

28 november 2023

Brief nav de situatie van Ethan –Diana Gayanovich

Dear Diana,

As agreed, I'm making a summary of what we discussed. I have prepared this in English using Deepl (a translation program). This may cause some of the nuance to be lost but I try to word it as clearly as possible in English.

You contacted me again because you are not satisfied with the decision of the juvenile court of Leuven to extend Ethan's custody until March '24.

I will first try to summarize the essence of your report and vision:

The involvement of the juvenile court causes you a lot of stress, you do not experience it as an added value for you and Ethan because the measures taken by the juvenile court would have worsened the situation for Ethan. You have the impression that the proposals for help you formulated as a mother were not taken seriously and that the juvenile court always wants to impose its own vision disregarding the facts you have provided. Yet the path for help and support that you initiated and envisioned does appear to be in Ethan's best interest. This causes your distrust of the juvenile court and the forced juvenile justice system to be confirmed in your feelings.

The fact that there is still supervision until March '24 increases the stress because you fear that if something didn't go perfectly, the juvenile court would jump right in and perhaps place Ethan.

You also disagree with the way social services work. According to your personal experience there is no way to work on constructive way in Ethan's best interests if you as a mother are not involved, or allowed to see the file of your son by the social services. You indicate that it is impossible to build good relationship and to trust while everything is done without you. You would have been told by the consultant that you have no rights to view the file at SDJ because this isn't her job. Concerning the A document you have been told that is done on online platform to which the parents have no access. A document was never given to you by the social services besides the many requests from you.

You explain that on the end of September '22 the juvenile judge decides to place Ethan's residentially because he didn't go to school for a year. There would be social

isolation and insufficient academic opportunities. You tried to explain that Ethan refuses to go to school after he was stabbed. And that going to school does not bring anything positive for him in academically or socially. Severe bullying had tremendous negative impact on Ethan's (low self-esteem, stuttering, going 4 years to school he never learn to read or right Dutch...) You have filled Appeal against the decision from September 22. Appeal did mention that the steps taken by you should be discussed with the social services and your vision about Ethan's best interests. At the time of Appeal (December'22) Ethan's was subscribed at new school but they would begin on 09.01.23.

On 7 april '23 your attorney received an email from the consultant of the SDJ:

“Ik vernam dat u vandaag beroep bent gaan aantekenen in opdracht van Diana m.b.t. het vonnis (d.d. 8/03/2023) van GAYANOVICH Ethan. Echter werd het dossier vandaag op onze dienst besproken en geëvalueerd. Daar de positieve stappen die werden gezet, adviseert onze dienst een ambulant traject OOC i.p.v. een residentieel traject. De Jeugdrechter gaat akkoord met de schakel van residentieel OOC naar ambulant OOC. Dit zou ik volgende week op het overleg met Diana bespreken (d.d. 11/04/2023). Echter heb ik hiertoe niet de kans gekregen en vertraagt dit dus het proces. Met vraag te bespreken met moeder of ze als dan nog in beroep gaat of niet en indien nodig het beroep in te trekken.”

You say that the positive steps are for SDJ:

- willingness to have conversation with the social services
- Ethan is going to school
- on the waiting list of MPK

Steps that were not good enough months before when you wanted to discuss it with the SDJ. Because the SDJ said that MPK is not working with the context and in the opinion of SDJ there were contextually concerning's.

You have always indicated that residential would be dramatic for Ethan. You had already started psychological counseling for Ethan. You, too, have support through professionals. That's what you felt was needed.

But for the SDJ it wasn't good enough. Ambulatory guidance provided by the OOC was necessary for them.

You told me that afterwards it was reported by the OOC Ter Heide that residential admission would not have been in Ethan's best interest. It could have caused him more harm.

Vleugel K was also able to start in August. In October, the 8 weeks of observation were completed. Their diagnosis is that Ethan suffers from PTSD and they recommend a longer term admission with them, on the treatment unit.

For you, this is yet another proof that you had to fight the battle with the juvenile court and as a mom you can very well state what your family and Ethan need and had already engaged all that help.

Because, you argue, the juvenile court did not originally support the course of child psychiatry. As a result, you did not give original permission to Vleugel K to pass information to the juvenile court and social service agency. But on 21.09.23 on the meeting with Ter Heide you agreed, because the responsible of SDJ told that although they don't need the report from MPK it would be good if you agree to give it to them . You say they promised that they will wait for MPK to advise the judge.

On 26.09 you've called the consultant to ask her what it means because there was no decision and the 1 year measure ends on 29.09.23. She didn't know and had to ask the responsible. You asked her to inform you after the conversation with the team leader. But she didn't. You've received an email dd 05.10.'23 that 1 day after you call her and 2 days before the year is over the SDJ advises the judge to prolong it.

That again made you mad and is supporting your distrust.

Contact with the services involved:

In order to monitor Ethan's situation and evolution, I contacted with your permission:

- The counselor of the social service juvenile court Leuven
- The OOC Ter Heide
- Vleugel K in Gasthuisberg Leuven (new name for MPK)

I hereby provide a summary of the conversations with them:

OOC

On 17.05.2023 the intake interview took place at the OOC for the start of the trajectory. On 8.08.2023 there was a counseling and feedback session planned but cancelled because the consultant was sick. The mother, father, Ethan and Kobe are present.

There were also changing from consultants on a short time. On Sept. 21, there was then final meeting. A week later, Ethan's observation in Vleugel K was also completed and there was a conversation about this as well.

The OOC describes the process with Ethan and you as positive. Their final report contains a number of recommendations to work around in the future. In summary:

- De observatie bij Vleugel K is een goede volgende stap. Het is nodig de kindfactoren scherper in kaart te brengen, rekening houdend met de bevindingen betreffende de context en de moeder-kindrelatie die tijdens het onderzoek aan bod kwamen

- Psychologe Veerle Bernaert is de vertrouwenspersoon van moeder en Ethan en blijft de situatie opvolgen. Als er ADHD zou vastgesteld worden, zal zij mee zoeken naar gespecialiseerde hulp
- Ze willen expliciet vermelden dat ze geen indicaties zien om Ethan uit huis te plaatsen. Dat zou nefast zijn voor hem
- Advies voor een individueel therapeutisch traject voor de mama. Mama geeft aan een goede werkrelatie te hebben met Veerle Beckx (Msoc) en zij is bereid opnieuw met mama van start te gaan. Ook geeft mama aan een psychiater te willen contacteren voor verdere begeleiding en opvolging
- De huidige samenwerkingsrelatie met de school verloopt goed en dat wordt behouden
- Een advies om de relatie papa – Ethan verder te verkennen en uit te diepen

Tot slot heeft het OOC nog enkele adviezen meegegeven over de houding en kenmerken die helpend zijn in de samenwerking met mama:

- Transparantie: zeggen wat je doet en doen wat je zegt
- Spreken met mama als een gelijkwaardige partner, van mens tot mens
- Vertrekken vanuit de overtuiging dat mama de beste intenties heeft voor haar kinderen. Onder de boosheid die moeder toont, zit een diepgaande wens voor een betere toekomst
- Aan de start van een traject spreken over welke acties men zal stellen als iets moeilijk loopt of als er iets hersteld dient te worden in de werkrelatie
- Blijven zitten doorheen de storm: als mama uit haar venster gaat, is zij nadien in staat om hierover te spreken eens het gezakt is. We kunnen op zo'n moment spreken over wat er gebeurd is
- Uitzoomen: mama helpen naar het meta perspectief te gaan
- Symbolisch en in metaforen spreken helpt mama om te kunnen uitvergroten en haar beleving te verwoorden
- Werken in teamverband en andere betrokken hulpverlening

Vleugel K

From Vleugel K, I learn that PTSD was diagnosed with Ethan after the observation. Their recommendation is to treat Ethan further through their "treatment unit". He is now on the waiting list. The child psychiatrist is still trying to finish the report for the Court of Appeals but the workload is high right now.

(aanvulling van Diana: the report is finished)

Sociale dienst jeugdrechtbank

The counselor from the social service juvenile court indicates that a lot of positive steps have been taken. The OOC report is also quite positive and favorable. After the OOC was completed, there was no active measure and the request came from mom to close the file because she had already started working around the advice from the OOC. And also wanted to continue the process with Vleugel K.

The counselor discussed this on her team. There it was decided to let the juvenile court know via a memo that the situation is evolving positively with the advice to keep the file under supervision until March '24. Because in March is the annual hearing. Supervision means to them that before the annual hearing they can then provide the juvenile judge with a final state of affairs: the steps still taken and Ethan's evolution at school. This is done based on a conversation with mom, the school and social workers who are around the family. Vleugel K, they cannot contact since mom does not give permission for this. In the beginning there was permission but afterwards not. This is unfortunate, so the consultant says, because it means a piece of important information is missing but they respect this because Vleugel K was started at mom's request and initiative and not through a measure from the juvenile court.

The counselor indicates that mom is upset about this advice and cannot understand why the deadline to the annual hearing is being put out instead of advising to close the file at the stage of the Court.

It gives mom stress to know that juvenile court is still involved. Distrust is high toward the juvenile court. This distrust manifests itself, among other things, in the recording of conversations for example, which is not a nice way of working together. The counselor says that they both have the same goal, namely to make sure that Ethan can feel good again and can develop further. But she also indicates that mom sees that different.

Considerations from our service:

I do hear from everyone the positive steps taken.

I hear also that you have taken the most steps for activating the help for Ethan for working on his problems, fears, processing of things that happened at school.

The advice of the OOC is a very important starting point, together with the advice of Vleugel K. They have diagnosed him with PTSD and that's why the Treatment Unit will start in the future.

When I look at your actions and your contacts with the social services, I see that you have done a lot of work of yourself with positive effects. You are a mother who asks for help and support for your son. The fact that the juvenile court is involved costs a lot of stress, disbelief and negative energy.

The steps you take on your own:

- Ethan is going to school and there is a good cooperation
- You put him on the waiting for Vleugel K, already last year for the Observation Unit and now for the Treatment Unit
- You've started for support for yourself: via Msoc, contact with a psychiatrist, the traject with Veerle Bernaert for you and Ethan (psychologe)
- You asked at CKG De Schommel for thuisbegeleiding (Home Support) : the CKG confirmed your application on 14.07.23

I am also curious to know if the Court of Appeals will decide to close the case at the juvenile court level since you yourself have made contacts with the counseling services. The question is: Is continuation of judicial juvenile assistance necessary. You may certainly keep me informed about the Court of Appeal.

Kind regards,

Inge Schoevaerts

Coördinerend Adviseur klachtenbehandeling



M+ 32 0472 18 73 26

inge.schoevaerts@vlaamsparlement.be

Kinderrechtencommissariaat

Leuvenseweg 86 | 1000 Brussel | België

kinderrechten.be – [Schrijf in op onze nieuwsbrief](#)

Klachtenlijn 0800 20 808 - klachtenlijn@kinderrechten.be

Onafhankelijke instelling van het Vlaams Parlement

