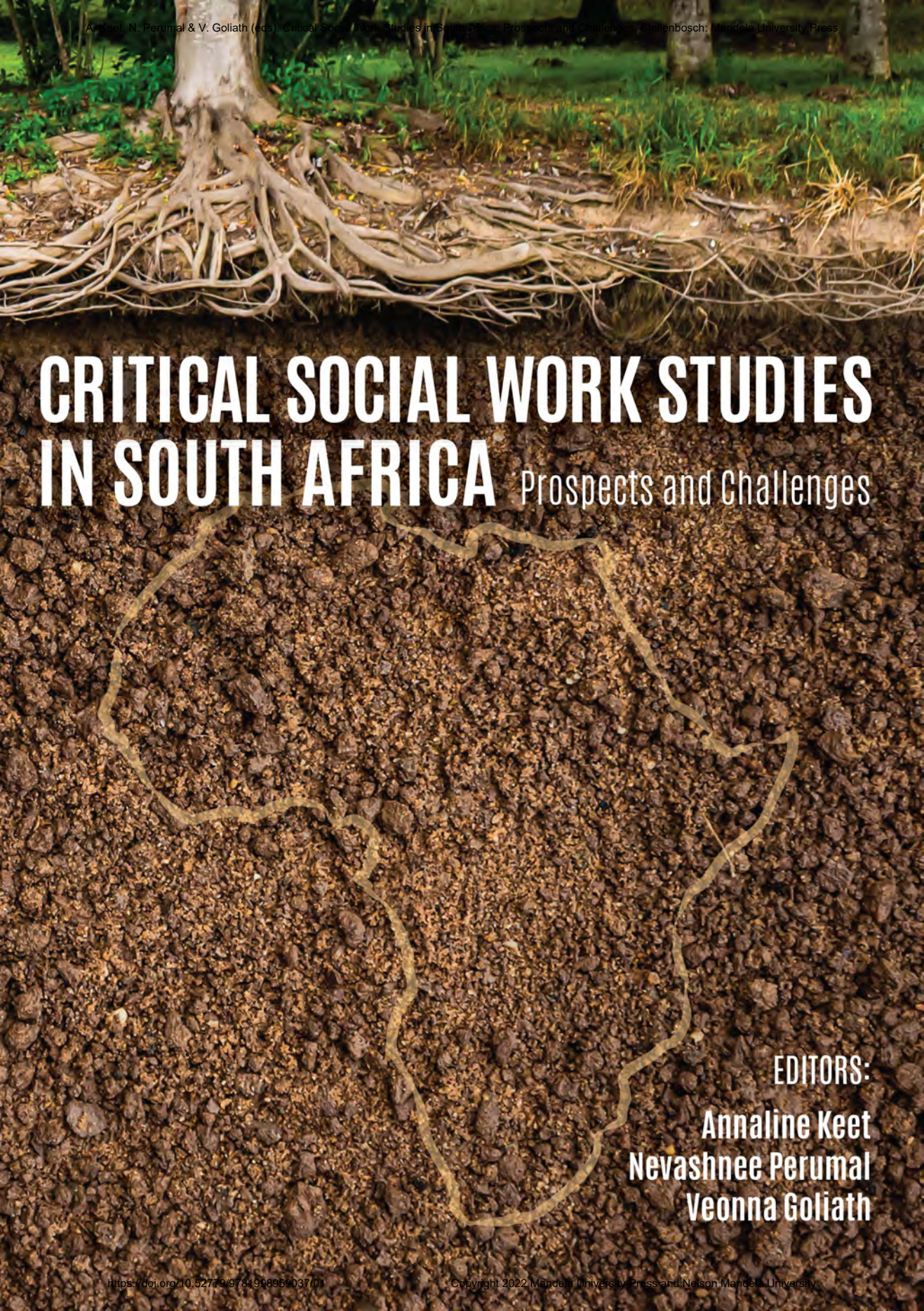


The background of the cover is a photograph of a forest floor. In the upper half, the thick, gnarled roots of a large tree spread out across the ground. Below the roots, the soil is dark and textured, with a yellowish-brown outline of the map of South Africa superimposed on it. The title text is overlaid on the upper part of the image.

CRITICAL SOCIAL WORK STUDIES IN SOUTH AFRICA

Prospects and Challenges

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SHIFTING AND SHARING POWER

Rethinking the role of parents in the South African restorative child justice system

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ABSTRACT

The current Child Justice Act 75 of 2008 as amended is based on the principles of restorative justice, which promote a collaborative and participative approach to justice that is sensitive to power imbalances. Despite the Act's approach, the current child justice system is characterised by structural settings and processes that disempower and exclude parents of children in conflict with the law during the child justice process. This chapter describes the power dynamics experienced by parents of children in this situation, with the view to expose opportunities within the system to shift and share power with parents, using a restorative justice approach. The qualitative study on which this chapter is based used participatory action research and intervention design. Participants were 19 parents and 14 child justice officials who collaborated in a working group over an 18-month period to co-construct a practice model for supporting parents of children in conflict with the law. The Eurocentric and retributive underpinnings of the criminal justice system have spilled over into the child justice system, making it difficult to shift current power imbalances to the envisioned restorative justice approach, which facilitates shared power, collective decision-making and the inclusion of parents. Critical interrogation of the power vested in the child justice system shows how parents are excluded during various decision-making processes. The restorative justice approach offers opportunities for the child justice system to reimagine and transform the relationship between the system and parents of children who have been in conflict with the law.

KEYWORDS

child justice system, parents of children in conflict with the law, power imbalance, restorative justice

INTRODUCTION

The promulgation of the Child Justice Act 75 of 2008 as amended (RSA, 2009) (hereafter referred to as the Child Justice Act (CJA)) formalised the restorative justice (RJ) approach in South Africa's legislation. However, its implementation is a challenge, as the practitioners and the current court conditions mirror that of adult criminal courts rooted in Eurocentric and retributive justice approaches. RJ is explicitly adopted in the objectives of the CJA (RSA, 2009), reflected in the promotion of diversion options and the implementation of preliminary inquiries, as well as the inclusion of RJ conferences as both diversion and non-custodial sentencing options.

Restorative justice approach

RJ, also referred to as participatory justice (UNODC, 2006:6), emphasises inclusion, participation of various stakeholders, collaborative decision-making and power sharing during the justice process. The CJA's RJ approach envisions a system that allows increased participation and consultative decision-making that includes all significant stakeholders. This RJ approach aligns with the Afrocentric concept of *ubuntu*, which speaks to interdependence, mutual care, shared responsibility, shared social support, communalism and inclusion (Engelbrecht & Kasiram, 2012:441-442; Nussbaum, 2003:21). RJ, particularly RJ conferences, reflects elements of African traditional courts known as *inkundla yamatyala*, a collaborative and communal response to dealing with offenders. Similarly, RJ requires the inclusion of stakeholders such as the offender, their parents, family, the victim, their family, community members and child justice stakeholders in a consultative process to ensure the rights of the victim, the safety of the community and the best interest of the child offender (Songca, 2019:77).

Parents' role in a restorative child justice system

Parents, as critical stakeholders during the child justice process (CJP), are seen as the primary persons responsible for accompanying the child during the CJP. The RJ approach emphasises that families and communities are affected by the child's crime and thus both must be involved during the RJ process (Songca, 2019:77). This is an important consideration, especially in the South African context where parents may not be the only adults responsible for fulfilling the parental role. Many South African households include both related and non-related adults and children living together (Russel, 2003:170). Young cousins often live in the same home and are collectively parented by all the adults and older children in the household (Cattell, 1997:37). A truly South African RJ approach would not only include biological parents but would also create opportunities for families to engage with and in the child justice system (CJS). This is particularly evident in the preliminary inquiry, which could

resemble a RJ conference format. The CJA (RSA, 2009) describes the preliminary inquiry as informal, in which the presiding officer should encourage the children and parents to participate, as well as consider the views of all stakeholders present. Preliminary inquiries can be held in court or another suitable venue, which often means offices within court buildings. This regrettably works against the notion of an informal preliminary inquiry, as a court setting by its very nature is a formal setting that often overwhelms parents (Cavanagh & Cauffman, 2017).

The inclusion of RJ conferences as diversion options embodies the idea of parents' and families' involvement during the CJP. The reviewed Minimum Norms and Standards of Diversion (RSA, 2015), which came into effect in April 2016, include Family Preservation as a standard to encourage participation of parents in family group conferences, but it does not provide concrete measures to facilitate the involvement of parents. This is an alarming oversight given the importance of family and communities as support systems underpinned by the principle of *ubuntu* (Engelbrecht & Kasiram, 2012:441-442).

Preventing parents from feeling or being excluded during the CJP and ensuring they are consulted during the decision-making process requires implementation of the RJ principles underpinning the CJA (RSA, 2009). It also points to the need for a review of parents' role within the CJS and the need for probation officers' assessments, as well as for interventions to include parents. The involvement of all stakeholders, including parents of Children in Conflict with the Law (CCL), victims and communities during the CJP is limited currently, despite RJ being viewed as one of the strengths of the CJA (Apollos, 2014; Schoeman & Thobane, 2015; Van der Merwe, 2013). The hierarchical, autocratic and centralised power structures and status assigned to court officials is in direct opposition to the relational, humanising RJ approach. Unlike retributive justice, RJ involves the offender, the victim, their families, their communities and child justice stakeholders in a RJ process that addresses the harm caused by the crime, it holds the offender accountable and aims to restore the relationships affected by the impact of the crime (UNODC, 2006:5). Each stakeholder is regarded as having agency and co-responsibility to meaningfully contribute during the RJ process rather than assigning sole responsibility to one person i.e. the magistrate. During the CJP, parents of CCL are viewed as significant stakeholders, as they are expected to support their child during the CJP and advocate for their child's best interest (Abdulla, 2019:18). The RJ approach dictates that parents should be involved as equal partners during the CJP and particularly in the decisions made about their child.

LITERATURE REVIEW

The application of RJ has been extensively documented, focusing on school contexts, the inclusion of victims and its impact on reducing recidivism (Payne & Welch, 2017; Skelton, 2018; Suzuki & Wood, 2017). However, very limited literature exists on the inclusion of parents of CCL, not only during RJ conferences, but also during the RJ process. Similarly, literature on parents of CCL focuses primarily on the link between parenting and delinquency, highlighting poor parenting as a risk factor (Keijsers, Loeber, Branje & Meeus, 2011; Schroeder, Giordano & Cernkovich, 2010).

A few international studies have focused on parents' experience during the juvenile justice process and the types of support they needed during the process (Peterson-Badali & Broeking, 2009, 2010; Varma, 2007). These studies highlighted parents' need for involvement during the CJP and the importance of creating opportunities for this. South African studies in the context of child justice have included a critical review of the Child Justice Act 75 of 2008 (RSA, 2009), evaluating the extent to which the Act employed a children's rights approach and protected the best interest of the child (Brink, 2010; McGregor, 2010). Other studies also involved analysis of the Act, focusing mainly on the innovations contained and implemented through it, such as RJ (Apollos, 2014; Van Der Merwe, 2013), and preliminary inquiries and diversion (Jokani, 2011; Sloth-Nielsen & Gallinetti, 2011). Only one South African study (Abdulla, 2019) focused on strengthening the CJS by co-constructing a practice model for supporting parents of CCL during the CJP. It was found that, contrary to the participative RJ process envisioned by the Act, in reality there is a power imbalance between parents and child justice officials (CJOs) that results in the exclusion of parents' voices during the CJP (Abdulla, 2019). Parents are then passive passengers during the CJP, excluded by practitioners and the system during critical decision-making processes. This chapter will report on the author's findings related to the exclusion of parents during the CJP and will highlight the opportunities that exist within the RJ-based CJS to include parents and share decision-making power with them in matters affecting their children. The findings discussed in this chapter form part of a bigger study (Abdulla, 2019) that focused on co-constructing a practice model for supporting parents of CCL.

METHODOLOGY

Research approach and design

The study called for a participative and systematic qualitative method of inquiry, due to the complex nature of the research, as well as the multiple expert participants involved within a multi-disciplinary and multi-phased child justice context. This motivated the study's integration of participatory action research (PAR) (Scott &

Garner, 2013:154) and intervention design and development (Thomas & Rothman in Rothman & Thomas, 1994:3-4). The integrated research design enabled parents, CJOs and the researcher to work collaboratively (Fraser, Richman, Galinsky & Day, 2009:11 & 25). This design may have helped participants realise they could work in partnership rather than as independent and opposing parties.

Sampling

The non-probability purposive sampling technique employed ensured that the recruited sample had adequate experience of the phenomenon being studied. The sample consisted of 19 parents and 14 CJOs who had been involved in the CJS between June 2016 and November 2017.

Data generation

Data generation methods included a working group consisting of parents and CJOs, as well as observations by independent, trained observers led by the researcher. Twelve working group sessions were facilitated over the 18-month period to develop and design the practice model. The researcher was acutely aware of the power relations between parents and CJOs, since their only contact prior to their participation in the research study had been in an authoritative or hierarchical, and often adversarial, setting during pre-trial or trial stages. They were now being requested to assume a different relationship, one characterised by democracy and collaboration.

The working group created an opportunity for parents and CJOs to work with one another, to actively engage in discussion and collaboratively solve problems. Thirty-two four-hour observation sessions were conducted by independent, trained observers using an observation schedule developed by the participants. They observed CJOs' engagement with parents during the various stages of the CJP.

Ethical considerations

The study was reviewed for ethical clearance at departmental and faculty level with final ethical clearance provided by the Nelson Mandela University's Research ethics committee [H16-HEA-SDP001]. Trustworthiness was ensured by following Yardley's (2000:221-224) criteria for ensuring commitment, rigour, transparency and coherence. Validity and quality of the participatory action research process were ensured by following Reason's (2006) guidelines. Integrated research design allowed participants to fulfil the dual role of participant and co-facilitator. This meant that their identity as a participant could not remain confidential. Informed consent therefore occurred situationally to ensure that all participants were made aware of the implications of their participation in the various roles and could participate in an informed manner.

FINDINGS

Challenges experienced by parents during the child justice process

The participants' observations and the observers' reflections helped to show the contextual and procedural challenges experienced by parents during the various stages of the CJP. The contextual challenges included the physical layout of the court, which served as a barrier for CJOs to face parents and involve them in discussions during the preliminary inquiry. Procedural challenges that contributed to limiting parents' participation included the child-focused assessment and preliminary inquiry, as well as the haste with which these processes were concluded by CJOs. Parents' limited knowledge of the CJP also placed them on an unequal footing as they could not assert their views or exercise their right to participate during the CJP. The mandatory completion of documents by CJOs during the assessment and preliminary inquiry also hindered CJOs from focusing on parents and engaging with them. The observation findings showed that often the CJOs were not even introduced to parents, the parents' roles were not explained to them and during the preliminary inquiry and court proceedings, the CJOs spoke about and over the parents as if the latter were not present. Parents seemed to be called on mainly to clarify information or to respond to questions posed by the presiding officer. The communication was therefore kept one-sided, primarily to expedite the process. Power imbalances were observed, with the CJOs' professional status elevating their views or voices over the parents. Parents' socio-economic status also came into play when CJOs noted that some parents did not care, since they did not come to court and sometimes encouraged their children to steal so that they could have bread. The following comments were made by CJO participants:

Participant 20 (prosecutor): Others [referring to parents] just don't give a damn, I'm sorry for using the word, but really, they are, they don't give, a damn.

Participant 28 (police): Some of the parents don't want to be parents, ... they don't want to take that responsibility ... the child must see that the parents have bread or something to put on the table. So that's why some of the parents they encourage their children to do, commit crime.

Types of parental involvement during the child justice process

As indicated in Table 1.1, CJOs felt that different types of parents entered the CJS, and this influenced CJOs' attitudes to and engagement with them.

Table 1.1 Types of parents involved in the CJS (Abdulla, 2019:250)

	ABSENT	PASSIVE	INVOLVED	COLLUDING
Physical	Absence, uninterest, finances, work responsibilities	Present Non-participative	Present Interested Participative	Present Over-interest Becomes “lawyer”
Emotional	Disengaged, self-preservation, self-interest	Uninvolved Apathetic	Invested – experiencing turmoil & self-blame	Over-invested Over-protective Adversarial/ anger/fear
Behavioural	No communication during CJ process	Views CJ officials as in charge	Views self as responsible and in charge	Covering up Speaking for child Preparing child
Role	Role abandonment/ role transfer	Role abandonment/ role transfer	Fulfils role Seeks support to fulfil role	Role confusion

Understanding the impact of the CJOs’ labelling of parents is important as CJOs were often dismissive of absent parents, concluding that they were uninterested. Some CJOs expressed anger at and annoyance with these parents. This influenced their attitude about reaching out to these parents or attempting to find them.

Parents’ needs and concerns during the child justice process

Most parents said they had no opportunity to share their concerns with CJOs and even when they did share them, they were told that there was nothing officials could do to assist them. Parents’ concerns included their inability to manage their children’s misbehaviour, especially when the children were involved with substance abuse. Parents complained about the lack of information from the CJOs and the status of their children’s cases. Parents said they needed informational support, emotional support, professional support and practical support, and needed information about available services and support groups they could access during the CJP. Parents experienced a range of emotions and challenges during the CJP and needed immediate professional support from social workers, including access to counselling,

support groups, parenting advice/guidance and the facilitating of school access for their children. The findings also highlighted parents' need for practical support in the form of transport, food and police protection.

The findings showed that most parents found the trial stage stressful. One parent (participant 5) reflected on how difficult it was for him to stand in front of the magistrate having to explain his situation. This parent at least had the opportunity to speak, unlike some other parents, but felt that despite having shared his difficulties it had no impact on the decisions taken about his child. *Participant 5* said:

So, there I had to stand that was shocked for me to stand there ... standing there then I just suddenly broke into tears, my wife is sick at home, uh, my daughter is pregnant, so all that stuff is going through my mind and ... but that didn't help.

Parents felt dismissed, particularly when their views had no influence on the magistrate, as parents felt that they were providing context for their current situation. This points to CJOs, including magistrates, giving parents the chance to share their struggles, without, however, necessarily empathising with parents' daily struggles with their families. The CJOs' seeming lack of empathy when parents did share their concerns could inhibit parents' self-disclosure and discourage them from participating during the CJP. Participant 14 described her need for consultation during the court process and highlighted the lack of influence she had on the decisions regarding her child's placement in her care. She said:

I do not feel satisfied, with the sentence that the magistrate served him with ... I wanted ... I thought they will ask the parent to say something before they give him a sentence. I wanted to tell her, "Your honour, just for ten minutes, give me a chance of only ten or five minutes so that I can just explain quickly ... What I wanted is what the probation officer told me that they will send him away. That will, that will be his sentence and he will attend school there. He will complete his schooling career ... I did not want him to be placed in my care again. And the fact is that he still does the same ... he sells his things, he sells his clothes ... he is aggressive, he is manipulative ... I just cannot control him." (Translated from the original Afrikaans)

The observation findings showed that parents were often present in court, but when the assessment outcome was considered, parents did not have the chance to engage with the magistrate or the probation officer, so could not raise their concerns about their child, about their ability or inability to manage the child's behaviour and their view on the probation officer's recommendation or the magistrate's decision to place the child under parental care.

Power imbalance between parents and child justice officials

The issue of power imbalance emerged when parents shared their frustration at being side-lined or overlooked during the CJP. Parents said they felt disempowered and powerless due to being expected to use non-violent means of discipline as promoted in Section 114 (1) (b) of the Children's Act 35 of 2005 (RSA, 2006). Parents were concerned about the lack of engagement with them on suitable and non-violent discipline strategies. A father (participant 2) reflected as follows:

Our kids are being brought up in an environment, where they don't have respect ... we can't touch them and that is making [them] the way they are now at the moment.

Participant 18 (a grandmother) shared her frustration with how she was treated by CJOs:

I'm saying I shall blame the police a lot and the court because if you as parent go to the police with a problem that your child is using drugs or your child is using tik ... the police do not really react, because all that they say to you as parents is that they cannot do anything ... They do not know what to do, now you as the parent is sitting with the problem – what should you do? You think, you do not know where to go to ... now you ask the magistrate, what do you have to do? Your hands are cut off. You cannot hit the child; you cannot do anything. (Translated from the original Afrikaans)

Parents were also concerned about the dismissive way that police officers, social workers and magistrates treated them rather than engaging with them to understand their concerns. CJOs' failure to recognise parents as equal and important stakeholders during the CJP made it difficult for parents to engage with the CJP. Parents' involvement during the CJP is critical not only to advocate for their children's best interest but also to position parents as co-responsible for decisions taken during the CJP. Parents' engagement with the process was not only hindered by the power imbalance but also when they felt they were not being taken seriously by CJOs and the court.

Types of engagement between child justice officials and parents

Three categories of engagement between CJOs and parents emerged, namely procedural-focused, parent-focused and child-focused (summarised in Table 1.2). These categories seemed to determine whether parental exclusion during the CJP would occur or whether the parent would have an opportunity to be involved, consulted and engaged. When CJOs viewed parents as part of the problem, they employed the procedural- and child-focused approach to the exclusion of the parent focus, and parents were viewed as passive passengers.

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Table 1.2 Types of CJO engagement with parents during CJP (Abdulla, 2019:250)

	PROCEDURAL FOCUSED	PARENT- FOCUSED	CHILD- FOCUSED	INTEGRATED FOCUS: PARENT AS PARTNER
Focus	Focus on CJ process and procedure	Focus on CJ process and procedure Focus on parent as key stakeholder in CJ	Focus on CJ process and procedure Focus on child as key stakeholder in CJ	Focus on CJ process and procedure Focus on parent as vital part of the parent-child subsystem, the family subsystem, and as a CJ subsystem
Behaviour	Follow procedure to ensure compliance. Strictly business. Threaten to ensure compliance.	Acknowledge parents' role and responsibilities. Listen and empathise with parent. Offer concrete support for parent to fulfil role.	Assign blame to parent. Concerned with child and offer interventions for child. Emphasise parents' monitoring role.	Acknowledge parents' role and responsibilities. Listen and empathise with parent. Offer concrete support for parent to parents beyond their parenting role. Engage parent in advisory and partnership role within the CJS.
Communication	Limited communication/ one-sided communication with parent during CJ process	Engaging Provide opportunity for parent to ask questions, raise concerns and needs. Consults parent on recommendations	Engaging with child Provide limited opportunity for parent to ask questions, raise concerns and needs	Engage and involve parents in all meetings, forums and communication that relate to parents and children within the CJS. Consider and include parents' input and recommendations in all matters concerning children and parents.
Role	Assume autocratic role: CJ official is in charge	Democratic and authoritative	Autocratic role and authoritative	Democratic and inclusive

The procedural-focused CJOs failed to consult or even recognise parents during the CJP, focusing on the documents they had to complete. The behaviour of parent-focused CJOs, however, emerged during two incidences where parents could express their concerns. A mother (participant 17) said she discussed her child's behaviour with the social worker at the court and sought advice on how to manage her son's behaviour. Another participant shared her need to speak to an Afrikaans-speaking CJO. Being able to speak in their first language was important to several of the participants. Participants 17 and 9 (both mothers) said:

When I went to the court, I spoke to the social worker there and because every 14 days I have to go there then I would see a social worker and the social worker would tell me how the child is behaving. The social worker would advise me, tell me how to handle the situation, to forgive the child. She told me not to shout at the child and to ask the child you know, what is going on with him. (Translated from the original isiXhosa)

I asked is there not maybe someone who can speak Afrikaans with me, because I want to speak, I am Afrikaans speaking. I do not want to speak English with the man all the time and it is an African ... and he does not understand me well. (Translated from the original Afrikaans)

Child-focused engagement involved CJOs primarily focusing on the child, to understand the reason for their transgression and to warn the parent to ensure the child's compliance with any court orders.

DISCUSSION AND RECOMMENDATIONS

Expanding the role of parents within the restorative child justice system CJOs seem to have a narrow view of parents' role in the context of the child justice setting. Parents and CJOs both need parents to be involved during assessments, interventions and throughout the entire CJP. Probation officers in particular have a professional responsibility to establish and forge a working relationship with parents of CCL to enable intervention and support for parents within the CJS. However, creating opportunities for parents' active involvement and supporting parents is a major challenge at present. The current relegation of parents to the role of providing information to expedite the CJP results in the marginalisation of parents' voice and agency during the CJP. Overcoming this challenge through collaboration, inclusion and engagement with parents will help to ensure a truly restorative CJP. Probation officers' close collaboration with parents from assessment to intervention to aftercare can further strengthen the inclusion of parents during the CJP and within the system. This will allow parents to be viewed not from a singular, linear perspective (i.e. passive service recipient or within their parenting role) but from a complex and dynamic perspective (i.e. as a holistic person assuming a variety of roles including service

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advocate, peer supporter, service extender and service user). It also allows parents to influence the various systems through engagement at local, provincial, and national level in partnership with policy makers.

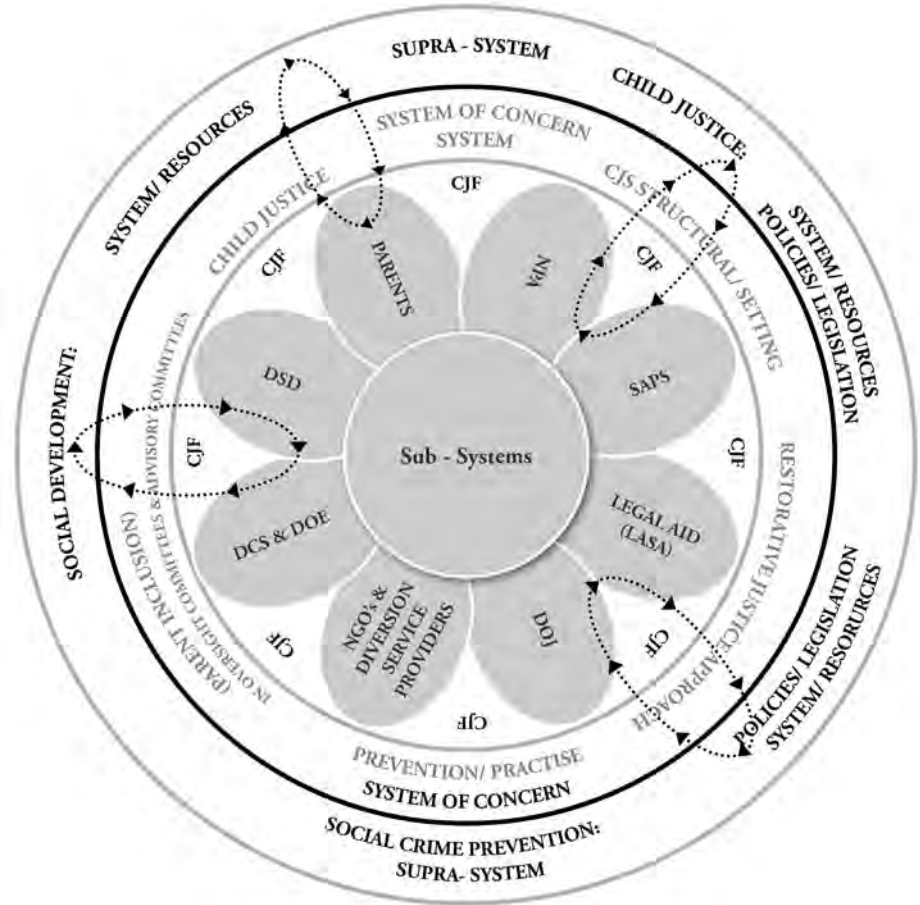


Figure 1.1 Parent as subsystem and service advocate prior to, during and after the CJP (Abdulla, 2019:318 adapted from Vasishth, 2010:7)

Figure 1.1 depicts parents as a subsystem within the CJ arena as collaborators, influencers, co-constructors and decision makers. These supra-systems' legislation, policies, regulations, practice standards and services provide the context for the CJS. The lack of parent-focused policies, and exclusionary practice within the supra-system results in the CJS (system of concern) failing to focus on or to include parents. To counteract this, it is important for the supra-system to engage in a bottom-up and participatory approach in developing and reviewing legislation, policies and practice guidelines. The ecological model (Vasishth, 2010:7) asserts that nested systems have

bi-directional influence, meaning that although parents traditionally enter the CJS as a service recipient, they can influence it from their position as a legitimate sub-system i.e. a service advocate.

Figure 1.1 therefore shows where parents can be included in the supra-system, the system of concern, and as a sub-system along with the other child justice stakeholders responsible for supporting parents. At a supra-level, parents can be included by the Department of Social Development and Department of Justice in committees responsible for legislative review, policy development, budget formulation or resource allocations to give input on issues affecting parents, services to parents and parents of CCL. Within the CJS, opportunities exist for parents' inclusion and engagement in national, provincial, and local child justice oversight committees/forums, diversion accreditation and quality assurance committees, planning and advisory committees. This would integrate parents as critical role-players in the CJS, from where they could voice their collective needs and advocate for inclusionary parent-focused practice within the CJS. At the sub-system level, this militates for parents' inclusion as an equal and important sub-system in the CJS, moving parents beyond the role of service recipient.

Training parents for an expanded role in the restorative child justice system

When parents are ill-informed and excluded during legal processes, they tend to view the justice system in a negative light, resulting in them being less likely to participate in the process (Pennington, 2012:493, 500). The importance of parental involvement in the CJP has been confirmed (Cavanagh & Cauffman, 2017; Peterson-Badali & Broeking, 2010; Varma, 2007; Woolard, Cleary, Harvell & Chen, 2008); however, the current child justice settings have been found wanting as they serve as barriers to parents' inclusion in the CJP (Reyneke & Reyneke, 2011). Considering that parents generally find the CJP overwhelming (Varma, 2007:248), concerted efforts must be made to change the CJS to facilitate an atmosphere and space for parents to feel at ease and included.

Part of creating such a space should also involve CJOs embracing a relational focus that respects parents and treats them with consideration for the role they play in their children's lives and in the CJS as well (Varma, 2007:249). The relational focus of probation officers' assessment and intervention afford both parents and probation officers an opportunity to form a working alliance to empower parents and anchor parents' role in the CJS at all levels and through all CJP. Creating platforms and opportunities during the CJP for parents and CJOs to collaborate and influence decisions, practice and policy would contribute to strengthening an inclusive restorative CJS as envisioned in the Act (RSA, 2009).

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Promoting RJ within the CJS is critically important, as this will be the basis for the inclusion of parents and their recognition as vital stakeholders. Social work education and CJO training should highlight the importance of parents in this process and engender deeper knowledge of power relations, RJ, *ubuntu* principles, cultural sensitivity, and race and gender diversity in dealing with parents, children and communities. Parents should also be educated on parent empowerment so they can meaningfully participate in the CJS and competently and confidently engage with CJOs. Collaboration to ensure that parents have access to the same information and training is important in order to facilitate their inclusion and to ensure that they can be held accountable to the level expected of them by the system.

Creating enabling spaces and procedures for parents' involvement

Including parents as a significant and equal stakeholder requires that the physical layout of the court and the positioning of CJOs during court proceedings should reflect a RJ circle format. When they speak, CJOs should be mindful of parents' level of education and their home language to create the opportunity for them to participate throughout the CJP. CJOs and parents of CCL should be consulted in efforts to transform the CJS, with the view on integrating parental involvement. In line with the RJ approach, parents must be consulted on a regular basis through quality assurance processes to evaluate their level of involvement and satisfaction with the CJP and services. Giving interested parents of CCL the chance to serve on the local Child Justice Fora would deepen their inclusion in the CJS and amplify their voices. Similar to the findings of Harris and Goodall (2008:286) in their study of schools' involvement with parents, parents must be viewed by the CJS and CJOs as integral to dealing with CCL, therefore the system needs to reach out to parents to encourage their involvement in the CJS.

Practice guidelines for the involvement of parents

As the CJS employs teams of multidisciplinary professionals guided by their respective professional policies and practice guidelines, legislative guidelines should offer a general basis on how parents must be treated, engaged with, and included throughout the CJP and these could facilitate increased opportunity for parental involvement in the CJS. With such legislative guidelines, the various oversight mechanisms from national to district level could agree on standard operating practice across the different departments mandating and guiding CJOs' inclusion of and engagement with parents during the CJP. These oversight committees include the Directors-General Inter-sectoral Committee on Child Justice (DGs ISCCJ), the National Operational Inter-Sectoral Committee on Child Justice (OP ISCCJ), Justice Crime Prevention and Security (JCPS) and the Inter-Ministerial Committee. Figure 1.1 shows parents from the position of influence as a subsystem within the CJS (Vasishth, 2010:7).

Through meaningful engagement, training and support from the various sub-systems, parents can assume their rightful place to collaborate with the various child justice stakeholders in an advisory, oversight, and monitoring capacity. Parents' involvement in the local CJF would help solidify their place in the CJS as a partner with an equal stake in the CJS. Opportunity exists within the various systems for parents to be included and meaningfully engaged. This is in line with the RJ approach embraced in the CJA (RSA, 2009), which emphasises building relationships and facilitating inclusion of all stakeholders affected by crime.

CONCLUSIONS

Currently, the implementation of RJ principles in respect of CJOs' engagement with parents seems very limited and RJ is primarily present in the CJS as diversion or non-custodial sentencing options (Van der Merwe, 2013:1029, 1035). RJ principles must be promoted within the CJS and CJOs and parents need to be educated about the RJ approach (Brink, 2010:56; Van der Merwe, 2013:1029). To transform the CJS as envisioned by the objectives of the CJA (RSA, 2009) requires reimagining a CJS in which CJOs and parents are in a partnership characterised by collaboration, collective decision making and power sharing. In this chapter, the need for an inclusive and collaborative CJS was highlighted and the power imbalances within the current CJS were explored. Exclusion of parents from the CJP is linked to parents' lack of knowledge about the CJOs' roles and to the CJS, especially the court, not allowing parents to be included or allowed to interact with CJOs during the CJP and during decision-making as envisioned in the RJ approach.

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