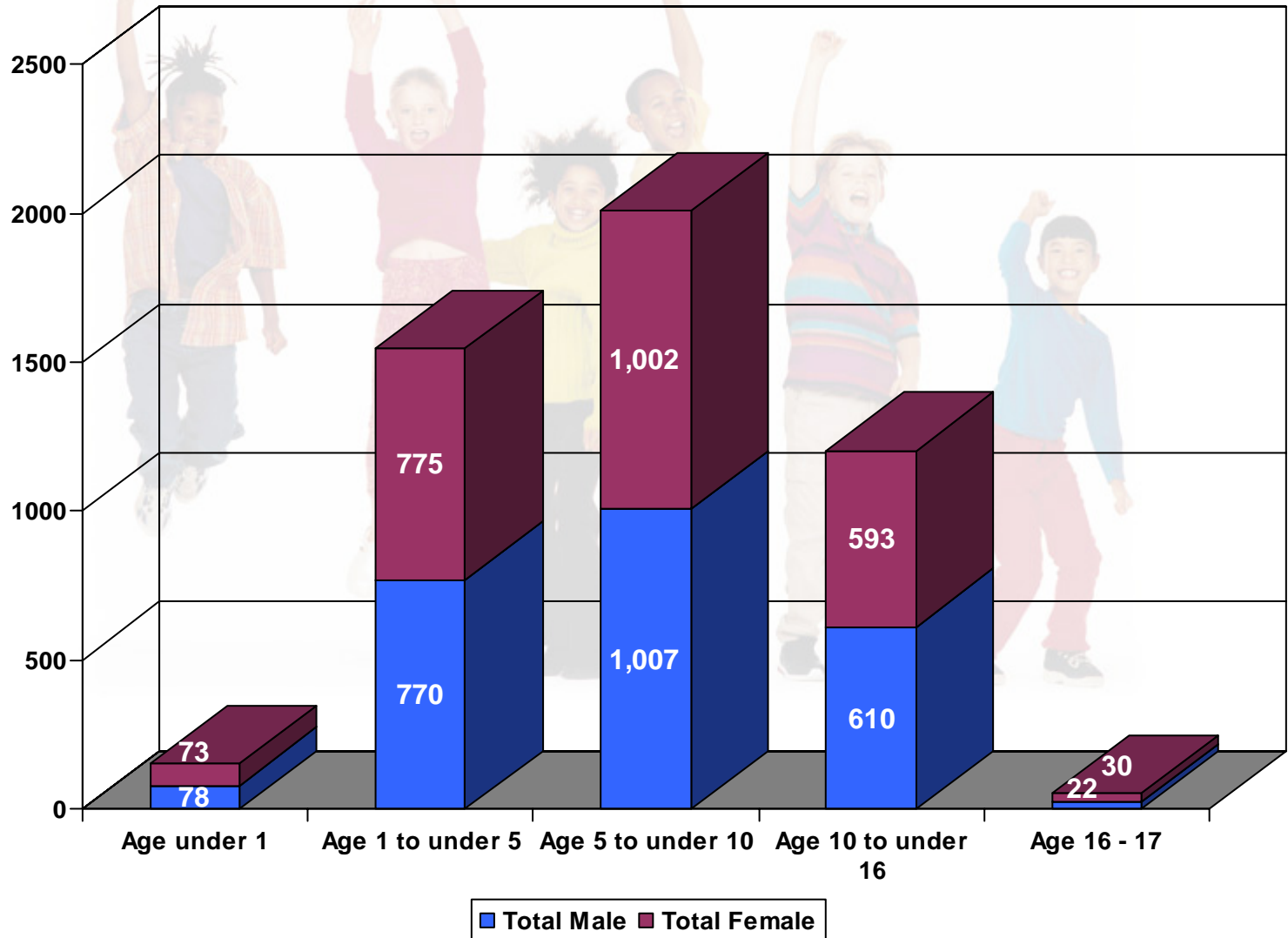
- Rhwng 150,000 a 200,000 o barau'n gwahanu
- Mae gan 10% drefniadau i blant y mae'r llysoedd teulu wedi'u gorchymyn
- Mae'r rhan fwyaf o blant yn byw gyda'u mamau
- Tadau sy'n gwneud 60% o geisiadau
- Oddeutu 67,000 o orchmynion cyswllt

UK Data

- *Between 150,000 & 200,000 separations*
- *10% have arrangements for children ordered by the family courts*
- *Most children live with their mothers*
- *60% of applications made by fathers*
- *Approximately 67,000 contact orders*

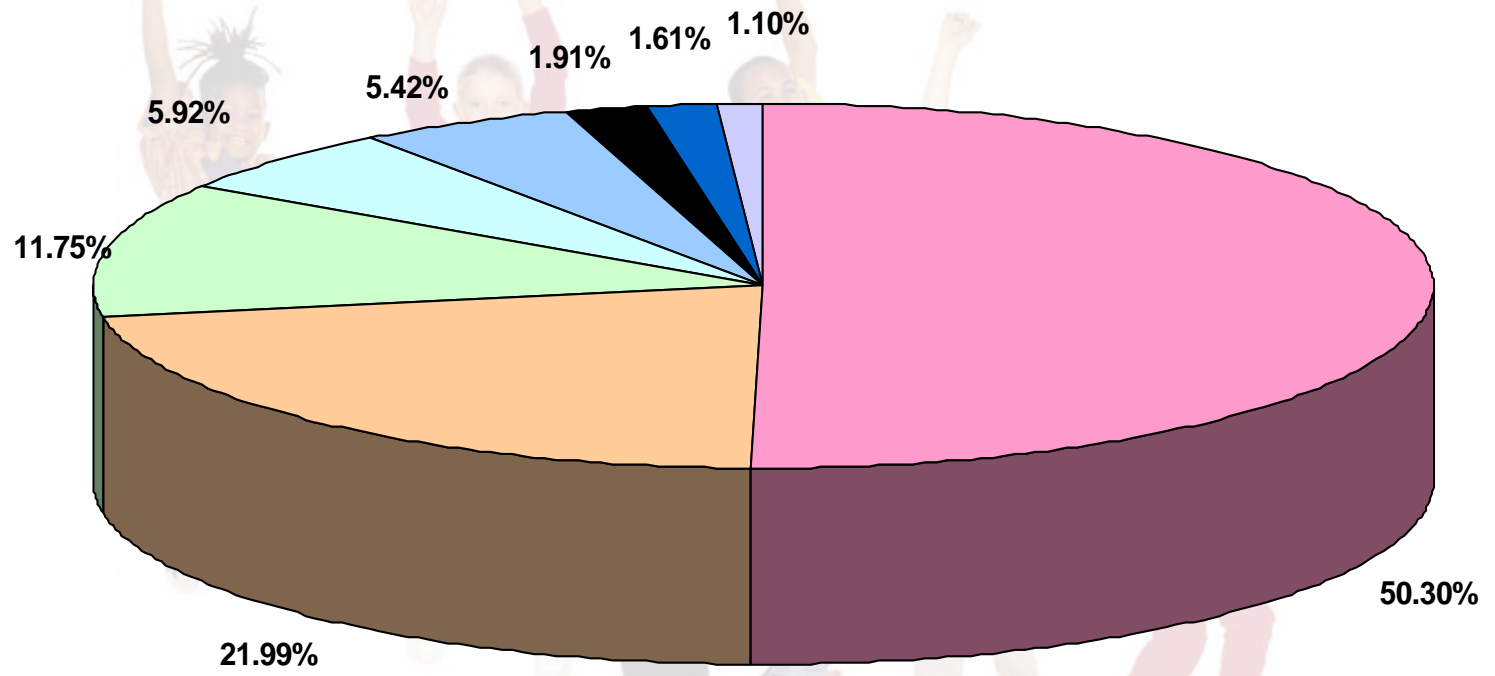
Dadansoddiad o Blant a atgyfeiriwyd i CAFCASS CYMRU yn y Gyfraith Breifat yn ôl Rhyw a Grŵp oedran
Awst 2006 – Gorffennaf 2007

Breakdown of Children referred to CAFCASS CYMRU in Private Law, by Gender & Age group August 2006 - July 2007



**Dadansoddiad o'r Mathau o Orchmynion a atgyfeiriwyd i
CAFCASS CYMRU yn y Gyfraith Breifat Awst 2006 -
Gorffennaf 2007**

*Breakdown of Types of Order referred to
CAFCASS CYMRU in Private Law
August 2006 - July 2007*



■ Contact - 2301	■ Residence - 1003	■ S120 - Harm - 538
■ Specific Users - 270	■ Parental Responsibility - 249	■ Rule 9.5 - 89
■ Other - 74	■ Prohibited Steps - 51	



PROFIAD PLANT A PHOBL IFANC (CYFRAITH BREIFAT) *CHILDREN & YOUNG PEOPLE EXPERIENCE (PRIVATE LAW)*



- Gwrthdaro rhwng rhieni
- Cam-drin domestig
- Cam-drin plant
- Rhiant yn gadael
- Llys-riant newydd
- Llys-frodyr a chwiorydd newydd
- Cartref newydd
- Cymuned newydd
- Ysgol newydd
- Tlodi
- Colli cyswllt
- Cyswllt â Gweithwyr Proffesiynol
- Cael eu defnyddio fel erfyn bargeinio
- Dioddef eu rhieni'n dadlwytho'u hemosiynau
- *Parental conflict*
- *Domestic abuse*
- *Child abuse*
- *Departure of parent*
- *New step-parent*
- *New step-siblings*
- *New home*
- *New community*
- *New school*
- *Poverty*
- *Loss of contact*
- *Contact with Professionals*
- *Being used as bargaining tool*
- *Subjected to offloading of parents emotions*



EFFAITH ANGHYDFODAU AR BLANT ***IMPACT OF DISPUTES ON*** ***CHILDREN***



- Gofid a cholled (profedigaeth)
- Berw emosiynol
- Cefnu a gwrthodiad
- Euogrwydd a chyfrifoldeb
- Colli sefydlogrwydd
- Ansicrwydd
- Dadrithiad
- Ymdopi â gwahaniaeth
- Dryswch
- Colli rheolaeth
- Teyrngarwch wedi'i rannu
- Hunan hyder isel
- Pryder y bydd y rhiant arall yn mynd
- *Grief and loss (bereavement)*
- *Emotional turmoil*
- *Abandonment and rejection*
- *Guilt and responsibility*
- *Loss of stability*
- *Insecurity*
- *Disillusioned*
- *Coping with difference*
- *Confusion*
- *Loss of control*
- *Divided loyalty*
- *Low self-esteem*
- *Worry that other parent will go*



SYMPTOMAU **SYMPTOMS**



- Dicter ac ymosoddedd
- Pryder ac iselder
- Rhwystredigaeth
- Trio bod yn angel
- Gwlychu'r gwely
- Problemau eithafol ag ymddygiad
- Diffyg canolbwyntio
- Diffyg hyder
- Anawsterau â ffrindiau a pherthnasau
- Mwy o ddibyniaeth
- Trio cymryd rheolaeth rhieni
- Mân broblemau iechyd
- Problemau â hunaniaeth
- Torri un rhiant neu'r ddau riant allan o'i fywyd/bywyd
- Trio cynhyrchu aduniad
- *Anger and aggression*
- *Anxiety and depression*
- *Frustration*
- *Trying to be an angel*
- *Bedwetting*
- *Extreme behaviour problems*
- *Lack of concentration*
- *Lack of confidence*
- *Friendship and relationship difficulties*
- *Increased dependency*
- *Tries to take parental control*
- *Minor health problems*
- *Identity issues*
- *Cuts one or both parents out of life*
- *Try to manufacture a reunion*

YMCHWIL RESEARCH



- Tebygoliaeth o ddeilliannau gwrthwynebus (2 waith)
- Daw 50% o droseddwyr ifanc o deuluoedd sydd wedi gwahanu
- Yn fwy tebygol o redeg i ffwrdd (2-3 gwaith)
- Mwy o risg o feichiogrwydd yn ystod yr arddegau (1.5 gwaith)
- Yn debyg o beidio â chael cymwysterau ffurfiol pan yn 33 oed (2 waith)
- Yn debyg o fod yn ddiwaith pan yn 33 oed (2 waith)
- *Likelihood of adverse outcomes (2 times)*
- *50% of young offenders come from separated families*
- *More likely to run away (2-3 times)*
- *More risk of teenage pregnancy (1.5 times)*
- *Likely to lack formal qualification at 33 (2 times)*
- *Likely to be unemployed at age 33 (2 times)*

GWEITHREDOEDD Y SYSTEM CYFIAWNDER TEULU *FAMILY JUSTICE SYSTEM ACTIONS*



- Deddf Plant a Mabwysiadu 2006
- Gwell ffocws ar blant a phobl ifanc
- Dull llai gwrthwynebus o weithredu
- Lleihau oedi
- Gwell dealltwriaeth o rolau a chyfrifoldebau rhwng asiantaethau
- Gwell mynediad at wasanaethau cefnogi:
 - Canolfannau Cyswllt
 - Cynadledda Grŵp Teulu
 - Rhaglenni Rhianta
 - Cyfryngu
- *2006 C&A Act*
- *Improved focus on C&YP*
- *Less adversarial approach*
- *Minimise delays*
- *Improve understanding of roles and responsibilities between agencies*
- *Improved access to support services:*
 - *Contact Centres*
 - *Family Group Conferencing*
 - *Parenting Programmes*
 - *Mediation*

PEILOT CAFCASS CYMRU

CAFCASS CYMRU PILOT



Rhaglen Datrys Anghydfodau Teulu

- **Sesiwn 1**
 - Cyflwyniad
 - Disgwyliadau
 - Strategaethau datrys problemau, gan gynnwys sgiliau gwrando a chyfathrebu
- **Sesiwn 2**
 - Effaith gwahanu ar blant
 - Cynllunio
- **Sesiwn 3**
 - Cyfarfod â'r plant
- **Sesiwn 4**
 - Llunio cytundeb/cynllun rhianta, gan gynnwys y plant os bydd hynny'n briodol
 - Os na fydd cytundeb – Be nesa?

Family Dispute Resolution Programme

- **Session 1**
 - Introduction
 - Expectations
 - Problem solving strategies, including listening skills and communication
- **Session 2**
 - Impact of separation on children
 - Planning
- **Session 3**
 - Meeting with the children
- **Session 4**
 - Working out an agreement/ parenting plan, involving the children if appropriate
 - If no agreement – What next?

GWERTHUSIAD (Ionawr 06 Mai 07)

EVALUATION (Jan 06 May 07)



- Atgyfeiriwyd 107 (64) 158 plant a phobl ifanc (91)
- Daeth 64% i gytundeb (37%)
- Modelu dulliau cymodol yn hytrach na dulliau gwrthwynebus.
- Adroddodd rhieni y bu gwelliannau yn eu sgiliau cyfathrebu a thrafod.
- Helpodd rhai rhieni i sylweddoli'r niwed gall gwrthdaro rhwng rhieni ei achosi i'r plentyn.
- Helpodd rhai rhieni i werthfawrogi pwysigrwydd hawliau'r plentyn
- Mae'r Peilot Datrys Anghydfodau Teulu yn ailgadarnhau hawliau'r plentyn trwy gynnwys y plant yn sensitif ac yn briodol yn y broses
- Cafodd cyfranogiad y plant gefnogaeth eang gan rieni, plant a gweithwyr proffesiynol.
- *Referral 107 (64) 158 C&YP (91)*
- *64% reached agreement (37%)*
- *Models conciliatory rather than adversarial methods.*
- *Parents reported improvements in their parental communication and negotiation skills.*
- *Helped some parents to appreciate the harm that parental conflict can have upon the child.*
- *Helped some parents to appreciate the importance of the rights of the child*
- *The FDRP reaffirms the rights of the child by involving the children sensitively and appropriately in the process*
- *The participation of children was widely supported by parents, children and professionals.*



GWEITHREDOEDD ERAILL ***OTHER ACTIONS***



- Tynnu sylw at anghenion y grŵp hwn o blant a phobl ifanc mewn polisiau a datblygiadau eraill
- Helpu rhieni a'r gymdeithas i ddeall yr effaith ar blant a phobl ifanc
- Cefnogaeth mewn ysgolion
- Datblygu Gwasanaethau Cynghori
 - Cyfle i drafod eu teimladau.
 - Cyfle i archwilio gwahanol ffyrdd o ddelio â phethau
 - Gwell dirnadaeth a dealltwriaeth o ddigwyddiadau yn eu bywydau
 - Helpu i ddatblygu teimladau o hunan werth
- *Highlight needs of this group of Children and Young People in policy and other developments*
- *Help parents and society understand the impact on Children and Young People*
- *Support within school settings*
- *Develop Counselling Services*
 - *Opportunity to discuss their feelings*
 - *Chance to explore different ways of how to deal with things*
 - *Greater insight and understanding of events in their lives*
 - *Help to develop feelings of self worth*