Young Women Subject to Statutory Orders and the Transition to Independence:
Contradictions in policy and practice

Margaret Liddell

This paper examines the way the state welfare system deals with young women who are subject to statutory orders and their need for support as they move towards independence. Young women's views of their needs are highlighted. Evidence is drawn from the author's and other relevant Australian and overseas research. The issues are examined within the context of general community trends and policy and practice implications are studied using Community Services Victoria as a case example.

A variety of social and economic factors are leading to young people in the general community living with their parents for longer periods of time. In contrast, young people subject to statutory orders, especially young women, are often being discharged from these orders - and thus isolated from adult guidance - shortly after they pass their mid-teens.

Assumptions about these young women's needs - that they no longer require nor wish for support and are ready for complete independence at this early age - are challenged. The legal, organisational and practice constraints which reinforce these assumptions are analysed. The apparent contradiction arising from young women refusing services which they also say they require, is also discussed.

The author demonstrates that there is a need for a reconceptualisation of the issue. A new kind of partnership between workers and young women on statutory orders is needed and a policy and administrative framework which facilitates this. The implications of the findings for practice and policy - and especially the important contribution that young women's views can make to the development of social policy - are presented.

There is compelling evidence that young women placed in the care of the State are frequently disadvantaged, often leaving care no better off, or worse off, than when they came into the welfare system.

This paper provides information on the way the welfare system deals with young women. While the issues presented also affect young men, the paper argues that the issues affect young women differently, and that responses to young women should also therefore be different.

It is argued by Hancock and Chesney-Lind (1985 : 241) and Sarri (1983

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: 384) that there are greater controls and sanctions placed on young women because of their gender, especially in relation to their sexuality. The view that young women who are promiscuous are bad, contrasts with society's greater acceptance of the same behaviour in young men. Frequently this leads to the juvenile justice system judging young women on moral rather than legal grounds (Higgins 1990 : 9). For instance, according to the Victorian Children's Court statistics 1990, a greater number of young women than young men are subject to Protection Applications. As well, statistics from Community Services Victoria (CSV)'s client information system indicate that in the financial year 1990/91, more young women were admitted to guardianship than young men. However, the numbers of young people on guardianship orders are approximately equal for both genders - this is attributed to young women generally being discharged earlier than young men, an issue that will be discussed later in this paper.

There are also limited accommodation and support options available for young women and who are often more vulnerable as a consequence (Liddell et.al. 1989 : 12). Even the accommodation provided does not always protect young women. They frequently report sexual harassment and sometimes sexual assault in hostels and refuges (Alder and Sandor 1989 : 29). As well, some research suggests that young women react to their problems in a different manner to young men. They tend to internalise them and to become self destructive by slashing their wrists or taking drugs rather than being destructive towards other persons and property (Women's Coordination Unit 1986 : 195). Frequently, according to Chesney-Lind (1985 : 7), the service response to young women's difficulties is to define the young woman as the problem (rather than the family and social conditions which led to her difficulties). In addition, the system can discourage the young woman's assertiveness by refusing to listen, by placing unrealistic controls on behaviour, and by making decisions that are considered to be in the best interests of the young woman without due regard for the young woman's

feelings and interests. Such treatment invariably leads to feelings of powerlessness, dependency, and loss of personal identity (Hildebrand and McDowell 1990a : 2)

Assumptions about need

It is the writers contention that factors such as those mentioned above have affected the way CSV's workers have responded to young women.

Workers sometimes reinforce the discriminatory practices that are prevalent in society, (in the family, community and juvenile justice system) by having different expectations of young women's behaviour. Bryson and Edwards (1988 : 413) suggest that the welfare system not only responds to different characteristics of young men and young women, but contributes to the gender different-iation process. For example, worker intervention in the lives of young women is often directed at behaviour such as running away, sexual acting out, or conflict in the home.

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Two reasons have been suggested for this intervention. Firstly the worker can be reacting to fears in relation to factors such as pregnancy, sexual exploitation, physical safety, health etc. Secondly, the worker may have difficulty dealing with issues such as the young woman's sexuality. Such intervention therefore, can often involve an exercise in setting limits or achieving control over the young woman (Piper & Smith 1990 : 9). One unpublished study of young women in Winlaton Youth Training Centre revealed that regional practice was characterised by an emphasis on behaviour control and management (Hildebrand & McDowell 1990b : 2). This was further substantiated in another unpublished report, *Study of Short Stays of Young People in Institutions*, which referred to the fact that young women's

sexual activity is mentioned in well over one quarter of the court records pertaining to young women (Hildebrand & McDowell 1990c : 5).

Young women frequently resent the attempts by others to control their behaviour, with conflict often arising over where and with whom they live (Youth Development Council 1988 : 64). In fact, sexual behaviour and behaviour that places the young woman at risk is often used by administrative processes as a reason for incarcerating them. Piper & Smith (1990 : 9) suggest that this practice has led to a debate in Victoria about the level of risk that can be tolerated before this type of coercive intervention should occur.

This information indicates that workers are often not comfortable working with young women. They may find it difficult when the young women challenge them, or try to assert themselves in other ways (even though this behaviour from young men may be acceptable). Often this discomfort can lead to workers recommending that young women be discharged from wardship. The assumption is made that because the young woman is behaving in a difficult manner and/or does not appear to want CSV's assistance, she is ready for independence and therefore, should be discharged. (Liddell et.al. 1989 : 18) This may well occur before her eighteenth birthday and sometimes at age fifteen or sixteen according to Departmental statistics (CSV 1991).

This practice is contrary to the trend in the general community for young women (and young men) to remain at home for longer periods of time. Young people generally are staying longer at school and therefore require ongoing parental and financial assist-ance. The practice is also against the wishes of the young women involved, who, when their opinions have been sought, have invariably indicated that they wished to continue to be supp-orted by workers (Youth Development Council 1988 : 20; Liddell et. al. 1989 : 12; Liddell & Goddard 1991 : 11). As well, young women have stated that they want to be involved in the decision-making about their own lives

and to take responsibility for their relationship with their worker, rather than having these things forced on them by the state (Youth Policy Development Council 1988 : 66).

While, in some instances, (eg. Youth Policy Development Council 1988 : 65) young women have indicated that they were unhappy with their current worker, they were not assuming that no social workers could assist them. In fact, they frequently perceived that the primary role of the social worker was to provide them with assistance. They also indicated that they wanted supported accommodation to share with other young women, especially those who had similar problems and experiences. Significantly, they also said that they were not ready for complete independence, which was in contradiction to the workers' views. (p12)

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The views of these young women clearly indicate that the existing standards, against which a young woman's readiness for independent living has been judged, are wrong. The Department's readiness to dis-charge young women early from guard-ianship orders, and its seeming inabil-ity to assist the young women to work through problems that they experience, has led to significant criticisms of CSV by the Burdekin Inquiry (Human Rights and Equal Opportunity Com-mission 1989) and other research, such as *Forced Exit* (Hirst 1989). These reports reveal that a large number of young women are homeless because the state has discharged them from guardianship orders and conse-quently abdicated its responsibilities.

Issues and Constraints

In making such strong criticisms of the way workers work with young women, it is important to recognise that such action takes place within significant legal, organisational and

practice constraints. These constraints need to be understood and reduced before workers can effectively change.

Legal Constraints and Issues

Young women and young men come to the attention of the law in different ways; and once in the juvenile justice system they receive different treatment (Sarri 1982 : 385). For example, young women appear in court for behaviour which the American system calls 'status offences'. This is defined as *a predelinquent act which if not controlled will escalate into more serious delinquency*, ([Rojek and Erickson 1981-2 : 243] in Gamble 1985 : 95). Young men predominantly appear on criminal offences. Such action has legitimised intervention in the lives of young people, especially young women, for non-criminal deviant behaviour such as running away, drug use, sexual acting out and exploitation, on grounds that would not be admissible in adult cases (Hancock and Chesney-Lind 1985 : 237). This treatment represents an over-use of social control and it is predominantly used to regulate the morality of females. Hancock and Chesney-Lind (1985 : 241) also believe that the notions of risk and the consequent need for state protection (often from oneself) has been related to rule makers' and rule enforcers' ideals of appropriate morality, as well as to an idealised role of women within society.

It is in relation to these factors that the writer believes that workers are constrained. They are required to work with young women who have been removed from home and placed in institutions for behaviours which society regards as unacceptable. They frequently have to undertake measures of control that parents and the community insist upon, which may include placement in services that may be unacceptable to or unsuitable for the young woman. Young women have sometimes been placed in residential units where the majority of residents were male, and this has increased the young woman's vulnerability to

the further abuse, as reported by Alder and Sander, (op.cit).

The implementation of the *Children and Young Persons Act 1989* in Victoria during 1991 and 1992 is intended to advantage young women in some ways, as one intent of the legislation is to significantly reduce the criteria for protective intervention. That is, young women will no longer enter the system for problem behaviour and will only be subject to a protection order if they are likely to be significantly harmed. History shows, however, that the intent of legislative change is not always realised. For example, the *Children's Court Amendment Act 1976* removed the 'Exposed to Moral Danger' clause with the aim of preventing young women entering the protective system because of their sexual behaviour. While the numbers of young women being placed on guardianship orders dropped slightly, there was a sharp rise in the use of Supervision Orders. Analysis of this trend by Murray (1981 : 112) showed that the change in legislation led to a redefinition of the way young women entered the system.

A further amendment to Children's Court legislation in 1979 led to another redefinition when the word 'exposed' was reintroduced into the grounds for admission to the care and protection of the department. This provision, a rather obscure one, (Section 31 [a]) stated that:

> The child or young person has been or is likely to be ill-treated or is being exposed or neglected or his physical, mental or emotional development is in jeopardy.

Hancock and Chesney-Lind (1985 : 248) in reviewing this legislative change, comment that workers stated that the 'Exposed' clause was used in a similar way to the earlier 'Exposed to Moral Danger' clause.

It is possible that with the *Children and Young Persons Act 1989*, similar redefinitions may occur, resulting, for example, in an increased number of young women entering the system on a correctional disposition. While they may primarily receive less intrusive dispositions, such as bonds and fines, there could also be a larger proportion of young women receiving custodial sentences. Some regional protective services staff are of the opinion that this is already happening. If this legislative change results in more young women being proceeded against for criminal offences, this will need to be addressed. An especially significant factor is that the correctional system has to date catered for males and its programs and procedures are geared towards working with young men, not young women.

Organisational Constraints and Issues

The most significant of the constraints facing CSV workers, is the current policy aimed at working towards the discharge of guardianship orders by returning the young people home or by placing them in independent living situations.

This has led, on occasions, to workers returning young women to the home where they may have previously been abused, without significant changes to

ensure the young women's protection; coercing young women into placements about which they are unhappy; and preventing young women from living in situations of their choice where they may be at risk and need ongoing support. A young woman interviewed in the *Forced Exit* study made the following comments:

> If you are on the streets while you are on [a statutory order] you are upset about other things but all they're worried about is the accommodation and they chuck you in, they don't help you, after you've got the accommodation they don't want nothing to do with you. (Hirst 1989 : 125).

Guardianship orders terminate when the young person reaches the age of eighteen years or frequently earlier as previously indicated. Early termination results in the system planning for the young person's independence often before they are ready for it. Such premature discharge from guardianship results in young women being unsupported, which can lead to them being unable to adequately access accommodation, income security, education and employment, despite these things being integral to the development and survival of young people (Piper and Smith 1989 : 9).

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The allocation of workers to young women (and young men) has been largely based on the caseload vacancies of the workers. This is problematic for two reasons. The worker frequently has a full caseload and does not have sufficient time to adequately support the young woman. As well, while efforts can be made to vary caseloads to enable workers to assist young women with particular difficulties which are considered to be high priority, caseload allocation is rarely based on the skills or desires of workers to work with young people – especially young women.

When workers change their approach so that they work in conjunction with the young women (that is, they negotiate with them; assist them to take charge of their lives; and support them even when they are involved in risk-taking activities) the regional or central hierarchy is likely to intervene. This hierarchy may impose restraints on the young woman because of community pressure, parental concerns, threatening media involvement, or a general fear of media and community backlash. In some instances this has resulted in young women being incarcerated because they were considered to be at risk or for the management of their 'unacceptable' behaviour.

Practice Constraints

Some of the significant practice constraints affecting workers are the case and workload issues previously mentioned. These invariably mean that workers have insufficient time and sometimes insufficient expertise to effectively work with young women. Also, because of the time constraints, it is often quicker and easier to do things for the young woman rather than assist her to do things for herself. Insufficient experience and workload pressures can result in workers telling a young woman to move into particular accommodation (even in instances where the young woman has expressed her reluctance about the placement).

Workers sometimes become trapped in a power struggle with the young women which can lead to them telling the young woman what she should do in her leisure activities, relationships, behaviour and so on. Such situations can result in young women reacting against workers in an abusive manner, or alternatively, becoming compliant, accepting what the worker wants, and subsequently voting with their feet by running away.

Reconceptualising Practice with Young Women

The evidence presented shows that there is a need to re-conceptualise practice with young women. The key issue for both policy and practice is the need to make dramatic changes in the way we

work. There is a need to develop a practice framework that empowers young women by providing them with information, skills and knowledge.

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This cannot be achieved unless we first empower workers and give them permission to change the way they work with young women. As well, the skills and knowledge that staff require in order to work effectively in this area need to be clearly identified. That is, workers need to understand adolescence as a period of transition to adulthood so that they do not treat young people as children. This requires balancing the need to assist and enable young women to take control of their lives, with the ability to work through the available options with a young woman who is at significant risk of being harmed. Workers also need to develop skills in handling disruptive behaviour in a more positive manner.

Allocation Issues

There is a need to change the way cases are allocated to workers. That is, consideration should be given to young women being consulted on the choice of worker in terms of gender, age and cultural background. However, care needs to be taken in this area as ability to work with young women does not appear to be related to sex, age or experiences. For example, some female workers do not have the skills, expertise or interest in working with young women while some males are exceptionally competent in this field. Similarly, sometimes new and less experienced workers can work more effectively with difficult young women, than their more experienced colleagues.

This is a very complex issue as the sex or age of a worker can be critical when working with young women who have been sexually abused, or who are sexually active. In these instances, the sex and the age of the worker should be discussed with the young woman to

ascertain her preference. In instances where programs have difficulty in allocating the young woman to a worker of her choice, consideration should be given to having primary and secondary workers, or a team approach. This currently occurs and is very successful in CSV's Adolescent Protective Team in the Western Port Region.

It must always be recognised that working with young women can be time consuming, especially if the worker is trying to keep the young woman out of the welfare system. Workers must be creative about the use of community resources and networks. This means that workload issues need to be carefully examined when allocating difficult young women to workers.

Support to workers is critical, especially when there is extraordinary parental or community pressure. Such support may mean the temporary reduction in duties, decision making shared with colleagues, involvement of a co-worker, and enlisting the aid of a more senior staff member to assist in the management of the case.

Alternative Case Practice Framework

In order to address the ineffective and sometimes discriminatory practice responses to young women in the service system, an alternative case practice framework should be developed.

Such a development would be complicated, but the framework could be based on a partnership model between the worker and the young woman. While there will be inherent problems with this model, given the unequal balance of power between the worker and the young woman, these problems can be overcome. For instance, both the worker(s) and the young woman could determine or develop an agreement at the commencement of their involvement with each other.

This agreement could include:

● outlining and negotiating the responsibilities of each person and developing an understanding of what each person wants from the relationship, especially what the young woman wants;

● assisting the young women to expand

their vision of the future by providing them with realistic and attainable opportunities and positive role models in areas such as communicating, negotiating, being successful and so on;

● involving the young woman in choices and assisting her to make decisions that affect her life and life style;

● ensuring that the relationship is based on participation. This can be achieved by listening to the young woman's concerns and problems and assisting her to negotiate with the major community structures in her life (such as schools, employers, government departments). This will help her to achieve independence and reduce her dependence on her family, on institutions, on exploitative relationships and the State;

● ensuring workers are clear and open about their own personal values and attitudes, and being aware of the effect of these on their working relationship with young women;

● helping young women to understand the emotional and social barriers to achieving their goals, and encouraging and assisting them to make personal and life choices.

Other Areas that Require Attention

Given the comments that young women have made about their need for support and assistance, we need to determine what we mean by 'independence' and consider a re-definition of this. Independence does not necessarily mean that the young woman wants to live alone or be unsupported. We therefore need to strike a balance between independence and support. Aldgate et.al. (1989 : 25) believe that because young people do not want to be totally independent, it is more appropriate to use the phrase 'preparing them for inter-dependence,' which recognises that the young woman requires a network of relationships and support structures.

The service system, both departmental services and those provided by non-government organisations, needs to examine the way support is provided to young women. This should include exploring the provision of alternative supports when the young woman does

not respond to what the organisation has to offer. It is also important that young women have a support network, dincluding their peers, able to operate after discharge from care. This can be achieved by linking them into ongoing community support systems which can assist them on a long term basis. A system which monitors the service to the young woman to ensure that she is appropriately assisted should also be developed. The support network mentioned above could play a role in this monitoring.

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It is also important that tertiary institutions re-examine current social work and welfare courses and include information and strategies for working with young people, especially young women. Inclusion of feminist theoretical frameworks would benefit future workers in this field as it would raise their awareness of the inequalities in the treatment of women generally in society. It would also raise awareness of the structural barriers and potentially destructive factors that operate in the welfare system, specifically those which affect young women.

Conclusion

This paper has provided information on the way the welfare system deals with young women. It briefly outlines some of the practical issues encountered by young women who enter the welfare system, and shows that they often leave care worse off, or no better off, than when they entered the welfare system. These practice issues are not new; and they appear to be shared by other segments of the welfare community.

Concerns about the way the welfare system caters for young women has

led to the commencement of work on a policy and action plan for young women (requested by the Minister for Community Services Victoria, in January 1991) which is intended to address the problems that young women currently face in the their dealings with the present welfare system.

Changes are required if young women are to leave the welfare system with additional skills and be equipped to deal positively with adult life. These changes must include the development of a policy on case allocation; an alternative case practice framework; and ongoing support mechanisms for young women when they are no longer in state care. As well tertiary educational institutions need to ensure that their courses include significant information about skills for working with young women.

Since this paper was presented at the National Social Policy Conference 1991, Victoria's Action Plan for Young Women was released in August 1992 and the final provisions of the Children and Young Persons Act 1989 were proclaimed in September 1992.

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