

EU FGC NETWORK 2013

A legal mandate for FGC - NL country report

Eigen Kracht-conferentie (EK-c) is the Dutch name for Family Group Conference (FGC), which originated in New Zealand. In The Netherlands, Family Group Conferencing was introduced bottom up (2000), with pilot projects, research of results and winning heads and hearts. The 'discovery' of this activating citizenship approach in NL soon made clear that the nature of the problem or conflict is **not** the issue. What is important is how the circle of people, is addressed with regards to their joint capacity to come up with their own solution. The mind-shift of EK-c is to recognize that the own circle of people does not only own the problem, but the solution as well.

Over the years, research is showing that EK-c is successful in nine out of ten cases; a plan is made in which people contribute help and support, including housing. This means that the applications are infinite, and the issue is no longer *who will or will not* have access to EK-c, but instead that responsibility should rest where it belongs: in the circle of the own people. EK-c has been applied in all kinds of situations where people need a plan for a problem or a conflict, be it at home, at school, at work, in the neighborhood, in prison or out of it, divorce related, in case of illness, debts, violence, imminent eviction. This does not make EK-c something new, exotic, coming from a far-away place; on the contrary, it is a modern application of well-known principles like solidarity, citizenship or sovereignty in the own circle.

We soon recognized that the introduction of this citizenship-approach needs more than committed citizens and professionals. It needs a stronger and rather legal mandate. In the spring of 2011, the Dutch Parliament incorporated an amendment to this end in the Child Protection Act. Last month, the new Youth Act passed the Parliament including an amendment to secure the rights of citizens to make their own plan first. The new Youth Act now states: **family group plan: aid plan or plan of action as prepared by the parents, together with relatives, in-laws or others who belong to the social environment of the youth;**

...realising and executing family group plans and providing aid based on family group plans in order to implement article 4.1.1a and problems related to adolescence and raising youth, psychological problems and disorders are observed early on.

...When implementing article 4.1.1 and when problems related to adolescence and raising youth, psychological problems and disorders are observed early on, the care worker or the certified institution will be the first to enable the preparation of a family group plan within a reasonable period. The above does not apply to the certified institution that administers the resettlement of a youth or that serves as the guardian of a youth in the event the parents have been deprived of parental authority. Only if the parents have indicated to the care worker or the certified institution that they do not wish to make use of the possibility referred to in the first sentence, if there are concrete threats to the development of the child or if the child's interests are otherwise compromised, the care worker or the certified institution may refrain from this.

...In article 6.1.10, after the first paragraph another paragraph is inserted, reading:

1a. Before granting an authorisation or a conditional authorisation and before cancelling the object referred to in article 6.1.7, the magistrate of the juvenile court offers the possibility of a family group plan. Only if the parents have indicated to the magistrate of the juvenile court that they do not wish to make use of this possibility, if there are concrete threats to the development of the child or if the child's interests are otherwise compromised, may the magistrate of the juvenile court refrain from this.

For Child Protection and Youth Welfare this is a step forward to build a legal mandate in democratic decision making for citizens. However in more areas the Government can make decisions in people's life without involving their families, friends and relatives, as for instance in mental health care. On this theme the Dutch organization for FGC: Eigen Kracht-Centrale, is collaborating with Jolijn Santegoeds, expert by lived experience, founder of Mind Rights (www.mindrightrights.nl). Jolijn is working on securing citizens' rights in the arena of mental healthcare, nationally and internationally. She also will participate in the network meeting in Belgrade:

FGC to avoid forced psychiatric treatments.

Mental health is wellbeing, which is not a medical issue: It is about coping with life and feelings, which is a psychosocial issue. Social circumstances play a very important role in wellbeing. Psychosocial problems may induce typical social tensions.

In psychosocial crisis situations, forced treatments are not a solution, but are a problem. Repressing people does not create mental wellbeing, but only creates more powerlessness, panic, struggle and crisis for the person involved. What is needed is to counter the crisis by offering support.

Mental health care should be about support and recovery. In mental health crisis situations the focus should be on finding desirable ways ('real solutions') to deal with the problems, tailored to the individual situation, aimed at increasing wellbeing for everyone involved.

The UN Convention on the Rights of Persons with Disabilities (CRPD) emphasizes that all persons with disabilities are entitled to the same human rights as other people, such as the right to exercise legal capacity, the right to decide where and with who they want to live, and the right to decide freely on any treatment or care. These newest international human rights standards prohibit the use of any forced treatments in mental health care as being Torture and other cruel, inhuman or degrading treatment or punishment. This implies that alternatives to forced treatments are highly needed.

Family Group Conferencing can help to identify desirable ways of dealing with a crisis situation. FGC takes a social-oriented approach, focusses on chances and opportunities, enables prevention of crisis, enables dialogue, and can be used to avoid forced treatments by identifying respectful alternatives. FGC is likely to be (much) more beneficial to the wellbeing of participants than the harmful forced treatments. In the Netherlands, spring 2013, a pilot project on using FGC to avoid forced psychiatric treatments has been started in 3 regions, including research (by VUMC University in Amsterdam) on the effects of using EK-c to avoid forced psychiatric treatments in mental health crisis situations.

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