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Legal Aspects of Social and Family Care

PETER SKOTNICKÝ¹

ABSTRACT

Family is the basic institution in a community. It is the primary group in which members are born, brought up, formed, trained and socialized to play various roles and functions in society. Family care is closely related to social work, social services and social care. Social workers are professionally trained to consider their clients as individuals, families, organizations, and communities that function within diverse environments. In many cases, the social worker also becomes a lawyer, which only emphasizes the interconnectedness of social care, family care and law. That is why the aim of this paper is to present the definitions of social work and its application in legal practice.

Keywords: *family, social work, law, legal aspects, practice.*

I. INTRODUCTION

The word “family” is derived from a Roman word “famulus” meaning servant. The family is generally regarded as a major social institution and a locus of much a person’s social activity. It is an institution where the individual takes first step, first experiences, first joys and sorrows then leave the family and faces a big world. It is imperative to note that the family is distinguished from other small groups by some peculiar features. Historically, the nature of the family has changed over the years. For instance, in traditional society, the family was never regarded as man, woman and children rather, the family was grouped along kinship lines and kindred. These groupings usually depend on the needs of the society at any given time. The way the family is defined has total implications for societal policies, programmes and process (Briar-Lawson, 2016).

Family is the basic institution in a community. It is the primary group in which members are born, brought up, formed, trained and socialized to play various roles and functions in society. Hence, it is important that the family maintains its well-being. However, there are many problems and issues that affect a family. These problems are multifaceted in nature. The problem or progress of one person affects others in the family. It also presupposes that the causes of these problems could be located within the family and handling of such problems also will involve other members of the family. That is why family is treated as a system and any

¹ Author is a Director General at University Insitute of Economics and Law, Tulská, Žilina, Slovak Republic.

intervention in family must have this perspective. Social Work practice with family is based on this system perspective. There are various methods and strategies in the profession, which can be applied to handle the multiplicity of family problems. It is possible to work with individuals in families and there also options to work with groups of family members with common problems and to mobilize resources from the community to assist families in need. There are various techniques, such as family therapy, crisis intervention, marital counselling and pre-marital counselling, which can be used for specific purposes (Rozario, 2005).

II. SOCIAL WORK

According to the National Association of Social Workers social work practice reflects the “professional application of social work values, principles, and techniques to one or more of the following ends: helping people obtain tangible services; counselling and psychotherapy with individuals, families, and groups; helping communities or groups provide or improve social and health services; and participating in legislative processes” (National Association of Social Workers, 2011). Attention to the economic well-being of communities and individuals is one of the cornerstones of the profession’s principles of economic and social justice, as reflected in social work’s core values and principles (National Association of Social Workers, 2008). Social workers are professionally trained to consider their clients as individuals, families, organizations, and communities that function within diverse environments. Grounded in a strengths-based approach to intervention, social work practitioners strongly believe in the capacity and potential for change at both the personal and community levels (Saleebey, 1997).

The NASW Code of Ethics defines the values, principles, and standards that guide social work practice. Social workers are held to the core values and principles of serving others, effecting social justice on behalf of vulnerable and marginalized populations, believing in the dignity and worth of individuals, recognizing the importance of human relationships, and practicing with integrity within their areas of competency (National Association of Social Workers, 2008).

Social work is a profession that has been developed to administer the very large and complex human service system put in place by society. It is a scientific discipline but still requires a creative and artful approach to work with individuals, families, groups, and communities that are struggling with problems (MySocialWorkLab, ret. 2023).

A much-used historical definition of social work appeared in the 1959 Curriculum Study sponsored by CSWE: “Social work seeks to enhance the social functioning of individuals, singly and in groups, by activities focused upon their social relationships which constitute the interaction between man and his environment. These activities can be grouped into three

functions: restoration of impaired capacity, provision of individual and social resources, and prevention of social dysfunction” (MySocialWorkLab, ret. 2023).

III. LEGAL PRACTICE

Various professions use different words to describe the practical use of classroom learning. Different terms used are practicum, internships, field work, or field experience. Some professions have a yearlong internship for the doctoral degree. Some placements in the field of shorter duration or which are less intense may be called field work or practicum. This is not true in all cases. In graduate or undergraduate social work, the terms used for practical training is field work, field placement or practicum (Zastrow, 1995).

Social work practicum programs vary in different schools. Some may be structured and placements may be made by fitting the students’ interests and aptitude to the agency. Still other schools may allow the students to freely choose the setting or supervisor and coordinate with the agency. Some schools may define what the student is expected to learn in a particular setting while other schools may leave the decision to the agency supervisor. A student is usually made aware of what is expected in practicum. Arrangements are usually made with the agency regarding what practical experience the student is required to achieve. There are some agencies which have a specific practicum program and if the school finds that is acceptable then the agency determines the practicum program. In a complex network of social, economic, political, cultural, and geographical factors, social workers perform various roles to promote social development. Social work practicum uses theoretical knowledge of human behaviour, social development, environmental effects (on individuals) and impact of individual behaviour on society. Social workers professionally apply skills, values, techniques, and principles, to help individuals, groups and communities overcome personal and social problems (Landers, 1993).

The process starts from the initial arrangements made for practicum through the final understanding of integrating theory into field work. It is important to acknowledge what one expects of the field placement, supervisor and what one expects to learn. Even though there may be areas that cannot be foreseen, there are others that can be anticipated and the student can prepare for the upcoming events. Some of them are as follows (Berkenmaier & Berg-Weger, 2007):

- Building relationships with field instructor, staff and the clients.
- Finding and accepting one’s role and position in the agency.
- Identifying and getting to know the agency and social work programs staff that will help

answer questions, deal with problems and crisis situation.

- Chalking out a plan of action and managing time to avoid stress and overload.
- Identifying personal learning styles and roles to take on.
- Deciding how much personal information should be shared with field staff.

In preparing to be a professional social worker, the decision to become a social worker is the first step. To establish a professional identity and get affiliated to the professional group is a long process. Practicum is an important phase in this process. It is not an end as social workers keep growing and changing as skills are honed and knowledge gets wider. Social work practicum helps the student identify with the profession and establish personal and professional boundaries. Field work is an opportunity to adjust to transitions (of course work, supervision, practicum, graduation, professional social worker), variety of roles (case worker, group worker, community organizer, student, supervisee), and stresses (Pawar, Hanna & Sheridan, 2004).

Social case work is used by practicum students to help individuals on a one-to-one basis. All social agencies that provide direct services have social case workers. The case workers' job ranges from counselling individuals to adjust their environments to suit their needs or to adapt to changing environments. Caseworkers may help adolescents deal with emotional turmoil, women deal with joint family disputes, men deal with problems with landlords on the agricultural field, clients with an addiction to focus on their asking for help, or enable members to work with stigma of the lower caste, among many other issues (Engelbrecht, 2006).

Group work consists of the group worker facilitating different group activities to meet various objectives. Individuals are helped to develop in different ways (socially, emotionally, and intellectually) through group processes. The groups are different in rural and urban areas. In urban areas, the group may provide information like marriage, religion, career, sex, legal rights, and art. In rural areas the groups are oriented to provide basic necessities and education of bank loans, private enterprise, child health and government programs, or women's groups offer important information to women for social and economic improvement (Leslie & Cassano, 2003).

Group therapy is used for individuals with emotional, behavioural, or social problems. Individuals are helped to overcome their problems through group processes. Many individuals can be helped at the same time in the group. The group worker is able to comprehend the needs and feelings of the group as he/she is a facilitator of the group unlike that of a case worker. This is used in hospitals, schools, agencies, or self-help groups (Rai, 2004).

Family therapy is a type of group therapy that helps families deal with problems in communication, behaviour, emotion and relationship. The joint family system that includes the grandparents and siblings of the father, his wife and children may have complex problems that need help. Problems arising between parents-in-law and daughters in law, breadwinner's loyalty to mother and wife, marital conflict, child rearing, keeping tradition and modernism are some issues that can be dealt with in family therapy. In organizing the community, the student in practicum encourages and stimulates the local residents to plan, develop, coordinate and implement programs. The community organizer is a catalyst of change. In the rural areas, the community organizer may enlist the help of the local village elders to settle disputes over building a school in the temple grounds. A social work administrator may lay down objectives, analyze conditions to provide services, recruit and supervise staff to form the organizational structure, and see to the budget and funding of the agency. Most administrators work in the urban areas. It would be very difficult for a social worker to be an administrator in a very rigid, rural, hierarchical structure (Foundations for social work practice, ret. 2023).

IV. IMPLEMENTING LAW INTO SOCIAL AND FAMILY CARE

There are many ways in which mental health professionals can assist lawyers and their clients. Social workers' can be useful in interviewing, evaluation, crisis intervention, short-term casework, negotiation, and referral. As a result of social workers' training and education, they are better equipped than lawyers to provide services such as crisis intervention, evaluation of clients' needs, referrals to appropriate agencies, and direct casework. With respect to evaluation, a social worker's training in assessing personality and mental status contributes significantly to the lawyer's appraisal of the facts (Peters, 1991).

Social workers also can be effective trainers and collaborators in what has been called the human arts of lawyering. Empathy training is a critical part of social work education and an area in which social workers can assist lawyers (Bezdek, 1992).

The collaborative approach also comports with some aspects of the ethic of care, which has been defined as subjective, particularistic and contextual and emphasizes responsiveness and responsibility in relationships with others, and it values relationships and connectedness over autonomy. The ethic of care has been applied to the lawyer-client relationship and to counselling as a way to produce solutions that are more creative and better tailored to clients' problems; it is also seen as a way to resolve the problem-solving dilemma, in which the lawyer is tempted, in his role as expert problem solver, to over-step his boundaries and impinges on the client's autonomy; or the client, in his role as autonomous rights seeker, impinges on the moral integrity

of the lawyer. The role of the care provider/legal counsellor is more of a facilitator of the discussion, or a consensus builder, rather than a problem solver. The possible solutions are the kind of solutions that nurses, social workers, or wise family friends might suggest. They are the kind of solutions proposed by someone who cares (Zwier & Hamric, 1996).

A potentially fruitful area for collaboration between lawyers and social workers is for social workers to train lawyers in effective interviewing and counselling techniques. Law schools generally do not offer much instruction in counselling clients, a very important aspect of practice. Consultation with social workers can help fill that gap (Cervone & Mauro, 1996).

A very significant though frequently overlooked reason for collaboration is to help share and ease the lawyer's burden. Collaborative arrangements can help reduce the stress that lawyers often experience. Not only can social workers assist lawyers to represent clients more effectively (and thereby alleviate some of the burden), but they can also help lawyers deal with their feelings about their clients and their practice. As observed by many authors, collaborative arrangements promote social support in the work environment which, in turn, can reduce stress (Wydra, 1994).

Interestingly, there is a significant body of social work literature that addresses the topic of social workers working together with lawyers, but there is a paucity of such scholarship by lawyers and legal academics. Most of the legal scholarship on the topic that does exist tends to focus on social workers working with lawyers in the child representation context. This is not surprising, given that lawyers often view Family Court cases as presenting problems that are social work in nature rather than legal. There is, however, some legal scholarship that addresses collaboration between lawyers and social workers in other areas, such as in cases of elderly clients or clients with HIV (Arnason et al., 1989-1990).

V. CONCLUSIONS

The need for lawyer-social worker collaboration is particularly likely to arise in legal services and public defender cases. Indigent clients have a variety of problems that contribute to or affect their legal situations, and these problems often require services beyond the expertise of lawyers. Lawyers can spend much of their time trying to resolve non-legal problems that are inextricably intertwined with legal issues. As stated by one commentator, the needs of low-income individuals and families often transcend legal categories. To meet these needs, lawyers must work cooperatively with other service professionals (Goodmark, 2015).

The concept of having social workers on the staff of a legal services office is far from novel. One of the original models for provision of legal services in the 1960s involved the placement

of such a program within a multi-service social service agency, premised on a belief that legal services could be part of an anti-poverty program. Since the beginning of the legal services movement, lawyers and social workers have worked together to address the legal needs of their clients (Rosenbaum, 2008).

Historically, social workers have played a variety of roles and have provided a range of services to lawyers for indigent clients. An article by two social workers published over twenty years ago in a journal for legal services lawyers set forth the following inventory of contributions that social workers can make to legal services programs (Brustin, 1993):

- clinical services,
- crisis intervention,
- psycho-social assessment,
- advocacy,
- working with community groups,
- community development,
- preventive legal education,
- liaison work with other agencies,
- community analysis,
- social policy analysis,
- administrative services-program administration,
- staff training.

The authors, who expressed the hope that their identification of social work services would increase the hiring of social workers by legal services programs, emphasized that social workers and lawyers have certain central goals and values in common. The need for collaboration between lawyers and social workers is not, of course, dependent upon a particular model of legal services or a particular vision of practice. A quick survey of the primary models will help provide a broader context for the discussion of collaboration between lawyers and social workers. This approach has the goal of modifying the relationship that traditionally exists between legal services lawyers and clients "from one of dependency and implicit subordination, to one of reciprocity and mutuality (Minow, 1996).

For those who view legal services as coming within the "helping" framework, the value of

collaborating with social workers is self-evident. For those who envision legal services as empowering and advocate political lawyering, collaboration with social workers is equally essential (Loewy, 2000).

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