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Family Diagnostic and Consultation Centers as Institutions Supporting Courts and Families In Case of Maladjusted Minors

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1. Introduction

The process of individual's socialisation is possible only during his or her participation in the social life, ingestion of its rules, norms and systems of values and also during learning how to perform certain roles in the society. State when an individual does not respect social rules and refuses to adjust to the social environment is called maladjustment.

The literature of the subject assumes three main social environments which influence the correct psychosocial development of an individual. They are family, school and peer environments.

Abnormalities in mentioned areas are directly connected with maladjustment symptoms.

The family as a basic social institution has an exceptional role in each human being's life. It provides him with protection and shapes features indispensable in adult life. However, some unfavourable phenomena within the family foster demoralisation of its youngest members (Basak, 2011).

D.Wójcik pointed out some important problems connected with the family conditions of children and youth socially maladjusted. Presented by her factors are combined with each other and together they create a family situation which may be a cause of socially unaccepted behaviour.

Abnormalities of child's development are strongly influenced by the structure of the family (full or broken), by material and housing conditions of a child and by the level of education and professional qualifications of parents, which determine the social position of the family and its cultural level.

Moral-educative atmosphere of the family has also a special role in the process of child's socialisation. It consists of: parents' life together, their health and characters, emotional relationships between certain members of the family, its cultural level and parents' habits and views connected with sharing duties, educative methods, moral and custom norms and ways of spending free time (Wójcik, 1984).

Enumerated factors, according to the author, have a crucial meaning during the process of building the structure and atmosphere of the family, which is reflected in experiences and behaviour of a child being a member of it.

H. Kołakowska-Przełomiec lists four main mechanisms by which family influences social maladjustment:

- inappropriate atmosphere of the family life, often connected with conflicts between parents, family breakage, cohabitation, alcoholism or wrong attitude towards children,
- lack of full child care caused by parents' job, helplessness or illness,
- using inappropriate educative methods,
- upbringing a child in a family with criminal history record or with low morality level (Kołakowska-Przełomiec, 1984).

These mechanisms cause maladjustment which then may lead to behaviour of a criminal nature.

A.Kelm enumerates some negative factors influencing a child within family:

- lack of care (natural or social orphanhood, temporary lack of care),
- lack of material resources (a family totally deprived of material resources; in a difficult financial situation; deprived of material resources temporarily, because of some event),
- lack of adequate care caused by parents' jobs,
- family functions disorder (a broken family; destroying relationship between a child and a parent because of educative mistakes; lack of care caused by alcoholism or demoralisation) (Kelm, 2000).

Mentioned factors indicate a connection between irregularities in the process of child's socialisation and not realising its basic functions by the family.

Classifications above prove the significant role of the family in the process of developing maladjusted attitudes.

The second of basic environments influencing child's preparation to social life is *school environment*.

The school has a didactic function (providing knowledge, developing skills and hobbies), educative (introducing the system of rules and values, developing the ability to cooperate) and caring (taking care of correct physical development and child's safety, organising child's free time).

H. Spionek claims that the school may be an initial cause of children's developmental disorders and a place where already existing issues become visible. The school is referred to as one of the elements of child's pathologization if it is a place of his constant failures.

Spionek enumerates factors making school an original source of child's developmental disorders causing his school failures and, as a result, his social maladjustment. They are:

- inappropriate school life conditions (for example: too many children in a class, bad accommodation conditions),
- the set of requirements not adjusted to child's abilities and a wrong way realising them,
- teacher-educator influencing the didactic-educative process in a wrong way (Spionek, 1985).

While discussing the role of the school in the process of the development of maladjustment, it is important to emphasise the substantial role of the teacher himself. As he observes child's functioning as a student, he is able to recognise early forms of social maladjustment and can undertake some actions to block their development (por. Świdarska, 2012).

In the process of child's social development it is also vital for him to be a member of *a group of peers*, where he can satisfy his psychological and social needs.

F. Znaniecki emphasises the role of peer group in the process of child's socialisation and enumerates some of such group's features. Thus, a group of peers:

- is a strong, real normative frame of reference,
- satisfies the need of membership and social participation,
- is an important means of individual's socialisation,
- takes part in child's acquisition of:
 - models of social structure and inequality,
 - rules and values regulating living in the society,
 - accepted behaviour disorders referred to as normal,
- is a form of social control (Znaniecki, 2001).

Depending on the character of the group, participating in it may lead to correct socialisation as well as incorrect one, when the group is dominated by maladjusted persons.

In the group of peers a child feels he belongs somewhere and is understood, which is especially important for those who are rejected by parents and school. He tries to get the acceptance and support from the group by socially non-accepted behaviour, which deepens social maladjustment (por. Świdarska, 2011).

Social maladjustment of children and teenagers is a serious issue. It is absolutely needful that each case of it is investigated, causes are discovered and certain actions to foster socialisation process are undertaken.

2. Family Diagnostic and Consultation Centres Association

Family Diagnostic and Consultation Centres have a really important role in helping families and courts as well as in recognising and counteracting the phenomenon of maladjustment.

They are institutions created at District Courts on the basis of:

- Regulation of the Minister of Justice from 3rd August 2001 about organising and functioning of family diagnostic and consultation centres (Dz. U. Nr 97, position 1063),
- Ordinance of the Minister Justice from 26th October 1999 changing the rules of creating pedagogical teams supervising juvenile detention center, shelter for juvenile and family diagnostic and consultation centres (Dz. Urz. M.S. Nr 3, position 22),
- Regulation of the Minister of Justice from 14th August 2001 about costs of proceedings when it comes to cases of minors (Dz. U. Nr 90, position 1009),
- Regulation of the Minister of Justice from 18th December 1975 about costs of using expert opinions in proceedings (Dz. U. nr 46, poz. 254 z późn. zm.).

Family Diagnostic and Consultation Centres undertake actions connected with diagnosing, guidance and care in cases of minors and with counteracting and preventing demoralisation. They act on behalf of District Courts as well as higher courts.

The aims of such centres are:

- 1) carrying out psychological and medical researches and giving opinions on the behalf of the court or prosecutor,
- 2) mediating in cases of minors and family issues on the behalf of the court,
- 3) taking care of minors pointed out by the court,
- 4) conducting expert counselling for minors and families jeopardized by demoralisation on the behalf of the court,
- 5) cooperating with facilities realising court ruling, institutions and organisations dealing with the issue of protecting and strengthening the family.

Family Diagnostic and Consultation Centres are usually open from Monday to Friday between 7:30 and 15:30 and additionally twice a week between 7:30 and 19:00. If examined person asks to change the date or time of the appointment for a certain reason, it is always taken into consideration.

Experts have fixed working time and they normally work in fixed pairs. In such centres all kinds of cases are dealt with, and additionally mediations are conducted and one can ask for a piece of advice or consultation. Tasks are assigned by the manager on an ongoing basis.

Pedagogical and psychological tests necessary to give an opinion are carried out in the facility.

People working in such places issue their opinions on the basis of rules created by Department of Justice.

Specialists work in teams. Some parts of tests they carry out on their own; psychologists focus on minors and pedagogues on adults. They share important pieces of information and issues to clarify immediately. The next step is to examine an adult by both pedagogue and psychologist. After discussing the issues within a team, they prepare separate opinions and then combine them together by working out mutual conclusions.

Records of Family Diagnostic and Consultation Centres is kept in accordance to guidelines of the Minister of Justice¹².

These facilities keep following records:

- a list of cases needing opinion,
- a folder with all sent files,
- an alphabetical list of examined people,
- a correspondence book,
- a timetable of activities,
- records connected with investigated cases,
- an advice book,
- a facility council meetings book,
- personal records of facility workers,
- a folder with all monitions,
- a list of delegations,
- a list of office supplies and health and safety items,
- inventory of books (books, guidebooks and specialist literature),
- inventory of aids and research materials.

Cases appointed by courts to be investigated are listed in a correspondence book which is updated on an ongoing basis. Cases needing an opinion are listed in the book of cases requiring Family Diagnostic and Consultation Centre's opinion.

¹² Regulation of the Minister of Justice from 3rd August 2001 about organising and defining the operating range of diagnostic and consultation facilities (Dz. U. 2001.97.1063).

The manager of the facility sends the opinion and the bill to an adequate court immediately after it is prepared and keeps a copy in facility records. Opinions are kept in separate file holders with identification numbers, court file signatures, tests, interviews, observations, pieces of advice and bills for prepared opinions.

3. Giving opinions in cases of minors

Preparing opinion in cases of minors is regulated by Regulation of the Minister of Justice from 3rd August 2001 about organising and defining the operating range of diagnostic and consultation facilities¹³, and act on juvenile proceedings¹⁴.

A Family Court asks for Family Diagnostic and Consultation Centre's opinion when a complex diagnosis of minor's personality is needed – to prepare it pedagogical, psychological and medical knowledge is required.

Moreover, before making a decision about placing a juvenile in a care and educational facility, educational center, public healthcare facility, nursing home or reformatory a court also asks for Family Diagnostic and Consultation Centre's opinion.

The essence of proceeding, when it comes to children and teenagers socially maladjusted, is to focus on minor's sake, to aim at positive changes of his personality and at making his parents or guardian fulfil their obligations towards him. The rule of focusing on minor's sake has to be realised with taking into account social interest.

During juvenile proceedings such things as minor's personality, age, health, level of psychological and physical development, features of character as well as behaviour, causes and level of demoralisation, environment and living conditions of the minor are taken into consideration.

Experts from Family Diagnostic and Consultation Centres, while choosing the best educative or reformatory means for a minor, mind court's possibilities defined by the act on juvenile proceedings. A court can:

- admonish;
- make one act in a certain way; especially make one repair the damage he caused, do something for the benefit of the victim or local society, apologize to the victim, start education or work, participate in educative, therapeutic or training activities, avoid certain environments and places or stop using alcohol or drugs;

¹³ Regulation of the Minister of Justice from 3rd August 2001 about organising and defining the operating range of diagnostic and consultation facilities (Dz.U.2001.97.1063).

¹⁴ Act from 26th October 1982 on juvenile proceedings (Dz.U.2010.33.178).

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- establish a supervision of parent or guardian;
 - establish a supervision of youth organisation or other social organisation, workplace or a trustworthy person willing to be responsible for the minor;
 - establish a supervision of probation officer;
 - send a minor to a supervised facility, social organisation or institution offering educative, therapeutic or training activities (after contacting with mentioned organisation or institution);
 - prohibit driving vehicles;
 - take away items gathered thanks to committing a criminal offense;
 - place in a foster family, care and educational facility or educational center;
 - place in a reformatory;
 - use other means listed in the act on juvenile proceedings and in The Family and Guardianship Code.

A Family Court can oblige the family of guardian to better educative, living and health conditions of the minor and to closely cooperate with minor's school, psychological- pedagogical dispensary, other dispensary, his workplace or doctor and medical institution. What is more, it can oblige parents or guardian to partially or totally repair the damage caused by the minor.

In case of minor's mental retardation, mental illness, other mental disorder or alcohol/drug addiction a Family Court can place a minor in a mental hospital or in other adequate medical institution. If a minor requires only educative care, he is sent to a care and educational facility and if he is mentally retarded and needs only care – to nursing home.

4. Stages of diagnosis

Diagnosis of social maladjustment of children and teenagers is one of the elements of proper prevention and resocialisation, includes recognising initial educative situation and initial state of examined person's personality. According to Lesław Pytka, a full diagnosis of social maladjustment consists of three basic stages:

1. *The stage of diagnosis stating* facts which are the reason why reforming or correcting actions are needed. One has to define the kind of observed disorders, discover psychological and social mechanisms leading to them and determine the influence of certain factors on observed disorders as accurately as possible.
2. *The stage of directing diagnosis* includes formulating hypotheses and postulates which are a base for choosing right preventing and resocialising actions. It is important to take into consideration real possibility of realising assumed goals and to define the connection between actions and aims.
3. *The stage of verifying diagnosis* aims at checking if the diagnosis was correct and chosen methods were adequate (Pytka, 2000).

Family Diagnostic and Consultation Centres have to take into consideration these three stages of diagnosis while giving opinion in cases of minors.

Experts from Family Diagnostic and Consultation Centres gather information necessary to prepare an opinion by analysing records of the case and carrying out pedagogical and psychological examinations.

During specialist tests psychologists and pedagogues usually use methods and techniques such as dialogue, interview, observation, analysing works, intelligence and abilities tests, projection test or questionnaires.

Tests of a minor usually take about 5 hours. In some cases it may be divided into two parts.

If a minor does not show up on examinations, facility manager asks the court to make police bring him in.

5. Mediations in juvenile cases

Family Diagnostic and Consultation Centres conduct mediations in cases of minors if the court recommends it. Mediation is an alternative method, which protects minors from negative influence of the formal system of administration of justice. Negative influence means here being recognised as a person who came into conflict with the law and consequences of this fact. It is much more beneficial, especially in the initial stage of social maladjustment, to influence the minor through family, school and other institutions of informal social control.

It is advised to combine mediation with repairing the damage a minor caused and to make it teach a minor to avoid law violations in the future.

Juvenile mediation is “an attempt to work out a solution of a criminal conflict that satisfies both parties by voluntary negotiations conducted by an objective person – conciliator, who supports the process of mediation, alleviates tensions and helps to work out a solution. Therefore, conciliator is a person unbiased, not representing interests of victim or perpetrator” (Bieńkowska, 2009).

In conflicts where the basis is a crime mediation is supposed to lead to alleviating or neutralising negative consequences taken by the victim (primary victimization) and weakening or eliminating the phenomenon of secondary victimization – stress and suffering caused by wrong attitude of the society. Mediation is an element of restorative justice.

In juvenile criminal cases mediation has a great number of advantages. Firstly, it may lead a minor to understanding the essence of caused damage; understanding that he caused someone to suffer. Moreover, a victim may discover why he was hurt; what were the motifs which may restore his faith in people and diminish his fear.

Mediation is totally voluntary and requires acceptance from the perpetrator as well as from the victim. They have to confirm the most important facts connected

with the event, but a minor does not necessarily have to admit guilt. However, he has to understand the consequences of his actions repent and apologize. The subject of mediation may be a form of compensation like apology, repairing the damage or social work.

The process of mediation, reaching a compromise and reconciliation of a minor and his victim is an argument for the court to use milder punishment (Bieńkowska, 2009).

Conciliators of Family Diagnostic and Consultation Centres observe growing interest in mediations in juvenile criminal cases, but the number of conducted mediations is still low. To make this method more popular experts offer advice and consultations and some facilities even organise Mediation Open Days when conciliators provide guests with information about this method of solving a criminal conflict.

6. Other actions undertaken to help minors and their families

Pedagogues and psychologists form Family Diagnostic and Consultation Centres provide expert care for minors sent to them by the court.

In such facilities one has access to specialist counselling for minors, their families and families endangered with demoralization. Workers of such centres are obliged to cooperate for minor's sake with facilities connected with courts, institutions and organisations dealing with the issue of protecting and supporting the family. They usually cooperate with custodians, workers of psychological-pedagogic dispensaries and educational centres.

Consultations in Family Diagnostic and Consultation Centres are a form of help addressed to the family, which consists of discovering the problem of person being tested. The aim is to discuss the problem, define it, learn about person's situation and to choose the best way to help him. Consultations may also psychologically help a person who needs to feel understood.

Such consultations usually have a form of one of few meetings. They are most often focused on issues connected with supporting the development of children and teenagers.

Problems most often dealt with are: hyperactivity or suppressions, difficulties in making contact with peers, difficulties in learning, absences at school, using cigarettes, alcohol or drugs.

People responsible for minors often want to master their educative skills. By asking for an advice in Family Diagnostic and Consultation Center they seek for expert opinion on educative problems and ways to solve them.

People working with families of minors are always willing to learn more and take every opportunity to participate in courses and trainings.

There are more and more members of families with problems with alcohol or violence who come to Family Diagnostic and Consultation Centres – they seek for advice and help with defining their situation.

There are many cases when minors' parents have a conflict connected with the divorce – it causes strong misunderstandings between them and makes it more difficult to adapt to the new situation. Usually in such situations educative problems and disturbing behaviour occur and parents do not know how to cope with it in a constructive way. When a family conflict strongly influences its members, they come to Family Diagnostic and Consultation Centres to get help with working out a right solution from a specialist.

7. Conclusion

Family Diagnostic and Consultation Centres functioning according to the law try to support courts and families by feeling responsible for the fate of maladjusted minors, diagnosing their problems and trying to solve them.

Such institutions try to fix mistakes of the family, school and other environments and institutions which are the cause of demoralisation of a young person.

A correct diagnosis of maladjustment causes enables court to judge a minor and his wrongdoings in a proper way.

A correct diagnosis means a just decision of the court, but can also lead to finding the way to solve problems of the minor and his family if they cannot do it on their own.

Diagnostic and Consultation Centres focus on minors' sake and undertake a number of actions such as dialogue, consueing, cooperation with people and institutions dealing with socially maladjusted minors, mediation and preparing a complex diagnosis of one's behaviour with regard to biopsychological and environmental factors. These complex actions lead to pointing out and trying to solve important issues of the minor and his family as well as is a form of taking responsibility for its youngest citizens.

Rodzinne ośrodki diagnostyczno-konsultacyjne jako instytucje wsparcia sądu i rodziny w sprawach nieprzystosowania nieletnich

Streszczenie

Na tle zjawiska niedostosowania społecznego, autorka stara się ukazać specyfikę działań instytucji, która na poziomie państwa z mocy prawa odpowiedzialna jest za pomoc w prawidłowym rozpoznaniu przyczyn problemów niedostosowania oraz w znalezieniu najlepszych rozwiązań pomocowych skierowanych do nieletniego i jego rodziny.

Słowa kluczowe: nieprzystosowanie nieletnich, instytucja wsparcia.

Summary

The author explains the term of social maladjustment and tries to show how state institutions functioning according to the law are responsible for helping to find causes of maladjustment and choosing the best ways to help the minor and his family.

Keywords: maladjusted Minors, Supporting Institutions.

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