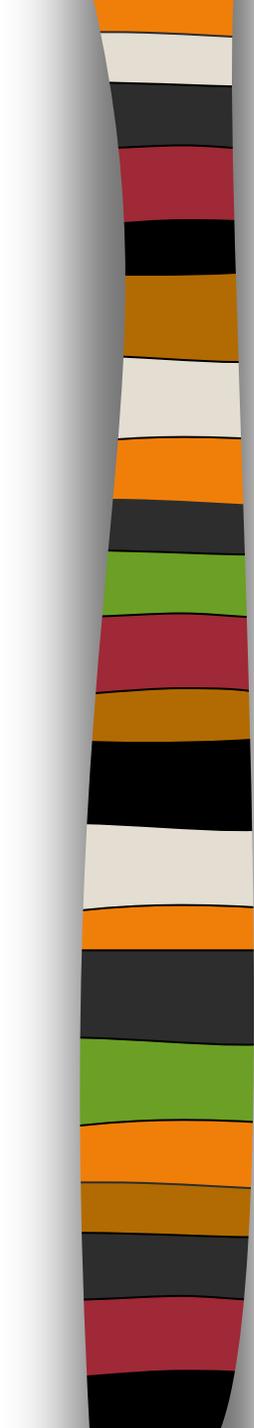


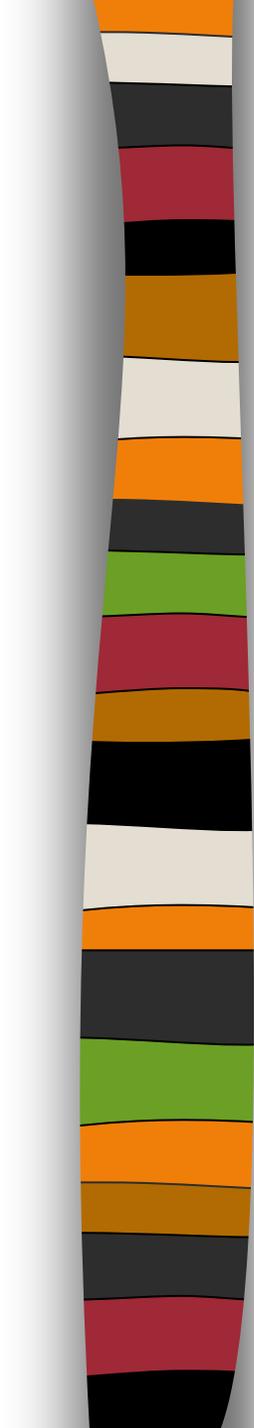
# Restorative Justice through Family Group Conferencing and Peacemaking Circles

Lee Copenhagen, MSW, LCSW  
2013 NASW Conference  
October 4, 2013



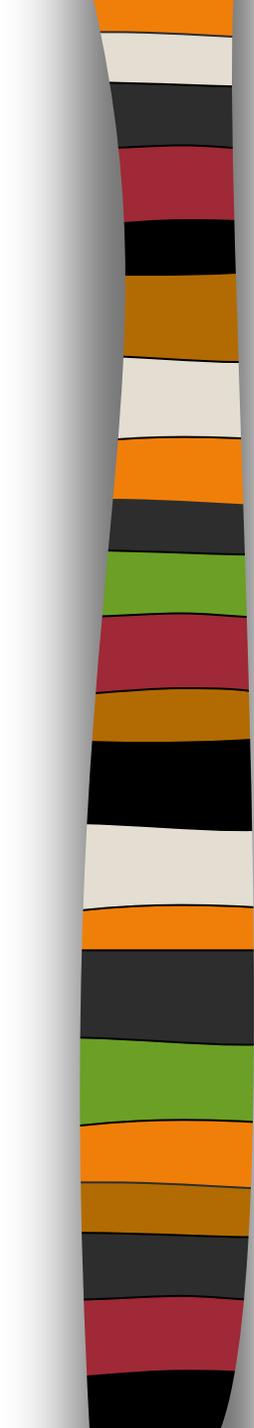
# Workshop Outline

- Restorative Justice, what is it?
- Social Workers' critical role
- Conferences began by Social Workers to empower families in the 80's
- California's history through Family Group Conferences to Team Decision Making to the Katie A. Settlement 2011
- What does a *restorative* family conference look like?
- Child's FGC Intro Video, Q & A, Evaluations



Articles from the Radicals:  
Doolan, Van Wormer & Gil

- Why learning about principals and practice of restorative justice is important
- Why is the family still at the periphery of the process?
- Confronting oppression is restoring justice.
- Building social movements through activism & critical consciousness (Freire 1970)



# What is restorative justice?

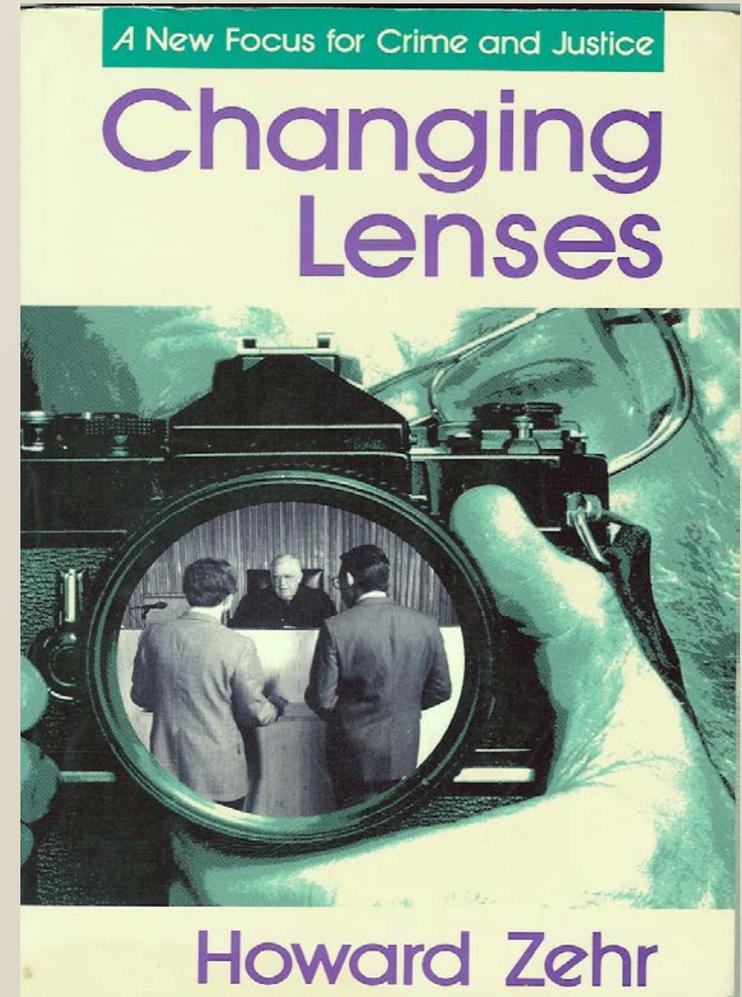
## Questions currently asked:

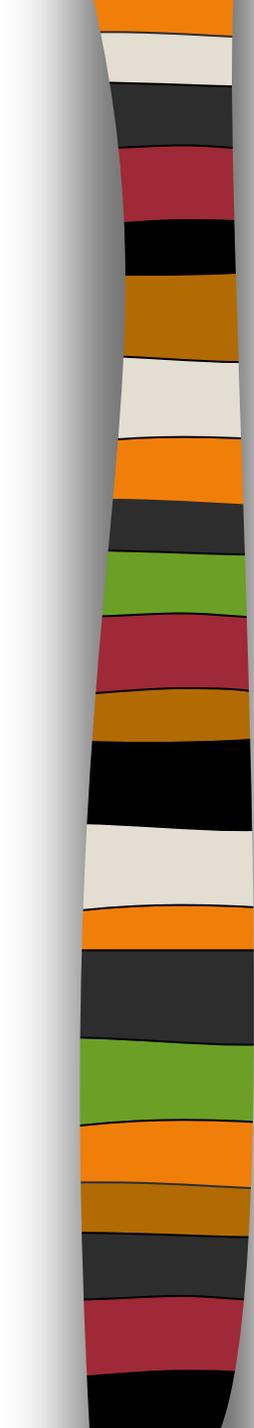
- Who done it?
- What laws are broken?
- How will we punish the offender?

Restorative Justice views the crime  
though a different lens.

# Howard Zehr

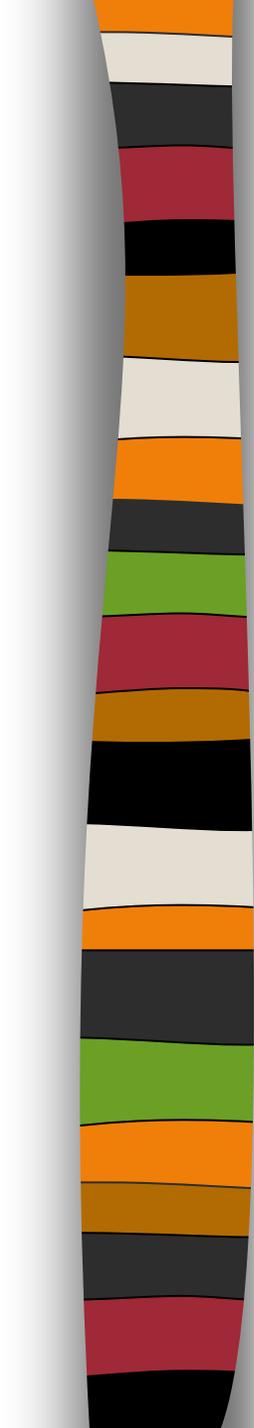
- Since 1979, Director of the Mennonite Central Committee
- Changing Lenses published in 1990
- Little Book on Restorative Justice published 2002





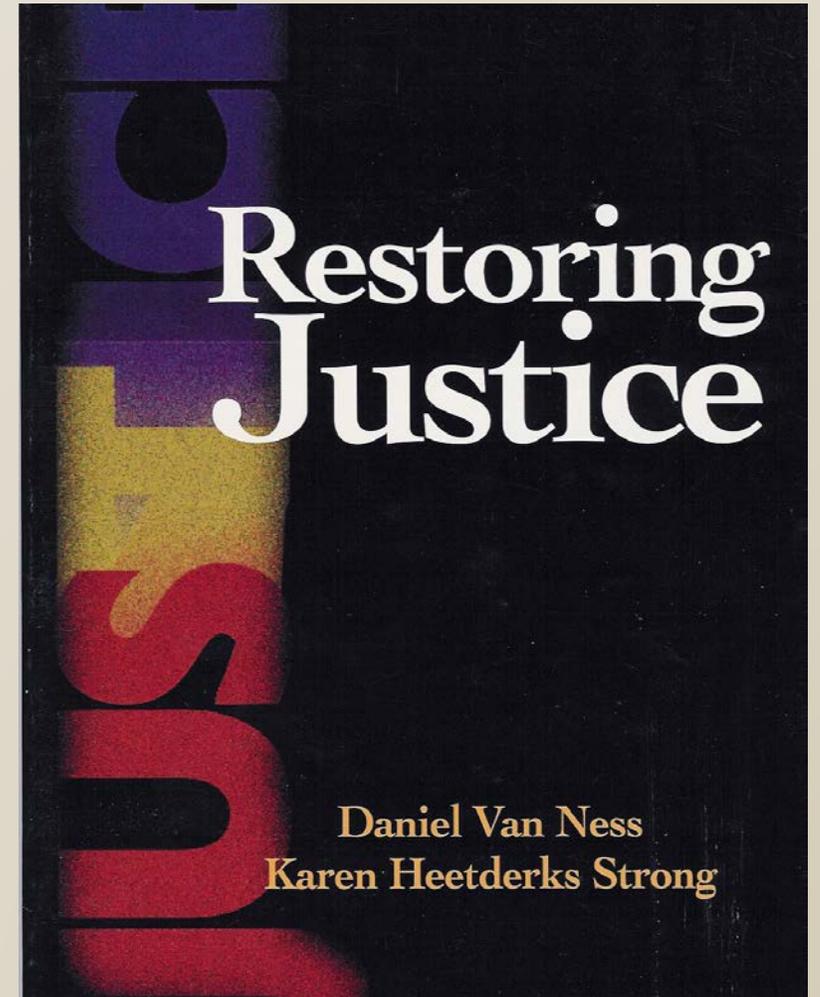
# Howard Zehr's questions

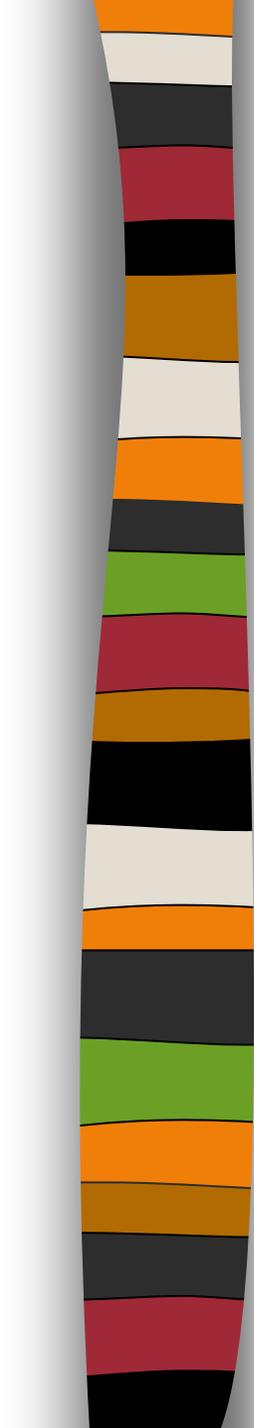
- What is the harm?
- What needs to be done to repair the harm?
- Who is responsible for this repair?



## Daniel Van Ness

- Published in 1997 with Karen Heetderks Strong
- General Editor with Prison Fellowship International



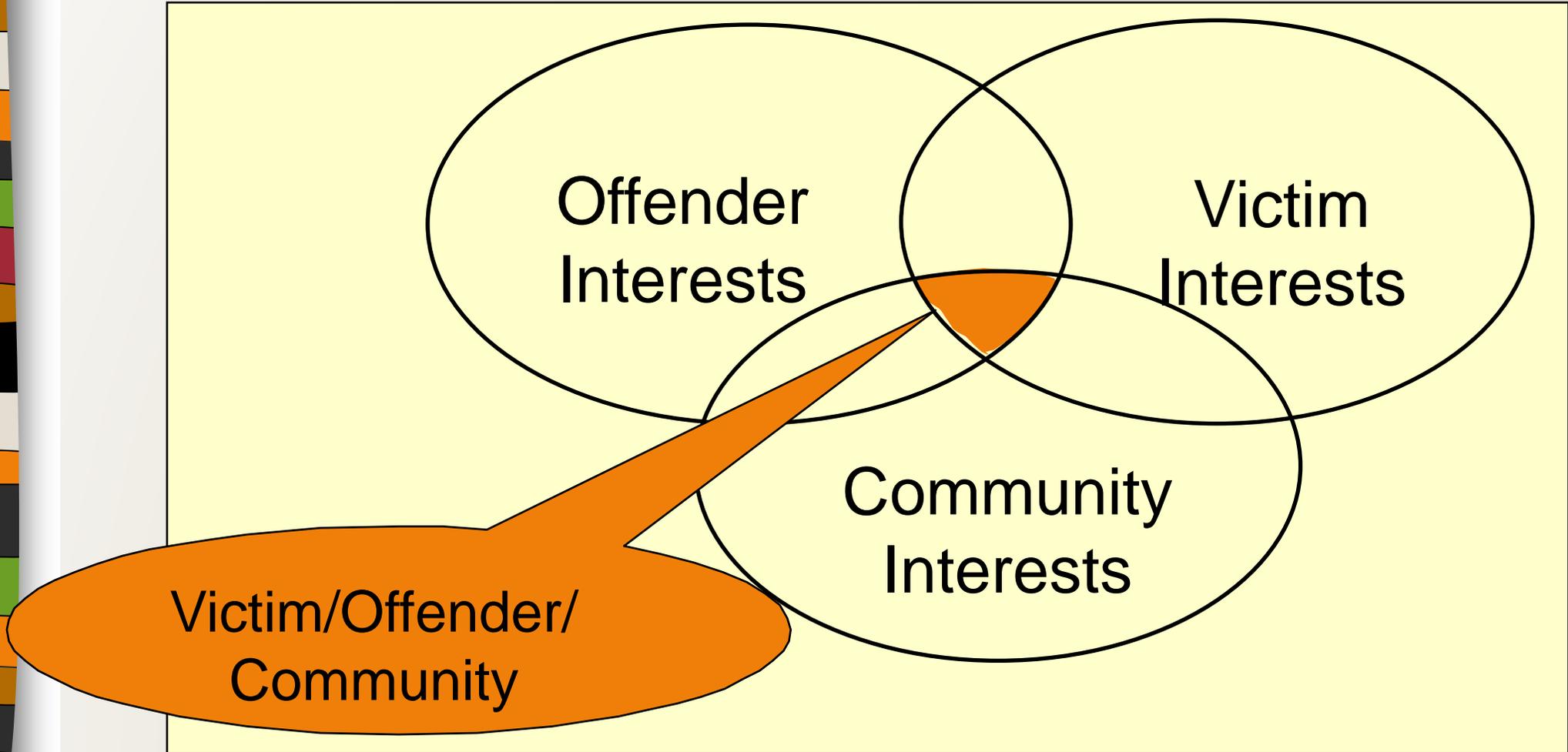


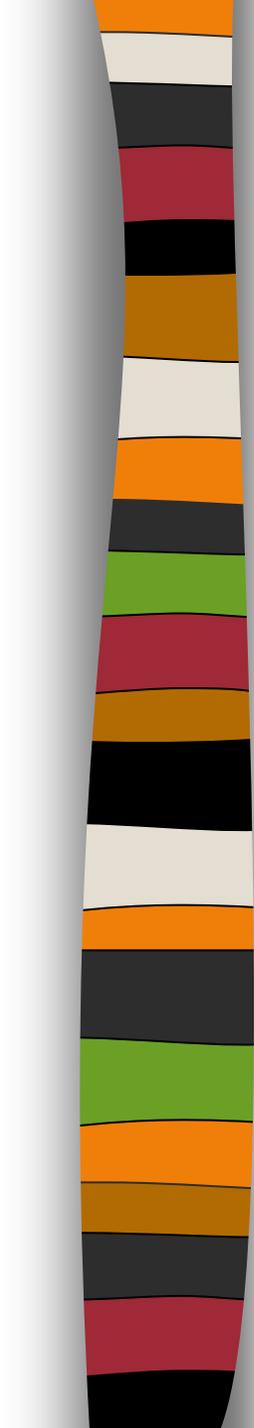
# Van Ness principles

If crime is more than lawbreaking, then:

- Justice requires that we work to heal victims, communities, and offenders who have been injured by crime.
- Victims, communities and offenders should have opportunities for active involvement in the justice process as early and as fully as possible.
- We must re-think the relative roles and responsibilities of the government and the community. Government is responsible for preserving a just order and the community for establishing a just peace

# Shared interest to repair the harm



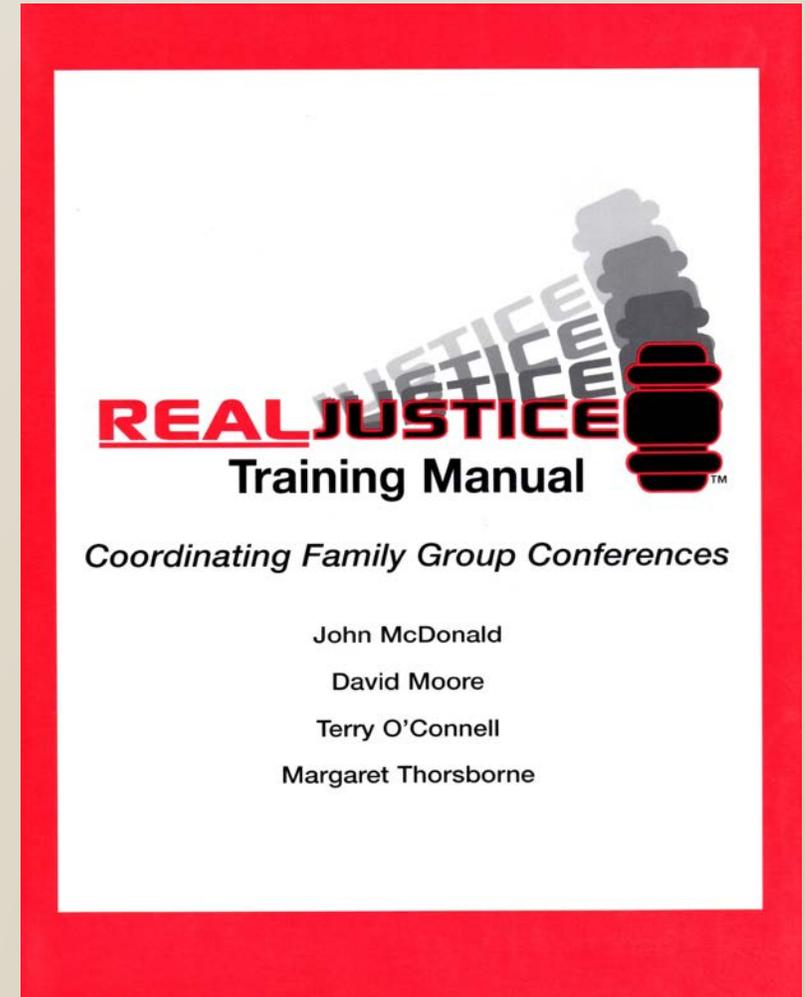


# Family Group Conferencing

- Maori leaders call for indigenous system of justice
- Their system was not punishment based but whole community to be involved in repair & solutions
- 1989 New Zealand passed The Children, Young Persons and Their Families Act
- FGC not the courts became the site for making decisions
- Oregon's Family Unity Model "strength-based"

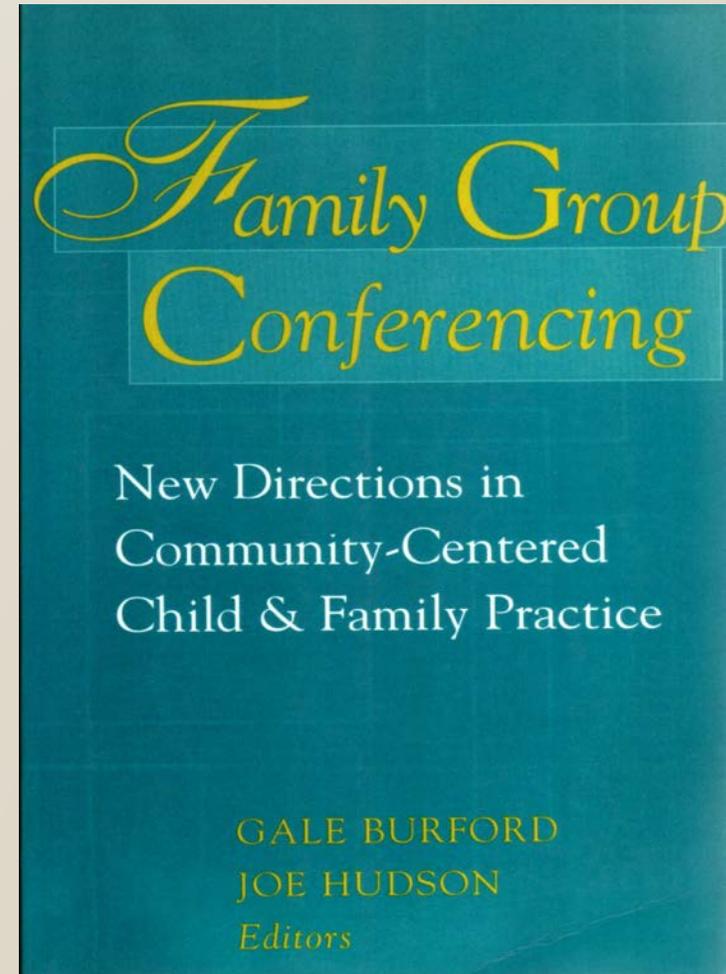
# FGS in Australia with Juvenile Justice

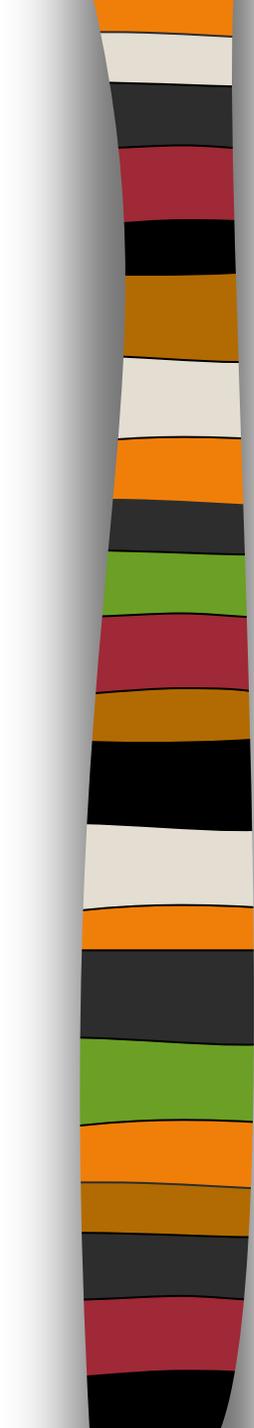
- 1990 visit to New Zealand  
McDonald brings FGC to Australia
- FGC then to US and Canada with Ted Wachtel
- Zehr and Umbriet are working with the restorative justice paradigm as Victim Offender Mediation



# A shift in assumptions about child welfare

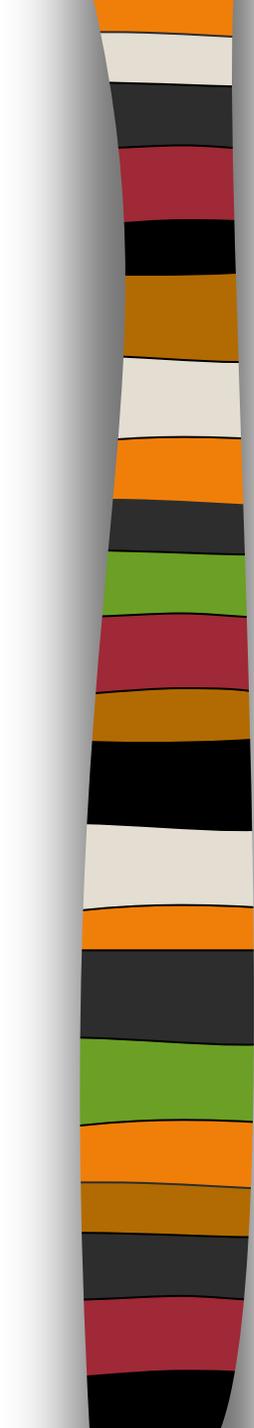
- Bufford & Hudson (2000)  
from School of Social Work  
Universities in Vermont and  
Calgary
- Restorative practitioners  
included:
  - John Braithwaite
  - Kay Pranis
  - Ted Wachtel
  - Barry Stuart
  - Gordon Bazemore





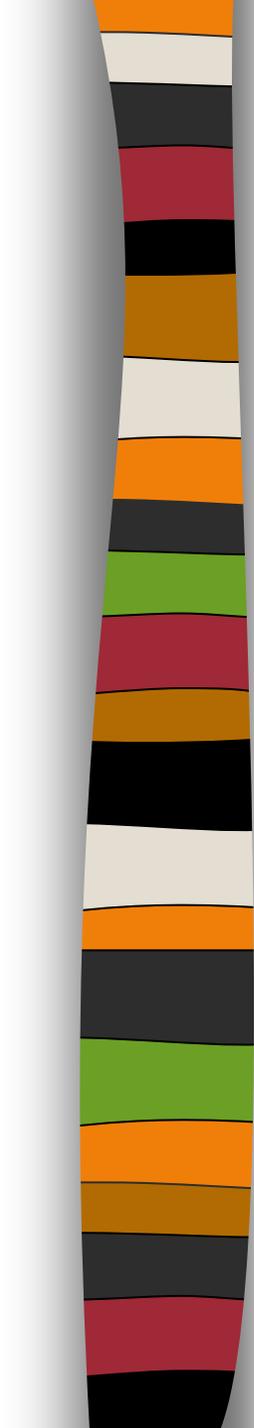
## FGC, FGDM and TDM in 2000's

- In 1995 Kent, WA DCFS pilots FGC
- Nationally EM Clark Foundation pilots in IA, FL, MO, KY
- AECF presents *Family to Family* to reform foster care
- In 2000, CSWEC publishes *Family Group Decision-Making Models for Social Workers in the Child Welfare Setting*  
By Amy Okamura and Elizabeth Quinnett, San Diego State University Title IV-E Child Welfare Stipend Project  
Examines both New Zealand FGC and Oregon's Family Unity Meeting
- 2002 University of Washington School of Social Work publishes *Family Group Conferencing Facilitator's Manual*



# California and FGC

- Santa Clara County 1996 Family Conference Model, Family Group Decision Making ( FGDM)
- Stanislaus County Family Decision Meetings
- Federal : Adoption and Safe Families Act 1997
- State of California: Assembly Bill 1544 (Stats. 1997, ch. 793)
  - Law moved parent and family into participating decision making conferences about placement, a significant shift in practice in child welfare.
- Katie A. Settlement Agreement 2011
  - Core Practice Model Guide (CPM)

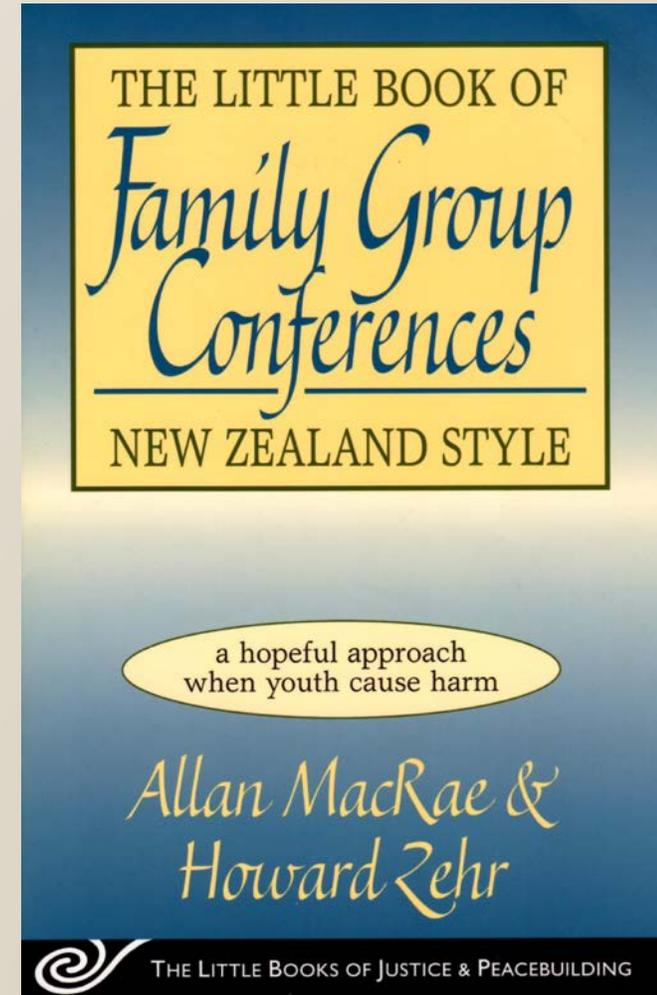


## In 2000's (cont.)

- 2006 Anne E Casey Foundation takes over Community Partnerships and begins work on Team Decision Making
- 2008 Northern Training Academy Supporting Children and Families reviews participatory case planning as promising practices.
- 2010 American Humane Association publishes *Guidelines for Family Group Decision Making in Child Welfare*
- 2012 State of California Department of Social Services finds two most effective practices for improvement in placement stability are Family to Family interventions and Team Decision Making (TDM).
- 2013 CDSS and DHCS co-author CPM & Medi-Cal Guides to address Katie A. Settlement

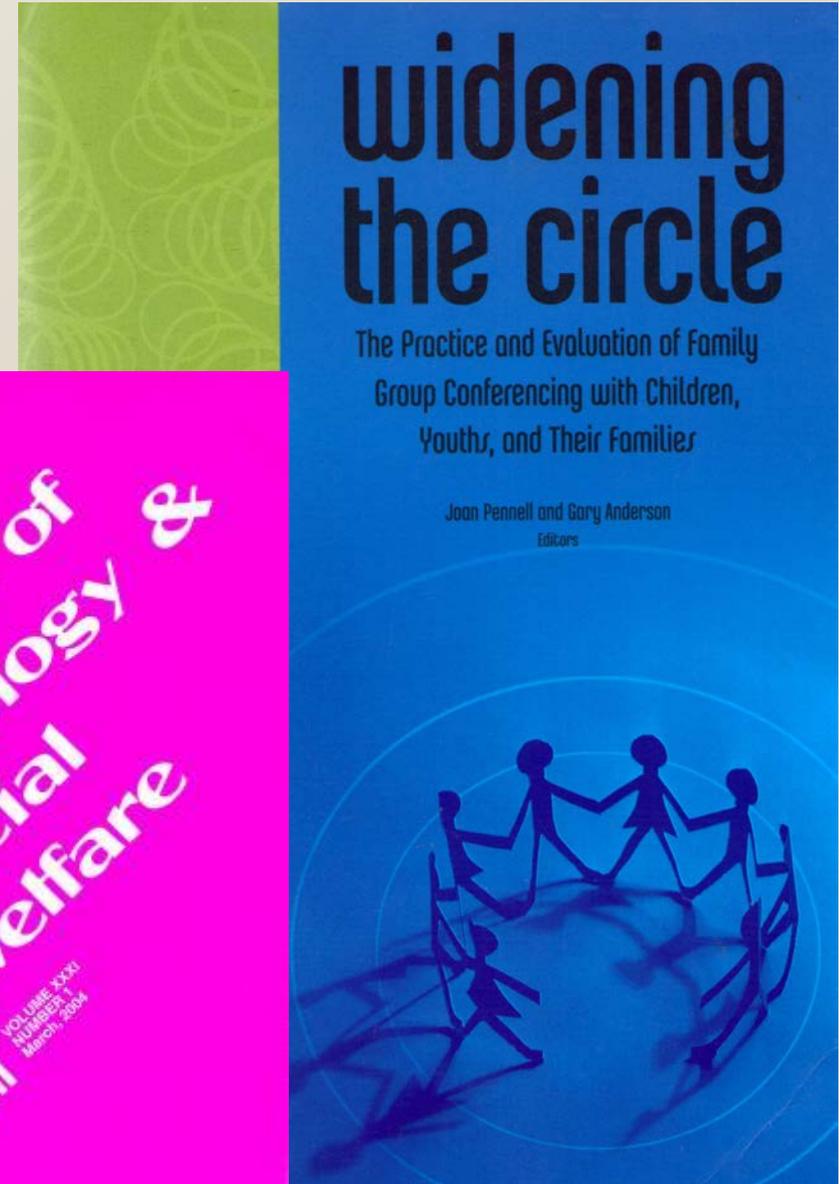
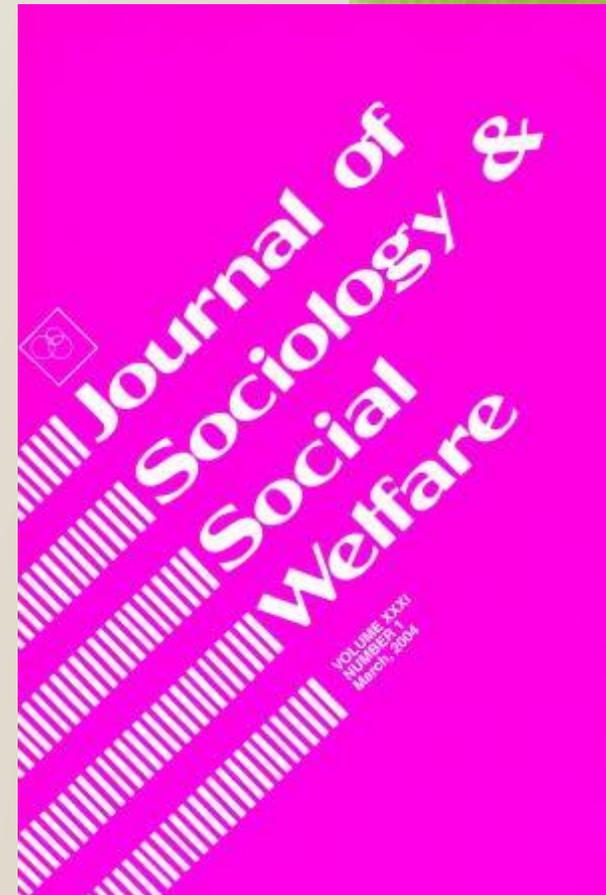
# FGC remains popular in juvenile justice

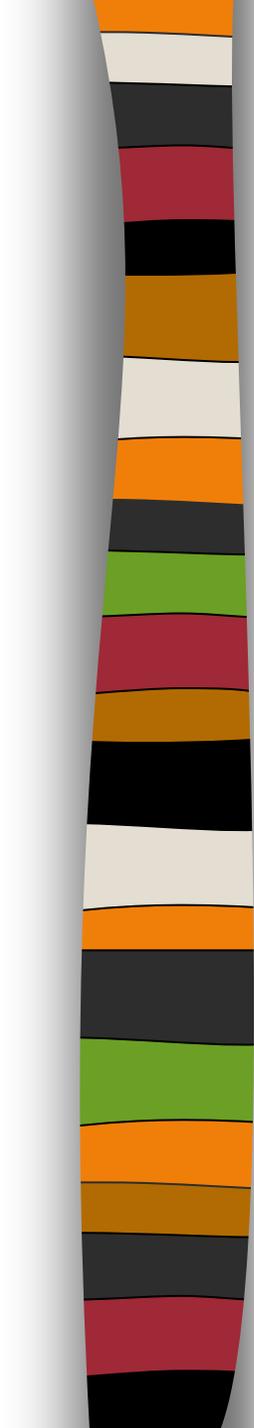
- Published in 2004
- Social Worker MacRae and Zehr continue RJ work



Pennell & Anderson (2005)

Special Issue on  
Restorative Justice  
and Responsive  
Regulation (2004)





# AHA Restorative Justice Advisory Council

- 1995 American Humane awarded grant by Edna McConnell Foundation to study FGC
- 2009 *Protecting Children Journal Vol.24* Responding Restoratively to Vulnerable Victims, Youths, and Families
  - *Restorative Group Conferencing for Dual-Jurisdiction Youths*
  - *Restorative Practices in Schools: Breaking the Cycle of Student Involvement in Child Welfare and Legal Systems*

Turnell & Edwards (1999)

*Safety-Organized Practice*

Northern California

Training Academy

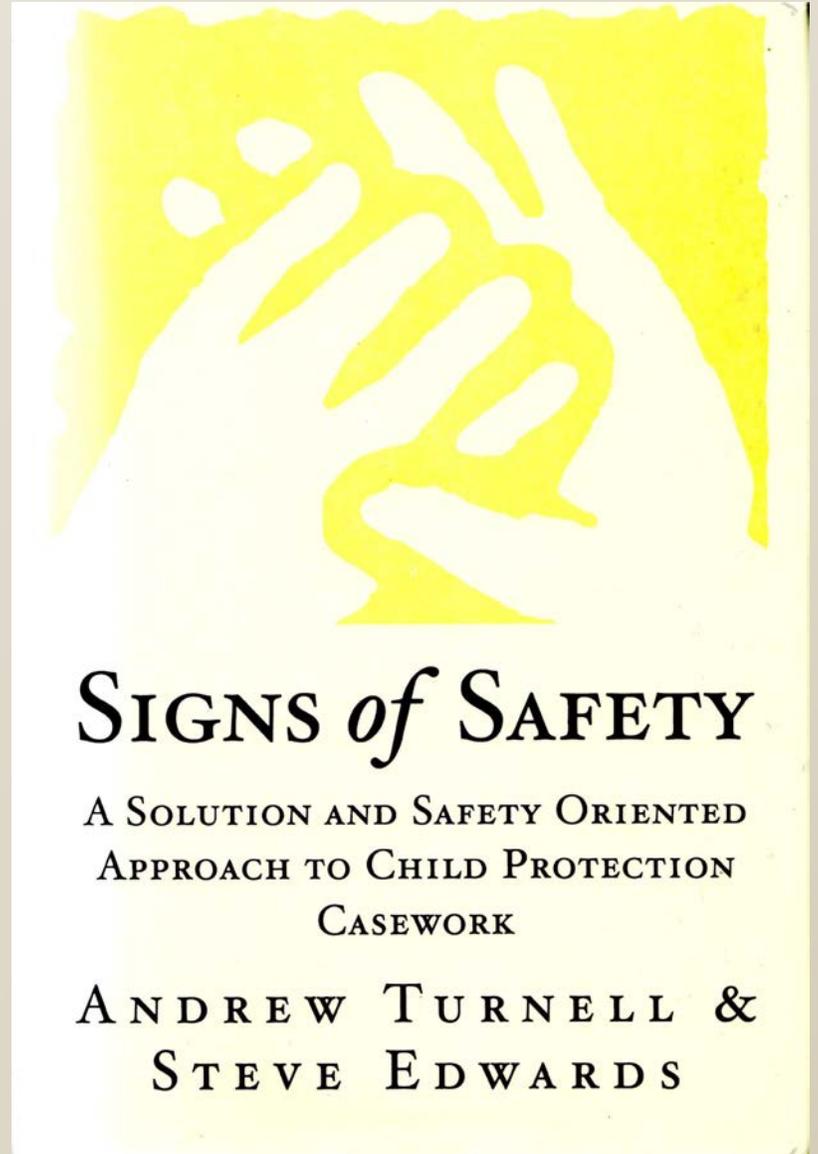
UC Davis Extension

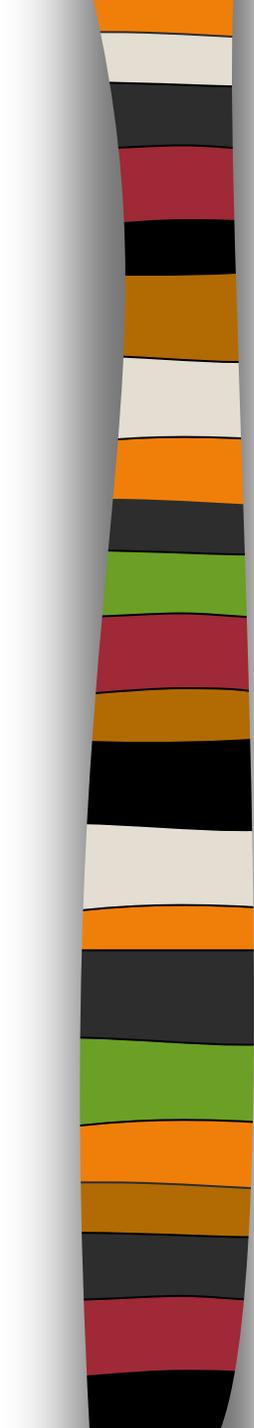
Bay Area Academy

CSU Fresno

Family Team Meetings

Family Safety Networks



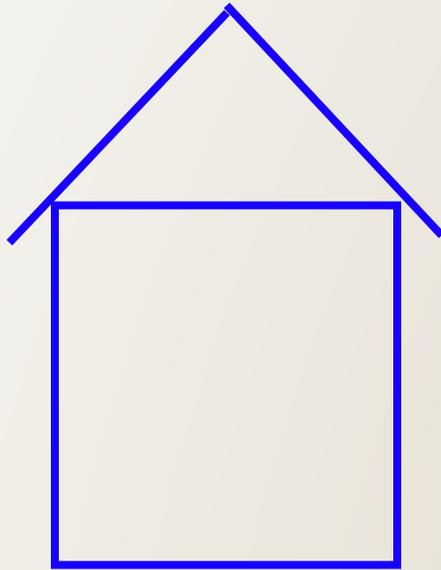


# Safety-Organized Practice

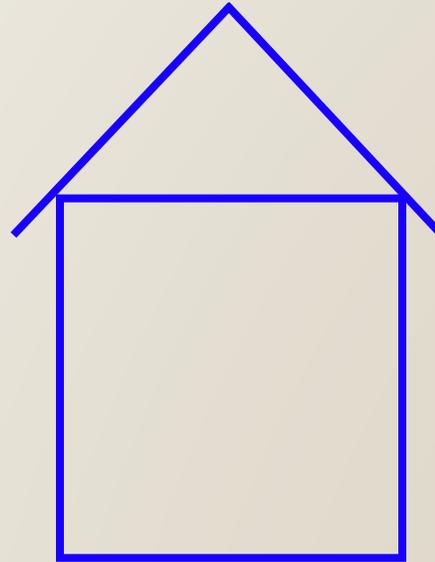
Informed by:

- Solution-focused therapy
- Structured Decision Making by NCCCD
- Group Supervision & Interactional Supervision
- Appreciative Inquiry
- Motivational Interviewing
- Family Team Meetings
- Evidence-based practice

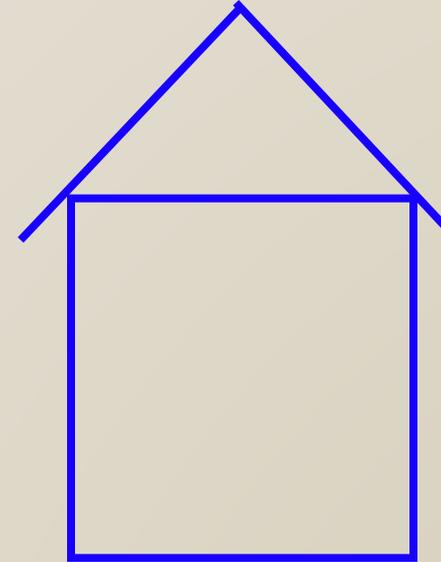
# 'Three Houses' created by Niki Weld



House of  
Worries



House of  
Good Things



House of  
Dreams



# Fairy and Wizard Outlines



Fairy and Wizard Outlines, drawn by Vania Da Paz

Sullivan & Tifft Eds. (2008)

Six Chapters by  
Social Workers

Robert Coates

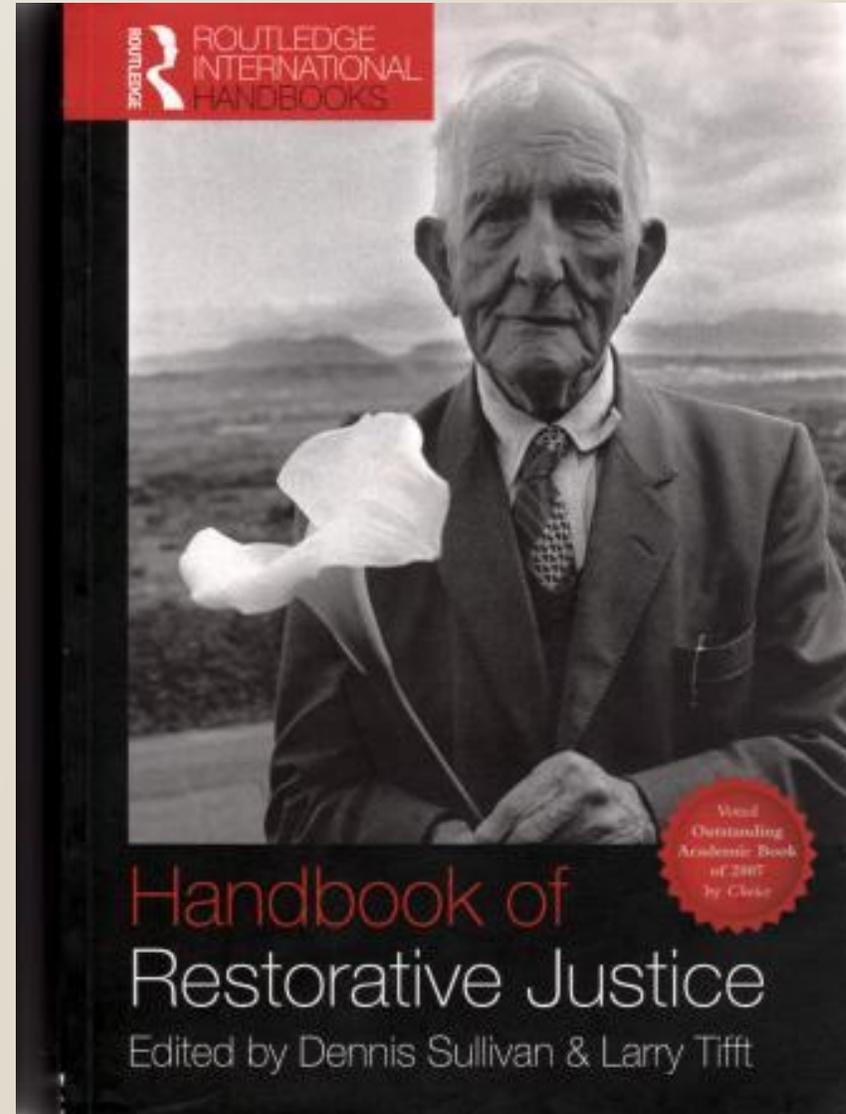
David Gil

Jeffrey Kauffman

Joan Pennell

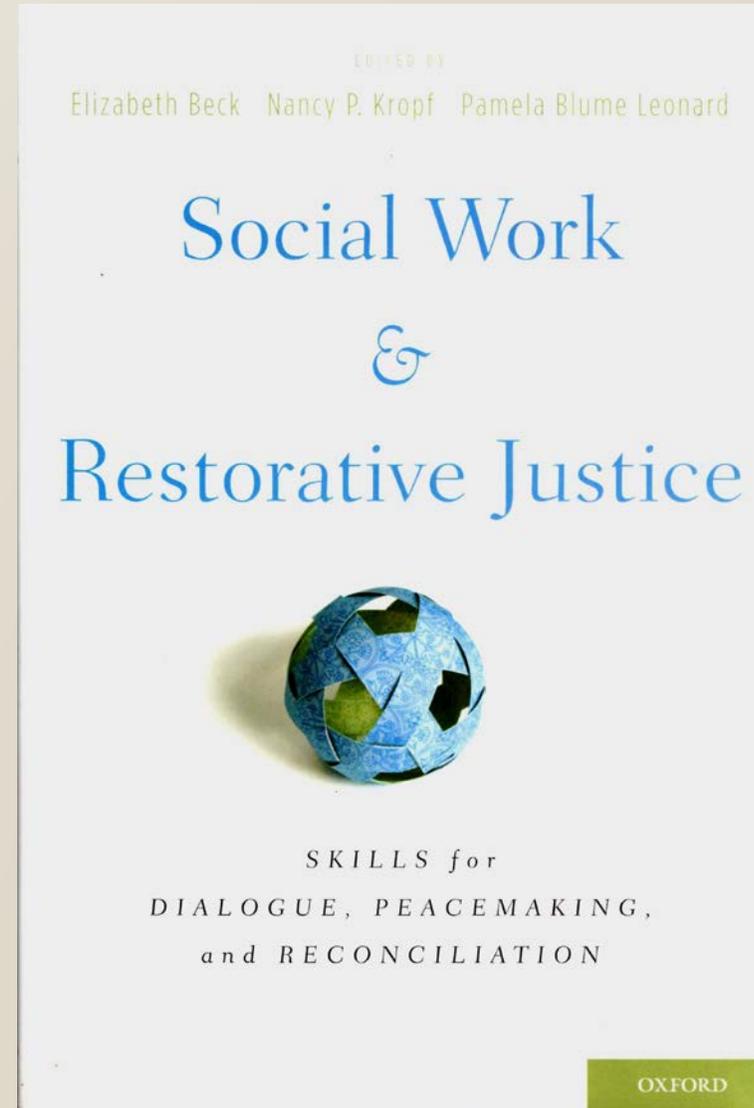
Mark Umbreit

Betty Vos



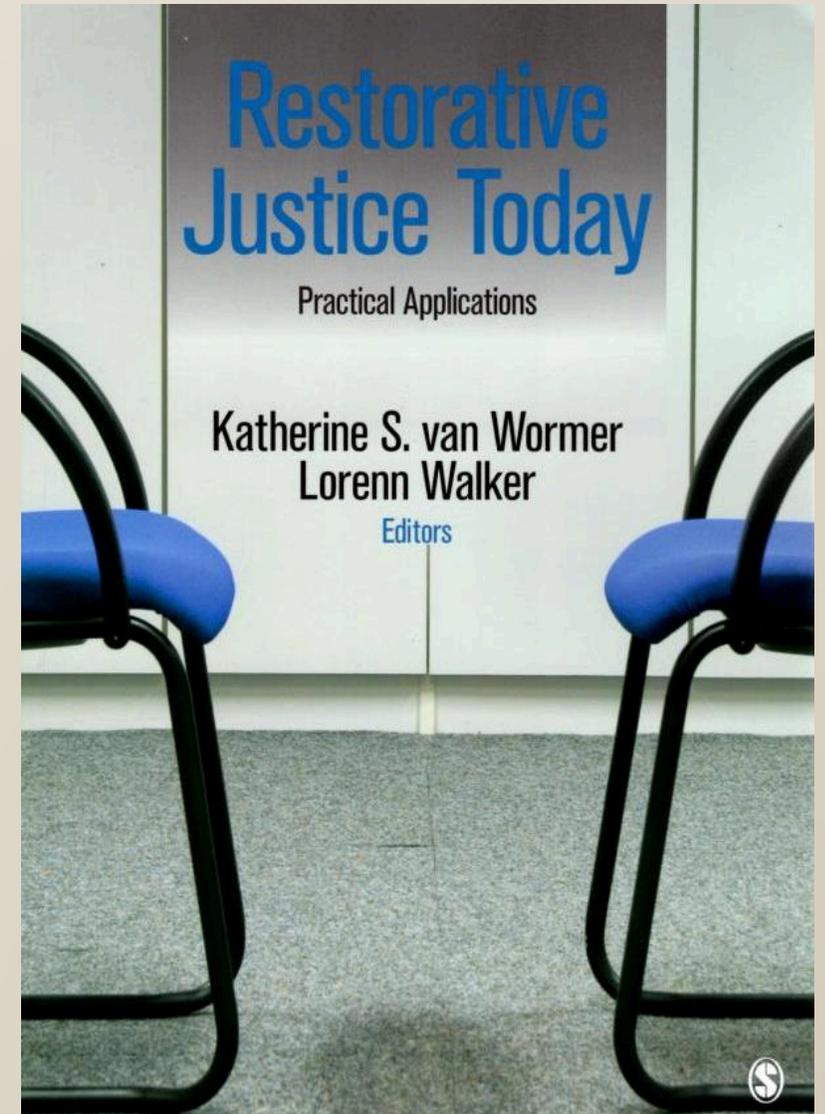
# Beck, Kropf & Leonard (2011)

Landmark book bringing  
Social Work and  
Restorative Justice  
together in schools,  
criminal justice, child welfare,  
violence, aging, and global &  
International contexts

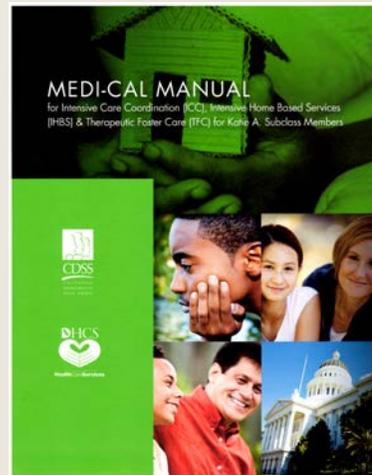
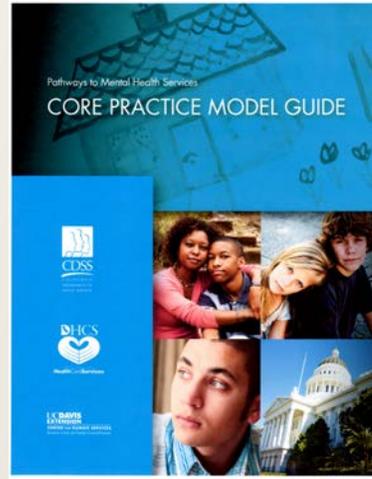


van Wormer & Walker (2013)

Textbook to introduce restorative justice and familiarize students and practitioners with restorative strategies from across the globe and an brief section on RJOY!

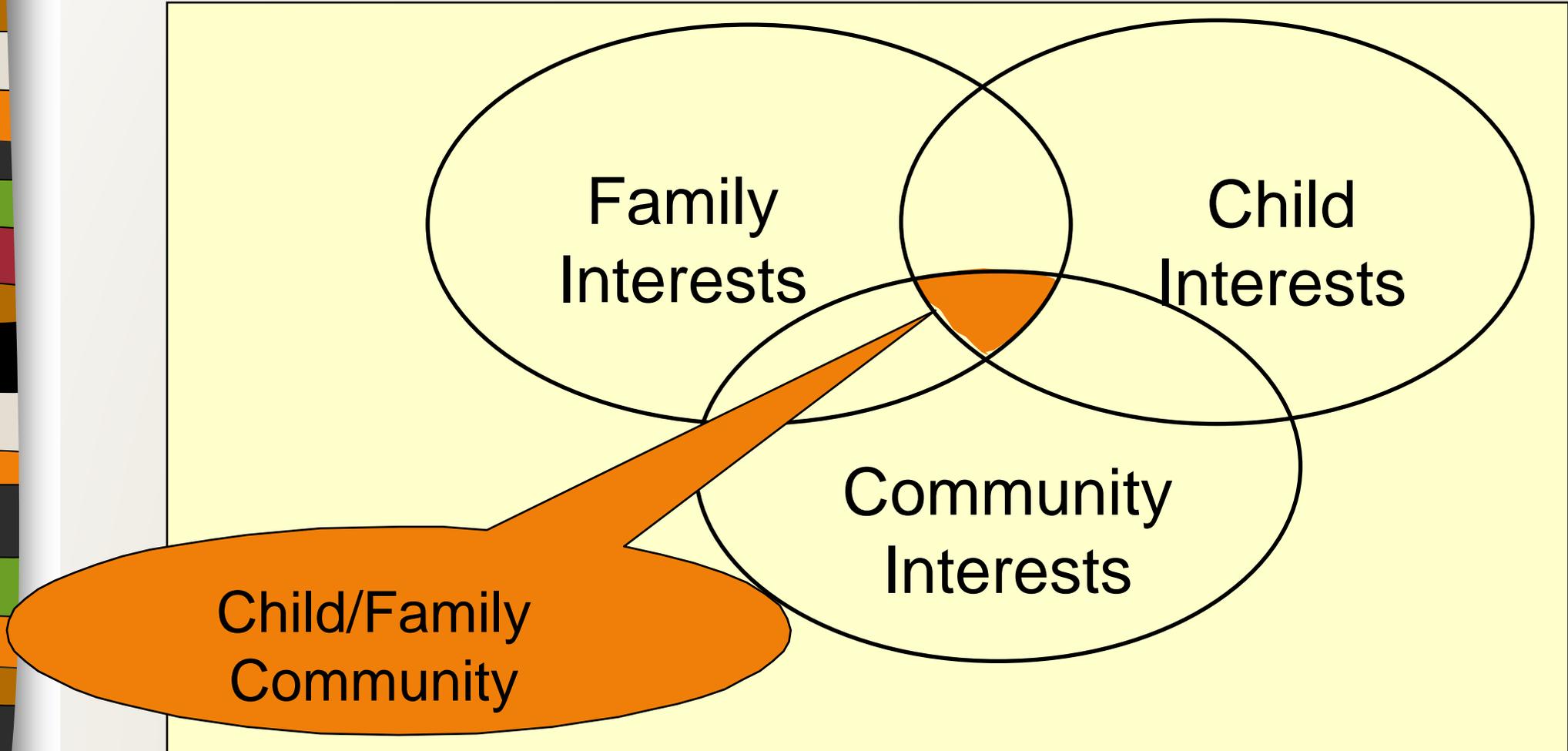


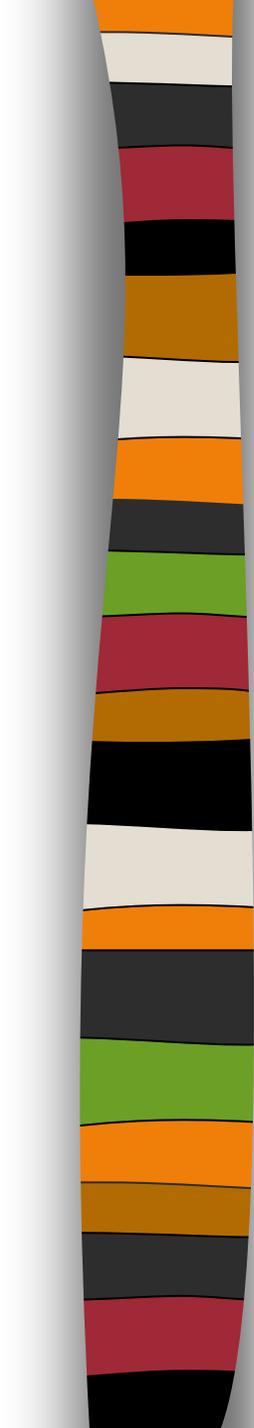
# Katie A. Settlement Work Group finds:



- Child and Family Teams (CFT) are needed for Katie A. subclass members
- TDM and FGDM held as specific examples of models and approaches for team meetings

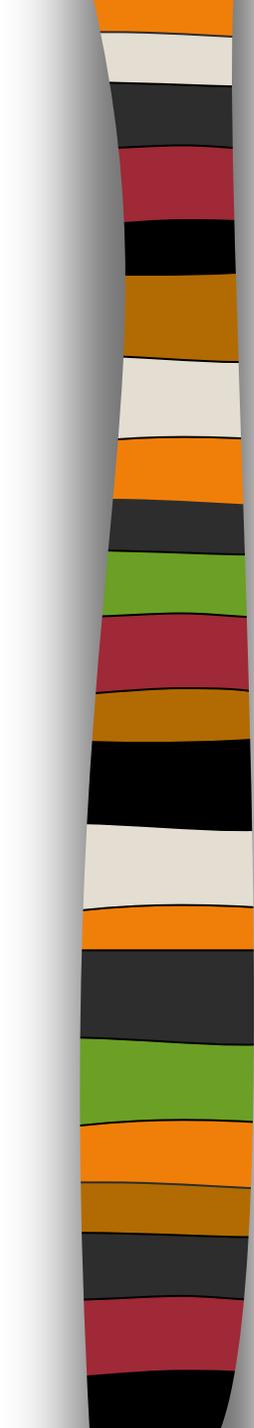
# Shared interest to repair the family





# What is a Family Group Conference?

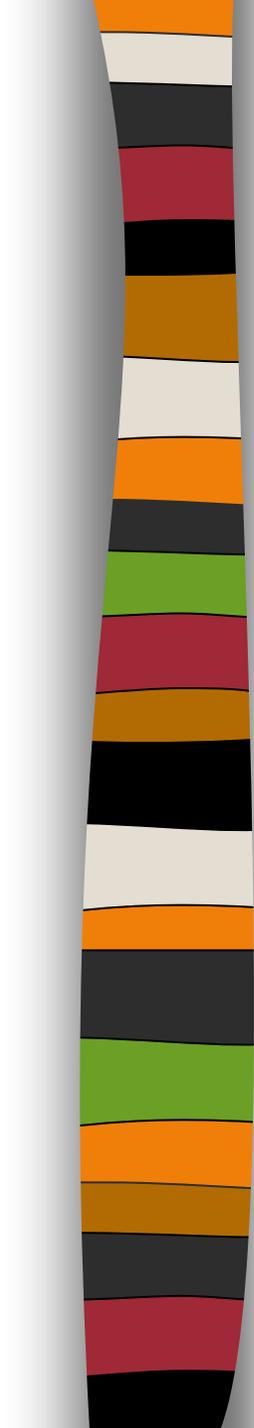
- Brings together nuclear and extended family and kin members, friends, community members, the faith community, professionals, and concerned others who have an interest in a child's well-being.
- Based on the principle that families need to be involved in decisions about the children in their family.
- In the past, in child welfare, social services or the court made most decisions about what happened to children and families. There are better outcomes when families are involved in the decisions that impact their family.



# Common Beliefs and Values

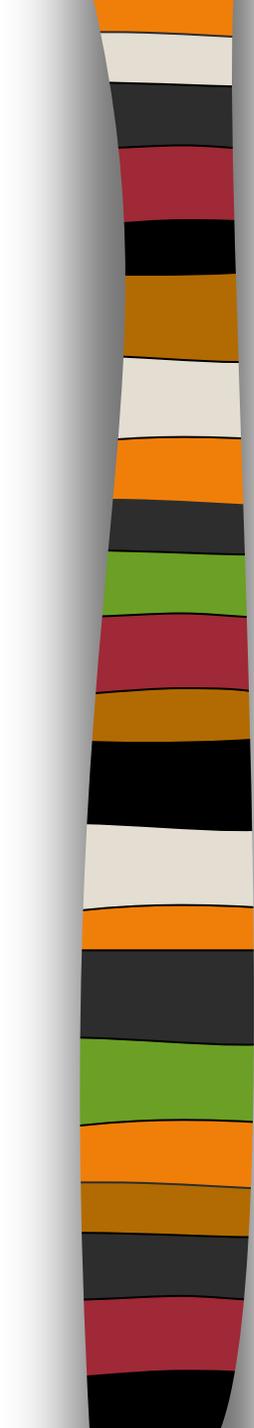
Center for the Study Social Policy 2002

- All families have strengths
- Families deserve to be treated with dignity & respect
- Families can make well-informed decisions about keeping their children safe
- Families are encouraged & supported to make decisions and plans
- Outcomes will improve when families are involved in the decision making process
- Families define their own members



# The stages of a Family Group Conference

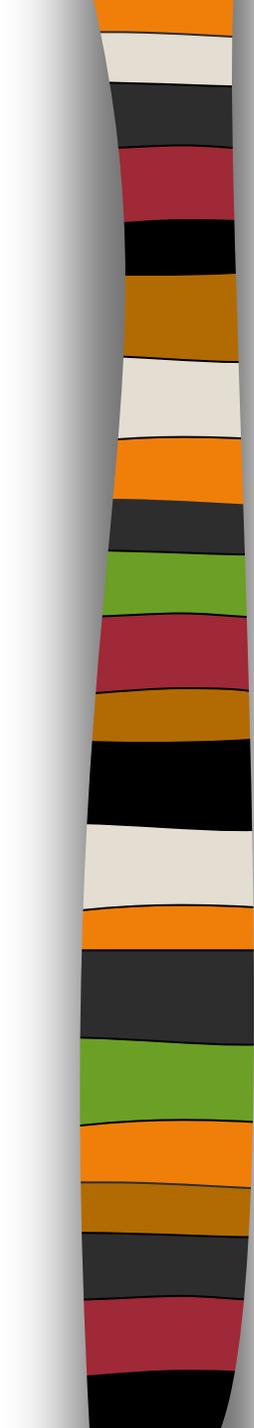
1. Opening
2. Information Sharing
3. Family Deliberations/Private time
4. Reaching and agreeing on the plan
5. Closing
6. Monitoring the plan
7. Follow-up



# Family Group Decision Making Process

American Humane 2008

1. An independent coordinator is responsible for convening the family group meeting with agency personnel
2. Child protection agency personnel recognize the family group as the key decision-making partner with agency personnel
3. Family groups have the opportunity to meet on their own, w/o the agency & other non-family members present , to work through the information they have been given & to formulate their response and plans
4. When agency concerns are adequately addressed, preference is given to a family group's plan
5. Referring agencies support family groups by providing services & resources necessary to implement agreed upon plan

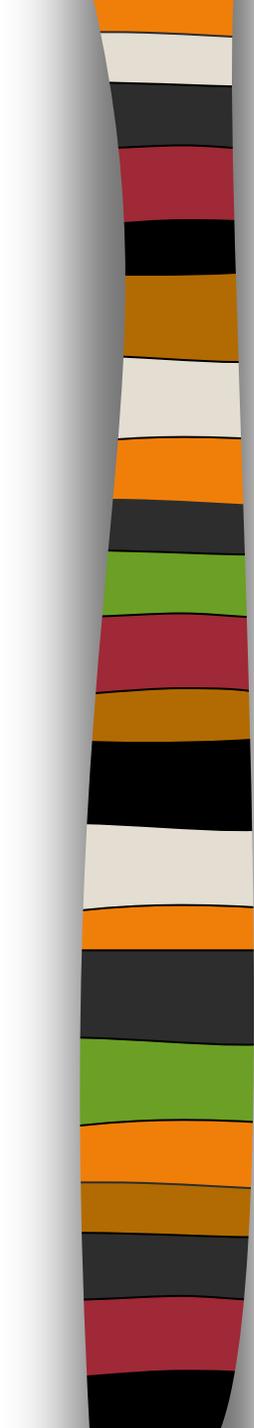


# Team Decision Making

## AECF Family 2 Family

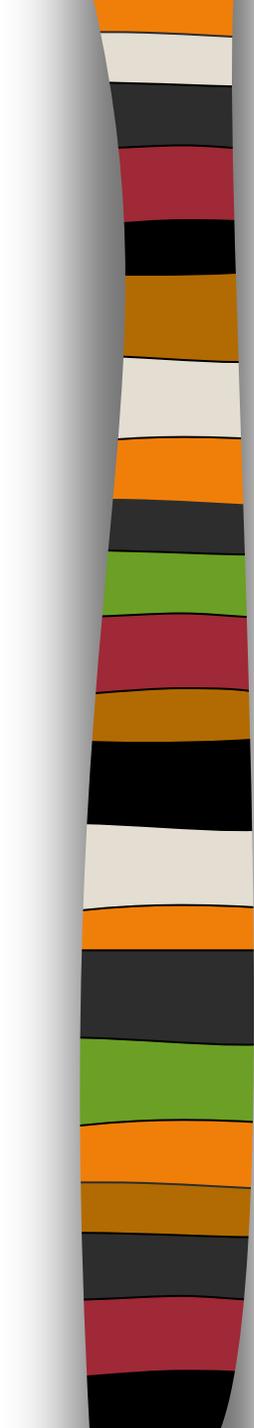
Held at three primary decision points:

1. Initial placement situations - TDM focus on central issues of safety & risk (using SDM )
2. Already in care & facing potential placement disruptions or planned move – TDM assess whether move is necessary & prevent unnecessary disruptions
3. Late in case – TDM reviews changes in family capacity & strengths as they impact safety & risk, to guide plans for reunification or alternative permanency arrangements.



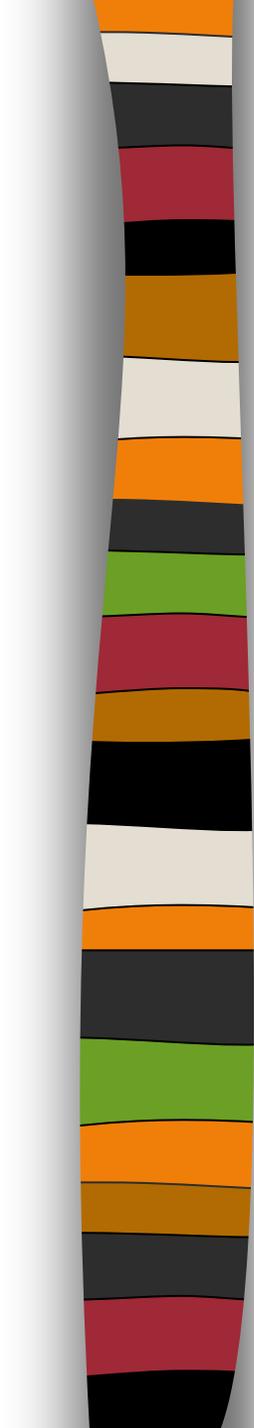
## TDM (cont.)

- Family social worker convenes the family/community group
- Dedicated agency facilitator leads the meeting
- Purpose- to make immediate decision and plan regarding the child's placement
- Agency maintains its responsibility and ownership for the ultimate decision, while welcoming the input of family and community partners



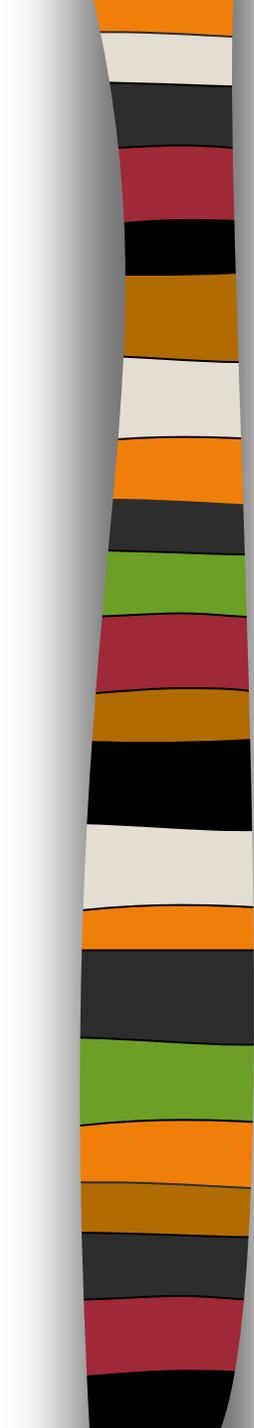
# Family Team Meeting

- Focus on developing and maintaining a positive relationship with the parents and foster parents
- Convened by child's social worker
- Facilitated by social worker or agency supervisor
- Discussion centers on the needs, safety & comfort of the child & all parties involved
- If placement related decision is required the social worker will convene a TDM



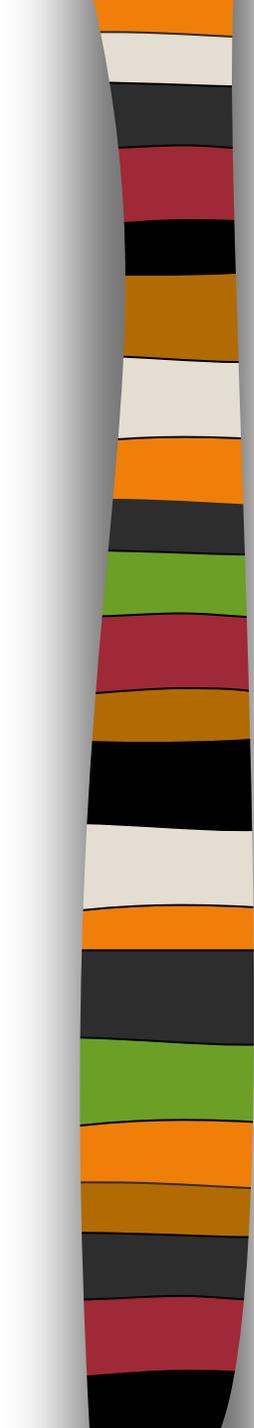
# Dynamics of Difference

- White middle class (mainstream) culture has been imposed upon minorities
- Used to judge intelligence, mental health, beauty, appropriate communication
- Mainstream values applied to others draw mainstream conclusions



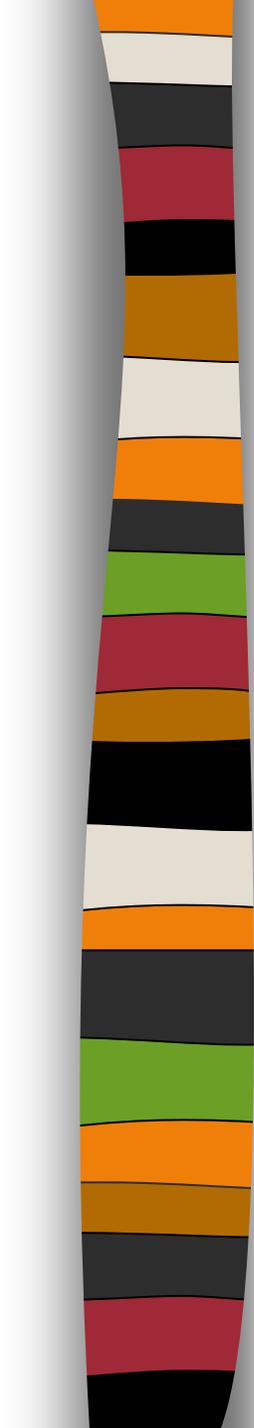
## Cultural Competence . . .

- Is the ability to work effectively with people whose culture is different from your own
- Requires understanding your own biases
- Requires understanding the differences of the people with whom you interact



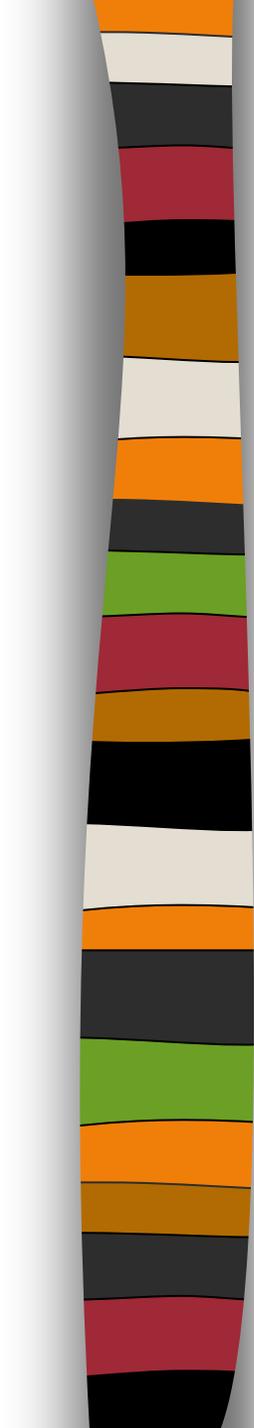
## Taking Care of Yourself As a Facilitator:

Being centered enables you to focus through others' pain, frustration, extreme feelings, and ability or inability to reach agreement



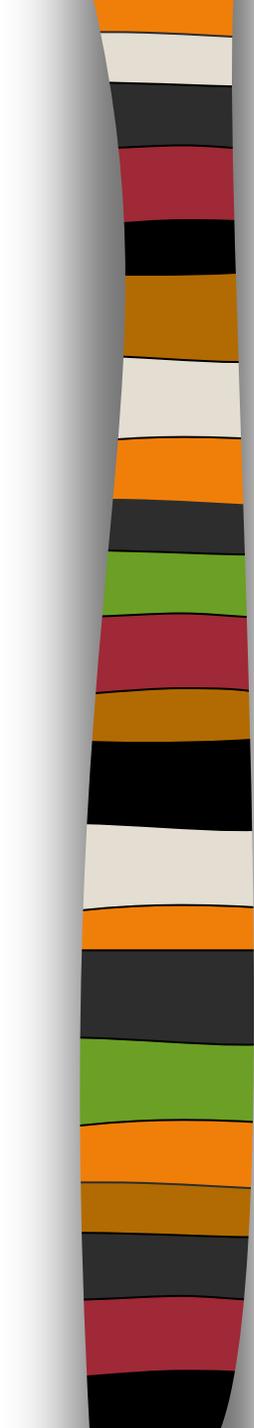
# Roles of the Facilitator

- Create an atmosphere of respect and safety for all
- Create a tone of hope and optimism for constructive solutions
- Guide the process to remain true to underlying values
- Articulate the progress and accomplishments of the conference as it proceeds
- Clarify unresolved issues to focus the conference's energy



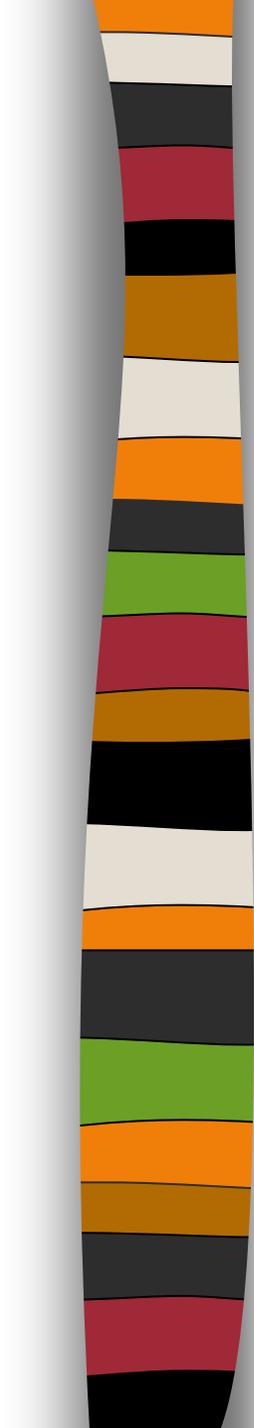
## How to Give Feedback: Communication Checklist

- The problem is the problem
- Separate behavior from the person
- Give suggestions of alternatives
- Acknowledge skills well displayed
- Be honest, but talk with the intention of helping to improve
- Look to learn for yourself



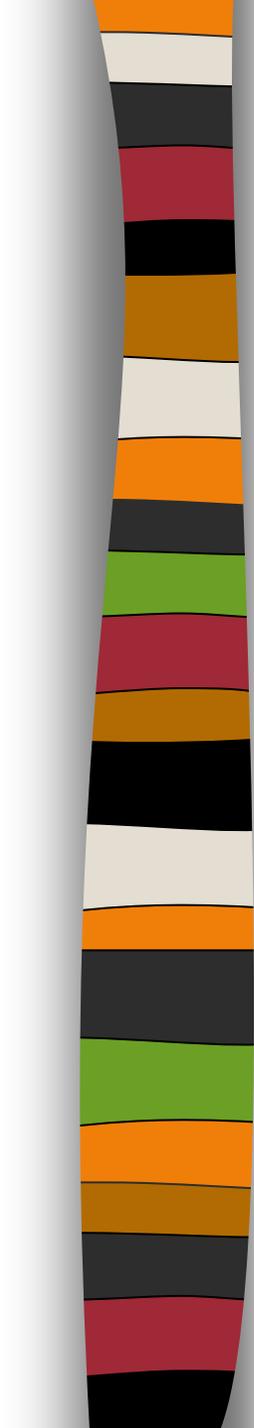
# Allowing Emotional Expression

- Keep facial expressions neutral or supportive
- Pass tissues to teary participants
- Check in on all participants
- Use silence: count 10 after a strong emotional expression
- If participant expresses anger inappropriately, remind them of ground rules



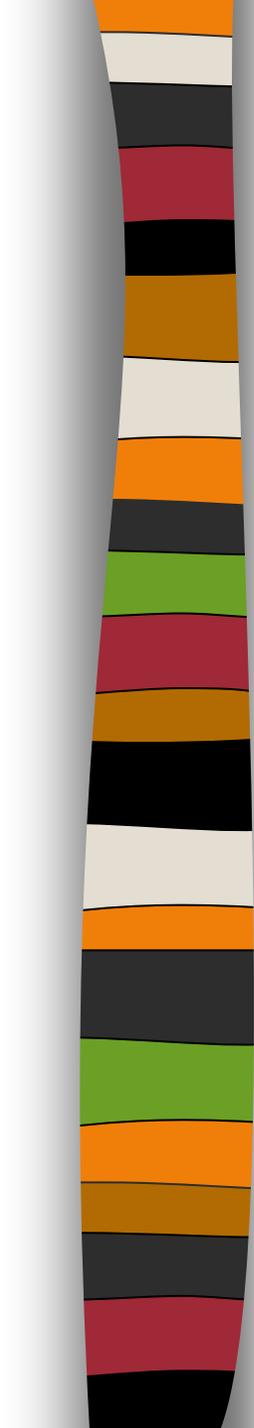
# What Are Peacemaking Circles?

- Voluntary for victim
- A Process for bringing people together as equals to talk about the offense or conflict
- Provides an atmosphere of respect & concern for everyone
- Face-to-face encounter to repair harm
- Led by trained Circle Keepers/Facilitators



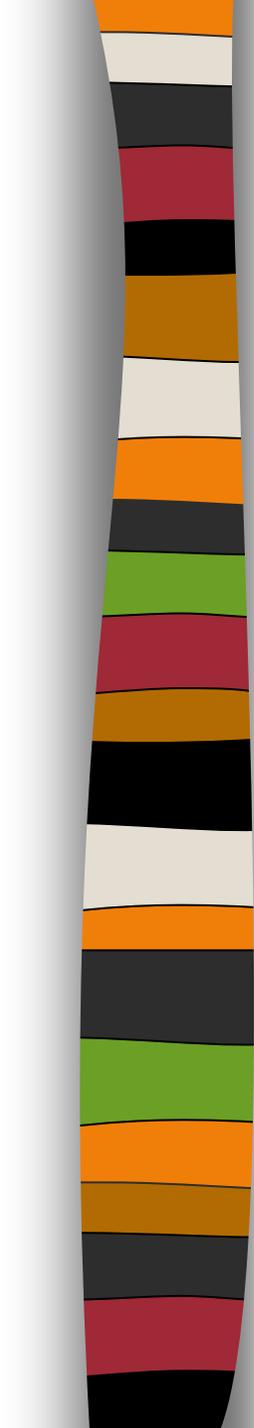
## What are Circles? (cont.)

- Admission of responsibility by offender
- Incident-based, behavior-based
- Looks at underlying causes
- Focuses on empowering participants
- Comes to consensus agreement
- Participants decide Circle outcome



# General Circle Format

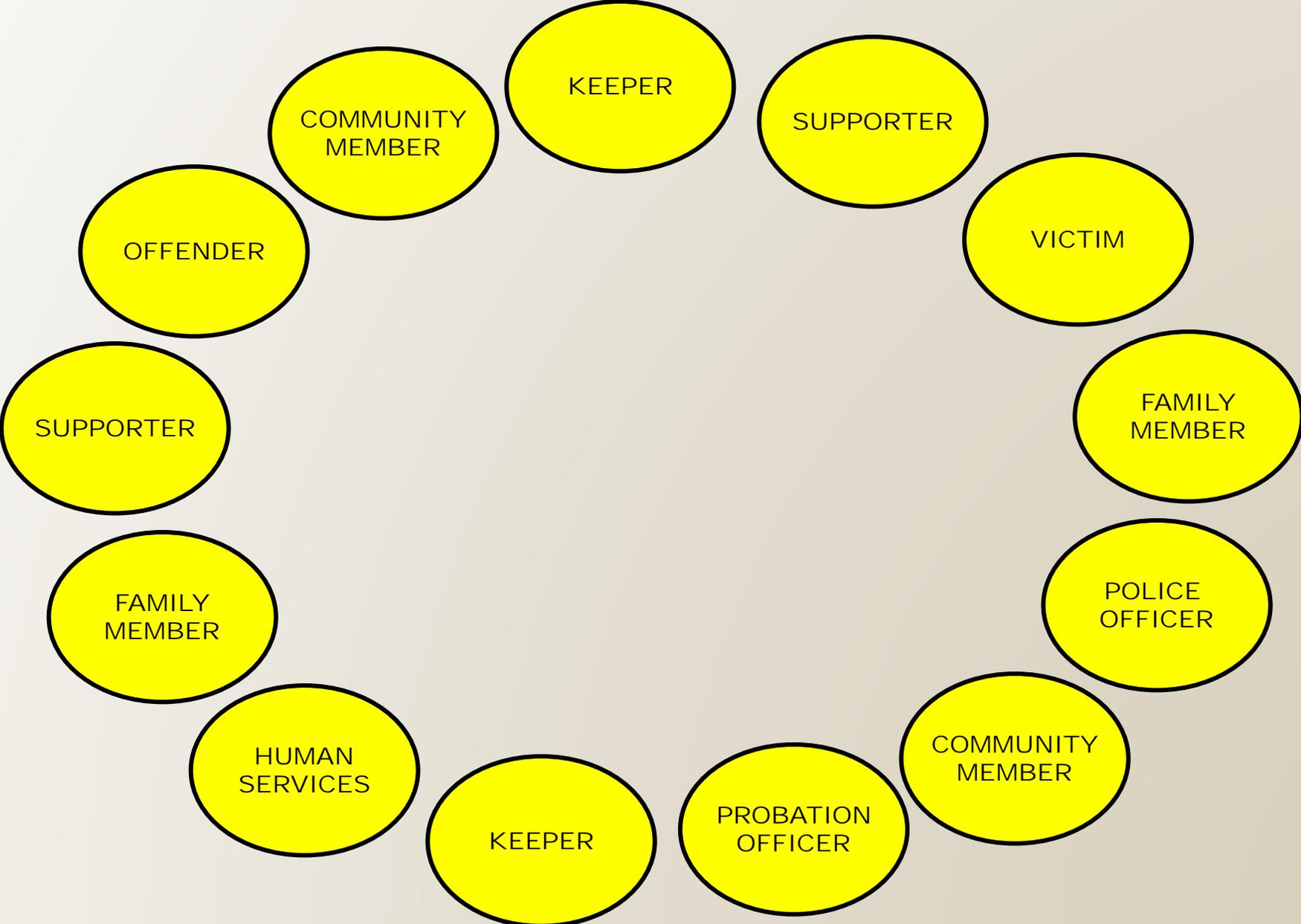
1. Creating the foundation for dialog
2. Expressing needs and interests
3. Exploring options
4. Building consensus / sense of unity
5. Closing

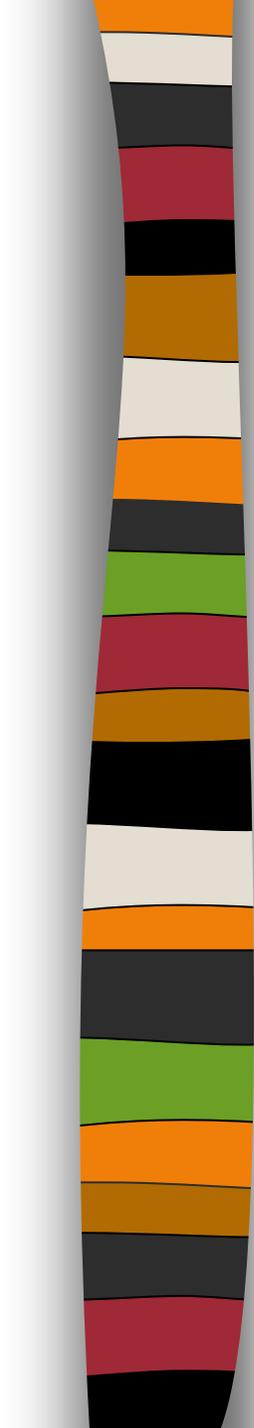


# Typical Stages of the Peacekeeping Circle Process

- **Acceptance**
  - community & affected parties determine if circle is appropriate
- **Preparation**
  - separate circles for various interests are held
- **Gathering**
  - All parties brought together
- **Follow-up**
  - Regular communication and check-ins

# A PEACEKEEPING CIRCLE



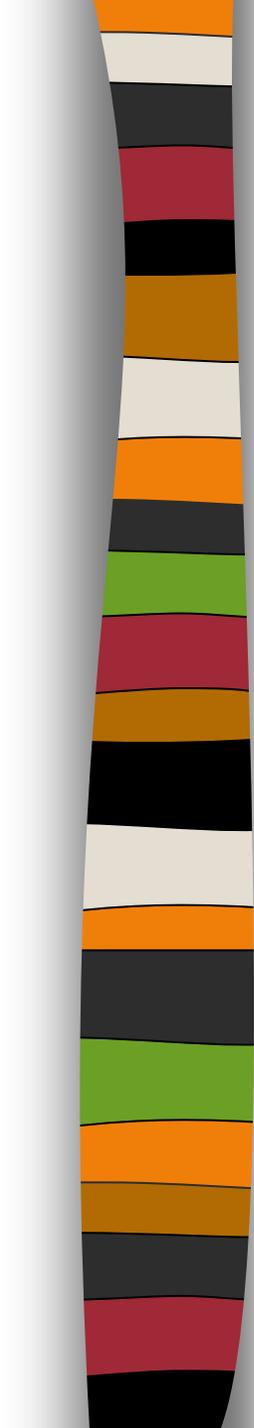


# Establishing the Conversation

- Who is effected by what happened?
- Who has a stake in seeing things put right?

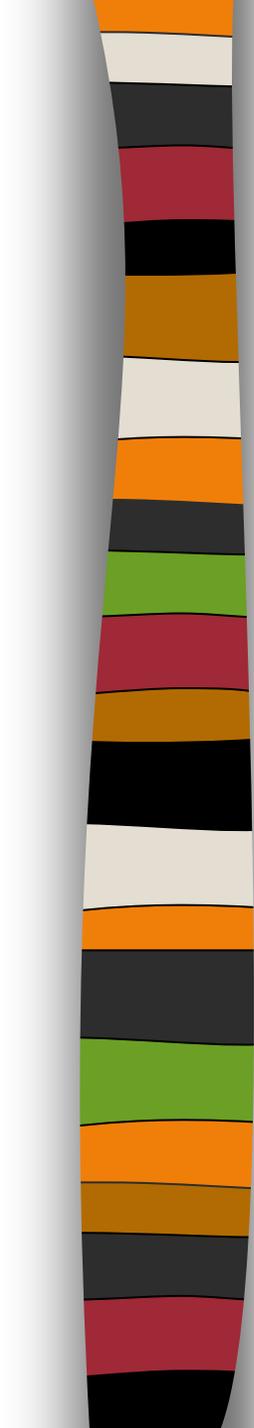
Safe and Peaceful Schools

( Winslade & Williams, 2012)



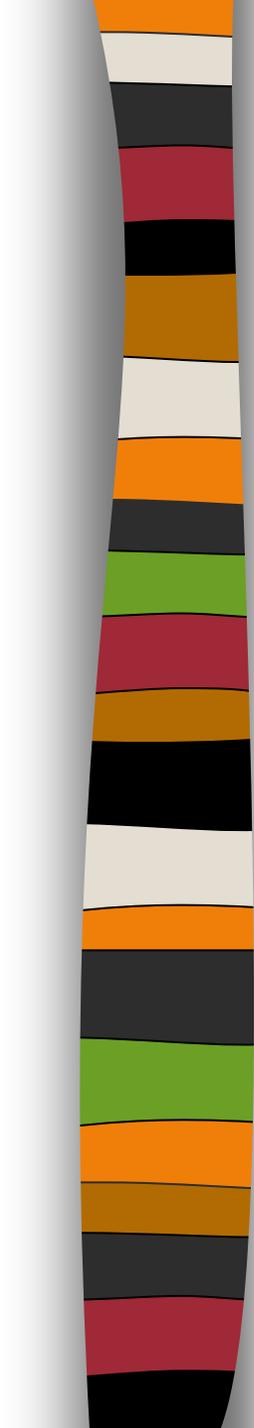
# Identifying the problem

- What happened?
- What part did you play?
- What can we call it?
  - (the problem is the problem)  
Michael White & Narrative Therapy
- What brought you into the trouble



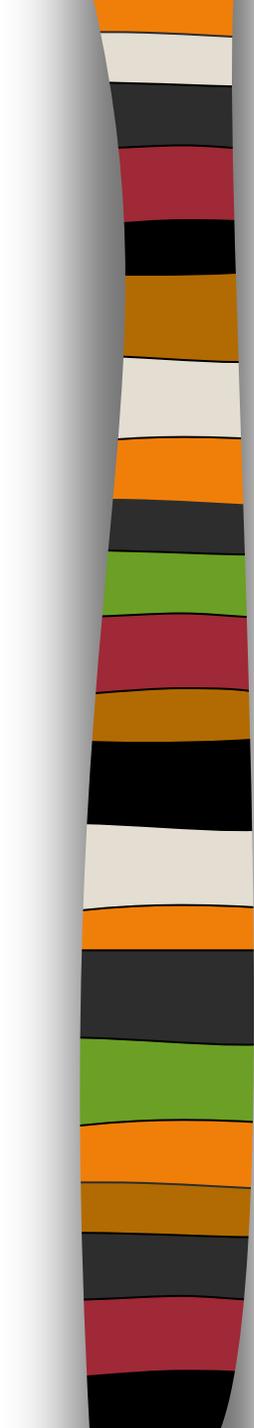
# Mapping the effects

- How did it get you to feel?
- What did it get you to do?
- What did it get you thinking?
- How did it affect the way you are with each other?
- How have other people been affected?



# Addressing the harm

- What do you think of the way that this incident has affected people? Are you happy with that? Was it fair?
- *To the victim:*
  - *If this situation were to be put right, what would you need?*
- *To the aggressor:*
  - *How could we make sure this doesn't happen again?*



thanks...

Lee Copenhagen, MSW, LCSW, PPSC, is a nationally certified restorative justice trainer and practitioner who has conducted trainings in victim offender dialog, circle keeping, mediation, delinquency prevention, and restorative justice. Lee has been working in communities for over twenty-five years in many different roles including juvenile investigator, youth probation officer, social worker, youth gang researcher, teacher, lecturer, counselor, family therapist, and foster parent.

[www.cojustice.org](http://www.cojustice.org)