

## Quality standards for family, parent and child-rearing counselling pursuant to Section 107 (3) 1 of the Non-Contentious Proceedings Act (AußStrG)

These quality standards have been developed on behalf of the Federal Chancellery, Family and Youth Division, in cooperation with the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice (BMVRDJ) in a scientifically supervised quality development process within the framework of a multidisciplinary expert commission.

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# 1 Legal basis for family, parent and child-rearing counselling pursuant to Section 107 (3) 1 AußStrG

The Parent Child Relation and Naming Rights Amendment Act 2013 (KindNamRÄG 2013), which entered into force on 1 February 2013, enables a number of substantive interventions in the personal and custody rights of parents in court proceedings relating to custody or personal contacts “to safeguard the child’s best interests”:

Section 107 (3) AußStrG: The court must order the measures necessary to safeguard the best interests of the child, insofar as such measures do not jeopardise the interests of a party whose protection the proceedings serve, or unreasonably prejudice the interests of the other parties. Such measures may include in particular:

1. **compulsory attendance of family, parent and child-rearing counselling**
2. participation in an initial mediation meeting or conciliation process;
3. participation in counselling or training in how to deal with violence and aggression;
4. being barred from leaving the country with the child; and
5. confiscation of the child’s travel documents.

As the legislator did not specify exactly how to apply the measures under Section 107 (3) AußStrG, an Expert Commission from the Federal Chancellery, Family and Youth Division, examined the professional requirements for this type of counselling and developed quality standards for court-ordered family, parent and child-rearing counselling pursuant to Section 107 (3) 1 AußStrG.

## 2 Indications, goals, objectives and limitations of family, parent and child-rearing counselling pursuant to Section 107 (3) 1 AußStrG

### 2.1 Indications

Pursuant to the provisions of Section 107 (3) 1 AußStrG, a court order for family, parent or child-rearing counselling in **proceedings concerning custody or personal contact** is indicated where this is necessary to safeguard the child’s best interests.

When parents and their children are experiencing difficulties, crises and separation, these situations are

highly individual and have usually been going on for a long time by the time child-rearing counselling is ordered.

Such conflict-related disputes in court typically involve a range of problems and disagreements that often cannot be (permanently) resolved by legal decision.

In this respect, family, parent and child-rearing counselling pursuant to Section 107 (3) 1 AußStrG is indicated in guardianship proceedings

a) where arrangements for custody and contact rights in the context of divorce or separation do not work, where supervised contact is ordered, where conflicts between the parents have become highly-escalated (high conflict);

b) where there is disagreement between parents on the structure of parenting, where communication between parents breaks down and there is a lack of cooperation, where the developmental needs of the child are negated;

c) in connection with custody and removal, following intervention by the Child and Youth Welfare Service;

d) where there are concerns regarding the parenting ability of one or more parents; or

e) where transnational divorce or separation proceedings are underway and are putting the child under a great deal of strain.

The following circumstances may be crucial in the decision to order family, parent and child-rearing counselling pursuant to Section 107 (3) 1 AußStrG:

If, for example, it appears that

- the high-conflict nature of the separation or the proceedings have resulted in the parents failing to recognise the child's worries, difficulties and developmental needs;
- the child is significantly affected by the parental conflict and is under a great deal of strain that can no longer be alleviated by the parents;
- the parents are no longer capable of implementing changes on their own initiative which could relieve the day-to-day strain on the child and also have a stabilising effect on the child in the long term;
- the parents have begun to exploit their child to fulfil their own needs and/or agenda during the proceedings;
- the parents are overwhelmed by their own experience and processing of the separation and are no longer sufficiently able to fulfil their parental responsibilities;

- the day-to-day strain on the child could be relieved through counselling;

- the child could be supported to return to their family of origin through counselling;

- counselling could support the initiation of contact and cooperation between the parents, thus enabling all parties involved to focus primarily on the (developmental) needs of the child.

The decision to order family, parent or child-rearing counselling is at the sole discretion of the judge in charge of the respective guardianship proceedings. The timing of the order, the number of hours ordered and the procedural context are entirely at the judge's discretion.

## 2.2 Goals and objectives of counselling

The **primary goal** of family, parent and child-rearing counselling is to **safeguard the child's best interests** by creating conditions in the existing family systems which support and relieve the strain on the child and bring about an **improvement in the child's current and medium-term development**.

In particular, the aim is to support parents

- to focus their attention on the needs and difficulties of their child;
- to develop supportive attitudes and behaviours which help children to process the separation while feeling protected and cared for and to gradually cope with the resulting changes in the family system;
- to learn to understand their child's behaviour and reactions;
- to find new forms of parental cooperation;
- to expand their child-rearing competencies and to advise them on child-rearing issues and how to deal with difficulties and conflicts in everyday family life.

The formulation of concrete goals and objectives of court-ordered child-rearing counselling in guardianship proceedings is adapted to the respective family situation and is formulated with parents on an individual basis within the framework of the counselling process.

In general, however, court-ordered family, parent and child-rearing counselling pursuant to Section 107 (3) 1 AußStrG comprises the following four key elements:

### 2.2.1 Establishing a strong, trusting counselling relationship

The first step is to **develop a strong, trusting relationship and a concrete working alliance between the counsellor** (hereinafter: counsellor) **and the parents.**

This primarily involves establishing and developing a **positive, trusting transference relationship between parents and counsellor and includes**, among other things

- dealing with the fact that counselling has been “court-ordered”;
- subsequently, the development of a viewpoint which enables parents to experience the child-rearing counselling process as an opportunity and to “rediscover” parenthood in a way that allows them to support their child’s development together as parents;
- addressing the (different) concerns of the parents;
- structuring the content of the counselling around concerns about the child; and, accordingly
- the development of common counselling goals or counselling topics: it is important to work with the parents to identify topics and issues with which both parents can engage. To this end, it is first necessary to determine topics of discussion with which the parents are sufficiently emotionally secure so as to enable a joint conversation to take place. It is only gradually, under the guidance of the counsellor, that topics which the parents find highly emotive and contentious can be discussed.

### 2.2.2 Placing the child’s developmental needs and circumstances at the centre of the counselling process

Long-term, unresolved parental conflict places a great deal of emotional strain on the children concerned. How this stress is perceived and processed by a child depends on many factors. If a high-conflict situation arises between the parents, the child is often forced to develop their own internal coping mechanisms and this creates a great deal of psychological strain. Such situations can

overwhelm the child’s ability to cope psychologically and endanger healthy development.

The main objective of the counselling process is therefore to enable parents to **work together to focus on the difficulties, challenges and developmental needs of their children.** This enables parents to **see the world through their child’s eyes** (again) and helps them to understand their child’s worries and desires.

The child’s worries are thus given real consideration as part of the counselling process.

- It is important to ensure that the **parents recognise and understand the child’s internal and external emotional conflicts**, to **inform** parents about the child’s developmental needs, feelings, desires and worries, and to make parents aware of those experiences, life circumstances, parental attitudes and actions that can place strain on the child **while encouraging them to change.** Parents should be able, in consultation with the counsellor, **to assess** their child’s developmental situation and the extent of **the risk to their child’s development.**
- Parents should furthermore reflect in the course of the counselling process on the **relationship experiences that children have (and miss out on) with their parents (and other involved caregivers**, such as grandparents) in the different stages of separation and, where necessary, should make changes in this regard, e.g.
  - make changes in terms of the emotional quality of the relationship with the child;
  - endeavour to develop a constructive relationship between the child and both parents;
  - be encouraged to re-engage with the child; and
  - maintain the relationship and allow the child unrestricted access to both parents.
- Furthermore, it is essential to make parents aware of **their own attitudes and desires with regard to their child;**
  - that what the parents want is not always what the child needs;

- that their desires, ideas and actions as parents are not always in the child's best interest; and

- that their interests often differ from those of their child.

This conflict must be made clear and comprehensible to parents.

With regard to establishing a **new style of parenting in the future**, it is important

- to educate parents not to confuse personal conflicts or their own issues (relating to the other parent) with those of the child;
- to be able to make important decisions together again as parents;
- to work out solutions / make compromises in matters of custody and access rights which are in the child's developmental interest; and
- to work with parents to develop strategies for managing everyday family life and the child's life which will continue to be available to support parents and children after the end of the court-ordered child-rearing counselling (e.g. resumption of counselling in the event of new problems).

### **2.2.3 Expert education and knowledge sharing around how to support and relieve the strain on children**

Parents should be informed of the following during counselling:

- that the various reactions of children to divorce and the events surrounding separation are necessary and helpful "psychological movements", which enable children to regain an emotional balance;
- that most of these reactions are not consciously controlled or "initiated" by the child, and must instead be understood as an expression of the internal psychological processing which enables them to cope with the losses, resentments, fears, conflicts of loyalty, etc. that they are experiencing;

- that children who do not exhibit any problems, reactions, etc. cannot be assumed to be unaffected by the separation/divorce;

- that children who appear to show little or no reaction should be encouraged by parents to express their feelings; and

- that the **manifestation of symptoms** such as irritability, aggression, increased sadness and dejection, regressive changes in behaviour, bedwetting or other physical symptoms, as well as difficulties at school, poor academic performance and learning difficulties, can be understood as a **form of expression of inner tension and as "necessary" signs of psychological processing.**

It should generally be pointed out during counselling that the reactions, symptoms and needs of children can vary drastically depending on their age. It is the task of the counsellor to vary the content in this respect on the basis of professional experience.

In summary, parents should be made aware that

- the painful experiences surrounding parental divorce and all the emotional turmoil associated with it are unavoidable;
- these occur in all children at all ages, and while they cannot generally be prevented, they can be understood and mitigated by parents; and
- it is thereby possible to take advantage of the opportunities provided by a separation.

### **2.2.4 Reducing parental conflict**

Parents who are in court-ordered child-rearing counselling tend to experience comparatively high and/or persistent levels of tension and tend to be entangled in a range of conflicts – including those with a psychodynamic basis.

Family, parent and child-rearing counselling pursuant to Section 107 (3) 1 AußStrG can contribute to the reduction of these conflicts. It is not, however, possible to find a lasting solution to ongoing difficulties within the parental relationship within the framework of child-rearing counselling alone.

The conflicts and the conflict behaviour of the parents are nevertheless addressed during the counselling process by means of the following interventions:

- enabling parents to engage with the needs and concerns of their child despite existing conflicts;
- enabling parents, within the context of child-rearing counselling, to place less emphasis on their own (relationship) conflicts and to focus once again on their child's circumstances; and
- enabling parents to once again see themselves as people who, despite their conflicts, can (work together to) recognise and respond to their child's needs.

Experience has shown that in some cases working together to achieve these goals for the child also serves to alleviate conflict at the couple level.

### **2.3 Limitations of counselling**

In principle, **family, parent and child-rearing counselling pursuant to Section 107 (3) 1 AußStrG** can be provided in all guardianship proceedings mentioned in the indications. However, in cases of violence or where one parent is dealing with severe mental illness or addiction, the extent to which the formulated goals can be achieved must be assessed carefully before starting counselling.

It is the counsellor's task to assess whether the parents can complete the counselling in a joint setting.

If it is anticipated that the formulated goals will not be achieved, this must be reported to the judge; in domestic violence cases, violence prevention training

should also be considered as a measure pursuant to Section 107 (3) 3 AußStrG.

If, from a professional point of view, child-rearing counselling is nevertheless indicated (potentially alongside other measures), particular attention should be paid to the choice of set-up (individual counselling would be considered appropriate in such cases), to the adaptation of the goals and to possible interactions with other measures.

#### **Suspicion of danger to the welfare of a child**

In cases where the counsellor comes to believe in the course of child-rearing counselling that further measures such as psychotherapy, paediatric interventions, etc. are indicated to support the child, or where there is suspicion of danger to the welfare of a child, parents must be informed of the need for action. An urgent, well-founded professional recommendation must then be formulated to this effect. If the parents are unable or unwilling to comply with this recommendation, it must be made clear in the family, parent and child-rearing counselling that there is a suspicion of real danger to the welfare of the child.

The parents must then be advised in an appropriate manner that the confidentiality of the child-rearing counselling must be interrupted and an endangerment report submitted to the Child and Youth Welfare Office.

The disclosure requirement pursuant to Section 37 of Federal Child and Youth Welfare Act (B-KJHG) also applies without restriction to activities within the scope of court-ordered **family, parent and child-rearing counselling pursuant to Section 107 (3) 1 AußStrG**.



## 3 Methodological guidelines

### 3.1 Number of hours

As a rule, a counselling process of a certain duration is needed to bring about lasting changes in parental attitudes and to trial new forms of communication and cooperation. The recommendation is to arrange ten sessions (each lasting 50 minutes) over a period of six months, and no fewer than six sessions over a period of four months.

### 3.2 Framework

**Counselling sessions** should generally be **attended by both parents**. However, it may also be beneficial to offer parents individual sessions.

Attending the **initial session** together, in particular, may be too much of an emotional hurdle for parents. The higher the level of conflict, the lower a parent's level of self-belief and the greater their fear of being "defeated", so to speak, by the other parent. In order to have the courage to engage in a joint counselling process, parents need to feel that they are, at least to some extent, understood and accepted by the counsellor. In such cases, it should be possible to get to know the counsellor in an individual setting first.

Some experts take an opposing view, however, recommending that the joint setting should only be abandoned in cases where one of the parents has a well-founded fear of a direct encounter (e.g. in cases of violence). They argue that a joint initial session is of particular importance, firstly to agree on a joint working alliance and secondly to avoid the temptation for parents to enter into a transference relationship where they (want to) see the counsellor as being on their side. Individual sessions could then take place after the initial joint session.

In certain circumstances (such as **violence**), attending joint sessions with the other parent may be unacceptable to one parent. This should be clarified when contact is made.

As a rule, however, priority is given to **joint counselling sessions as the standard setting**.

Joint sessions offer several **advantages**:

- They symbolise the joint responsibility of both parents towards their child.
- The parents are invited to focus on and reflect together about their child, thereby shifting attention away from their own conflict and towards the child's needs.
- Watching the other parent deal with their emotions (concern for the child, own distress, etc.) can, to some extent, correct the distorted perception of them as an "adversary" in the separation and make him or her appear "human" again.
- The counsellor can help each parent to understand the (emotional) motives and needs which underlie the confrontation and thus remove the taboo surrounding these.
- Negotiating practical ways to cooperate on a daily basis during the later stages of the counselling process usually requires both parents to be present at the same time.
- One of the aims of the counselling process is for parents to increasingly use the counselling sessions to communicate with one another directly.

### 3.3 Involvement of the child

When it comes to involving children in counselling work, there are a range of differing attitudes and approaches among professionals: the main argument against including the "real child" (the child's perspective is always represented by the counsellor during the counselling process) is the risk that this will place **additional strain on the child**.

Studies (e.g. DJI study 2010) clearly show the enormous strain and long-term negative impact on children from families where there is serious, ongoing parental

conflict. The parents themselves are usually not sufficiently aware of the strain on the children. Many professionals therefore recommend **looking carefully at the child**: “How is he doing? What does he need? Who can give it to him?” – particularly if the parents’ accounts are felt to be inadequate and this has not been covered by another professional. Failing to involve the child could mean that they are deprived of support for a prolonged period.

**It is at the counsellor’s professional discretion** to decide whether the children should be involved, and if so, in which cases. Given that the main focus of court-ordered family, parent or child-rearing counselling is on the parents, contact between the counsellor and the child **should take place only in exceptional cases** and only where a **clearly defined and narrow objective** is pursued which could not be achieved otherwise. Such goals might include:

- giving the child the opportunity – should they wish it – to say what is important to them and what, if anything, the counsellor should discuss with their parents;
- involving older children (from the age of ten) and young adults in the development of specific plans;
- relieving the strain on the child with regard to a specific issue;

## 4 Modalities of application

### 4.1 Timing of the court order

The timing of the court order for family, parent and child-rearing counselling pursuant to Section 107 (3) 1 AußStrG shall be determined by the judge.

**Starting the procedure as early as possible** is recommended in order to show parents the consequences of their action/inaction at an early stage and to pre-empt potential risks to the child’s development.

- working with the parents to convey important messages to the child.

It should be noted that it is **not** within the counsellor’s remit to offer the child a (long-term) relationship of trust or support or to offer their own assessment of the child’s welfare.

Appropriate involvement of the child should, however, be guided by some basic rules:

- The child should not be involved if they do not wish to be or if the counsellor suspects that the child might be afraid or overwhelmed.
- The child should not be questioned about matters relating to the proceedings.
- The child should not be counselled or treated (if necessary, another therapist should be sought for this purpose).
- The child’s existing relationships of trust should be respected (e.g. children’s advisor, case management, psychotherapy).

In any event, any contact with the child should take up only a very small proportion of the counselling hours (in ten hours of counselling, only one session should involve the child).

### 4.2 Decision

The court decision to order counselling takes on the central function of a binding framework in the context of the counselling process, to which the parents – and, in particular, the counsellor – can refer without this having to be legitimised or negotiated with the parents.

In this respect, the court places certain mandatory requirements on the counselling process. These requirements are intended not to restrict, but to facilitate the start of the counselling process and thus to increase the chances of a successful outcome.

Accordingly, the court decision for compulsory child-rearing counselling should contain the following elements:

- Requirement that both parents seek counselling **from the same person**;
- **Deadline** for parents to contact a counsellor (usually 14 days);
- **Minimum number of hours** (usually ten sessions each lasting 50 minutes);
- **Timeframe** over which counselling must take place;
- The **objectives and key tasks** of the counselling process (topics and issues to be addressed; what needs to change for the child: it is advisable that the court decision includes a statement instructing the parents to consider how the child is dealing with the current situation and what the child needs from the mother and father in order to cope well with the situation);
- Feedback on the **outcome** of the counselling process.

The court decision should include a requirement that the parents inform the court when counselling commences (submission of confirmation).

Beyond the basic requirement that both parents receive counselling from the same person and the time requirements (minimum number of hours, time frame), the set-up of the counselling must be left to the professional judgement of the counsellor in order to ensure that the process remains flexible.

If the parents live far away from one another, a lower frequency of counselling with the same counsellor is preferable to a higher frequency of counselling with two different counsellors. If it is not possible to arrange counselling other than with two different counsellors, it is important to consider whether the counsellors in question should be in communication with one another in order to facilitate the achievement of common counselling goals.

In the court decision ordering the counselling, the court shall instruct the parents to show the counsellor the court decision at the start of the counselling process to ensure that the counsellor is aware of the formal framework conditions of the court-ordered counselling.

### 4.3 Selection of a counsellor

Following an order for family, parent and child-rearing counselling, **the parents should contact a counsellor as soon as possible** – preferably utilising the “*List of recognised family, parent and child-rearing counsellors pursuant to Section 107 (3) 1 AußStrG*” – as otherwise the momentum generated by the court process will begin to fade or become eclipsed by new events.

In the first instance, parents will generally be ordered to select a suitable counsellor themselves within a certain period of time.

In the event that the parents are unable to agree on a specific counsellor, a number of options for how to resolve this problem in practice are given below.

These options are given as suggestions only and differ with respect to the degree of support or instruction provided by the court:

- One parent is tasked with choosing a counsellor for both parents.
- One parent may be asked to propose three candidates and the other parent will be asked to select a counsellor from among these.
- Alternatively, the parents will be presented with a list of three counsellors proposed by the court, from which each parent may reject one candidate.

It is important for the counsellor to clarify during the initial telephone contact whether the parents agree on the chosen counsellor before the counselling process can begin.

### 4.4 Relationship between the counsellor and the court

This primarily concerns the exchange of information between judges and counsellors, i.e. what information counsellors receive from the court prior to starting the counselling process, what feedback counsellors give to the court, and how this feedback is given.

Child-rearing counselling pursuant to Section 107 (3) 1 AußStrG differs from other methods used in court proceedings in that it offers parents a safe space to address personal issues. This requires the highly

sensitive, discreet and transparent handling of information.

**Any information that the judge deems relevant to the counselling process should be included in the court order.**

The counsellor is **not party** to the proceedings, and as such has no right of access to the case file.

With regard to the information provided by the counsellor to the court, a distinction is made between two forms of feedback:

- Feedback on the outcome of the counselling process and completion of the ordered hours
- Feedback on content of the counselling process

#### **4.4.1 Feedback on the outcome of the counselling process and completion of the ordered hours**

The parents must confirm the **start of counselling** to the court.

After **completion** of the minimum number of counselling sessions specified in the court order, the parents will receive written confirmation from the counsellor that the court order has been fulfilled. This confirmation should be submitted to the court.

If the counsellor opts to discontinue the counselling (e.g. due to lack of compliance), he/she will report this exclusively to the court, without giving further details of the circumstances that led to this decision. The decision by one or both parents to discontinue counselling should be confirmed by the counsellor using the form provided for this purpose and without giving any reasons. The parents should inform the court of this decision in advance.

#### **4.4.2 Handling of content from the counselling process**

The specific task of court-ordered child-rearing counselling is to offer parents a safe space in which a relationship of trust can develop. The counsellor makes his/her expertise available to the parents in order to help them provide their children with the best possible environment for development.

The counsellor is not acting in a supervisory role, nor are they employed as an expert assessor.

**To ensure this, no feedback on the content of the counselling process is given to the court.**

A summary outlining the **key topics and collaborative results** of the counselling process as well as any issues which remain unresolved can be made available to the parents by the counsellor upon mutual request.

Where a summary of results is prepared by the counsellor, **this must not contain** any assessment, e.g. of the parental conflict dynamics, parenting skills or character of the parents, nor may it contain any recommendations relating to issues relevant to the proceedings, and which thus may have the character of a report or expert opinion.

#### **4.5 Delimitation from other involved persons / institutions and their activities**

Support systems within the context of family court proceedings require a high degree of **clarity** regarding the division of roles and responsibilities among the various professions involved.

The counsellor primarily operates within and focuses his/her work with the parents **on the internal family system (parents - child), not the external system** (parents - court - lawyers - experts - child and youth welfare services, etc.).

It is **not** the task of the counsellor to obtain information (e.g. by enquiring at the Child and Youth Welfare Office) or to act as mediator within the support system.

It is, however, essential that other professionals involved (e.g. family court assistance service) are informed that child-rearing counselling has been ordered by the court and that a child-rearing counselling process is taking place, in order to avoid duplication of work processes and any additional developments that may arise.

The principle of **confidentiality** in the child-rearing counselling process applies to all institutions and professions involved, including institutions which work closely with the court (family court assistance service, children's advisor) and child and youth welfare services.

## 4.6 Costs

Recognised family, parent and child-rearing counsellors pursuant to Section 107 (3) 1 AußStrG must inform parents of their fee before counselling begins.

The **standard fee** for a counselling session lasting one hour is considered to be between EUR 70 and 120 (excl. VAT).

# 5 Training and qualifications

The following qualification and training profile for counsellors offering court-ordered **family, parent and child-rearing counselling pursuant to Section 107 (3) 1 AußStrG** has been formulated on the basis of:

- the Expert Commission on “Court-ordered counselling for parents pursuant to Section 107 (3) 1 AußStrG” in cooperation with the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice (BMVRDJ);
- the results of a survey of interdisciplinary experts and child-rearing counsellors commissioned by the Federal Ministry of Families and Youth (BMFJ), Department 1/6, Family Law Policy and Rights of the Child, on the development of quality standards for court-ordered family, parent and child-rearing counselling pursuant to Section 107 (3) 1 AußStrG;
- an analysis of the latest expert publications on this topic.

On the basis of these findings, it is clear that work in court-ordered **family, parent and child-rearing counselling pursuant to Section 107 (3) 1 AußStrG** requires specific experience which patently goes beyond standard counselling practice and as such requires extensive experience as well as specific expertise and corresponding competencies.

This includes many years of experience in the field of family, parent and child-rearing counselling for guardianship proceedings as well as experience relating

to the particular life circumstances of the children concerned. In addition to this, a high level of expertise in the pedagogical and psychosocial aspects of child development, specialised knowledge of and experience working with the psychodynamics of separation, child-rearing, parental conflict and parenthood, as well as legal knowledge of family law and a strong understanding of interdisciplinary and institutional cooperation are indispensable.

Consequently, we have specified below the training, qualifications, competencies and experience required for the provision of family, parent and child-rearing counselling pursuant to Section 107 (3) 1 AußStrG:

## 5.1 Basic training

- Completion of studies in psychology, education or educational science (Master’s degree) or equivalent; or
- Graduation from a university of applied sciences for social work / academy for social work; or
- Completion of psychotherapy training (inclusion on the list of psychotherapists published by the Federal Ministry of Health and Women’s Affairs (BMGF)).

As a general rule, the requirements of this basic training should be equivalent to the basic professional qualification required to work in family and juvenile court assistance services.

## 5.2 Additional qualifications

Demonstrable specialist training and/or experience in family, parent and child-rearing counselling enabling the provision of counselling to parents and children in high-conflict separation/divorce situations and complex guardianship proceedings.

## 5.3 Competencies and expertise

- Demonstrable knowledge and expertise of pedagogy and developmental psychology

Child-rearing counsellors have in-depth knowledge of the pedagogical and developmental aspects of child development. This knowledge covers the full spectrum of child development from early years through to adolescence.

In addition, family, parent and child-rearing counsellors need to have specialist knowledge relating to the potential impact of parental separation during the various developmental phases, an understanding of the processing options available to children based on their developmental age, and knowledge of the various means for the prevention of risks to development.

- Experience facilitating dialogue with children
- Knowledge of current interpretations of family law (including children's rights).

Legal procedures follow different guidelines than work processes, which are grounded primarily in psychosocial counselling processes. Family, parent and child-rearing counselling pursuant to Section 107 (3) 1 AußStrG takes place at the intersection of these two areas. The counsellor must have knowledge of family law (custody, contact rights, children's rights) and be familiar with guardianship proceedings.

## 5.4 Professional experience

- Uninterrupted practical experience in the provision of family, parent and child-rearing counselling to parents in the context of separation and divorce over a period of five years, and
- uninterrupted practical experience in working with children affected by the separation/divorce of their parents over a period of five years.

Children and adolescents act, think and experience life differently from adults, and as such relevant experience working with children and adolescents – and particularly practical experience in the professional counselling and support of children in separation situations – is a necessity.

## 5.5 Psychotherapeutic self-exploration

Demonstrable experience in psychotherapeutic self-exploration with individuals (based on the list of psychotherapists published by the Federal Ministry of Health and Women's Affairs (BMGF)) amounting to at least 120 hours, which must be completed over a period of no less than two years.

## 5.6 Supervision

Demonstrable close individual and/or group supervision of child-rearing counselling in the context of separation and divorce (90 hours), with the proportion of supervision received in a group setting not exceeding 50%.

## 5.7 Communication and conflict skills, resilience

Family, parent and child-rearing counselling pursuant to Section 107 (3) 1 AußStrG requires excellent communication and conflict management skills. In addition, it often is not possible to meet client expectations with regard to justice and restitution. This tension creates challenges that must be reflected upon and accepted.

## 5.8 "Pioneer clause"

In exceptional cases, the requirements with regard to basic training (Section 5.1) and additional qualifications (Section 5.2) may be waived if an applicant for recognition as a counsellor under Section 107 (3) 1 AußStrG can demonstrate

- extraordinary achievements in the establishment or development of this counselling format on the basis of extensive training and further professional development in connection with many years of relevant practical work with children, parents and families in the context of (high-conflict) separation and divorce situations, as well as

- comprehensive professional experience in relevant work supporting and counselling families affected by separation and divorce over a period of at least ten years.

The level of experience and knowledge acquired in the course of professional practice in relation to children's needs and development, the experience of separation/divorce, parenting problems and developmental risks, the psychodynamics of (high-conflict) parents as well as experience facilitating dialogue with parents and

children and in the (child-rearing) counselling of families must be equivalent to the requirements for basic training (Section 5.1) or additional qualifications (Section 5.2).

Evidence of qualification as outlined in Sections 5.3, 4, 5, 6 and 7 must still be provided for recognition as a suitable counsellor pursuant to Section 107 (3) 1 AußStrG [lege artis].

## 6 Quality assurance measures

Court-ordered family, parent and child-rearing counselling pursuant to Section 107 (3) 1 AußStrG is typically applied in highly sensitive circumstances which are of great personal importance to the persons involved, and particularly the children concerned.

Since the improper implementation of this specific form of counselling can compromise the chances of success or even the smooth running of proceedings, quality assurance measures are advisable to protect those involved.

Counsellors should endeavour to consolidate their existing knowledge base and acquire additional skills and expertise in this area of activity to ensure consistently high-quality counselling services. Such expertise should be acquired through the following activities:

- Subject-specific further training (psychosocial – legal)
- Ongoing specialist supervision and peer consulting (in the context of separation and divorce)

Five years after first registration in the list of family, parent and child-rearing counsellors pursuant to Section 107 (3) 1 AußStrG, and every five years thereafter, counsellors must produce evidence of

- relevant further training totalling at least 40 hours; and
- individual or group supervision totalling at least 40 hours.

In the event that a child-rearing counsellor fails to provide evidence of quality assurance measures which fulfil the required hours within this five-year period, the Federal Chancellery, Family and Youth Division reserves the right to remove the child-rearing counsellor from the online register.

### Relevant further training

Further training in the field of child-rearing counselling and in the provision of psychosocial support to families dealing with separation must be demonstrated.

Among other topics, the further training should also address the interface problems of child-rearing counselling in the legal, court-related environment.

Teaching does not count as further training, as educators generally impart knowledge with which they are already familiar.

Further training completed within the first five years cannot be transferred to the following five-year period.

## Supervision

The opportunity to reflect on one's own counselling practice and its effect on clients, on oneself and on any other parties involved is an indispensable component of quality assurance and the further development of this type of child-rearing counselling. As such, a willingness to be open, reflective and critical of one's own practice is a necessity. In addition, child-rearing counsellors should be able to recognise and respect the

scope and limitations of their own capabilities as well as those of other professional groups.

## Additional recommended measures

The following additional measures are recommended for sustainable quality development and improvement:

- Systematic documentation of child-rearing counselling cases
- Suspension and duty to report if it is anticipated that no counselling cases will be taken on over an extended period of time (6 months or more).

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Application for recognition as a family, parent and  
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