Removal of a child from parental care to public care is a serious state intervention in the private relations of children and their parents. Children, the subject of removal, are sometimes involved in decisions about their separation, but they are not necessarily engaged as agents of their fate. Some states make explicit through legislation an expectation that children are involved in determining their future; others are silent on children’s participation. And because we know that child protection workers employ wide discretion in their work with families, we do not know whether workers in various state systems are more or less inclusive of children’s voice. This international comparative study examines how child protection workers in England, Finland, Norway, and the US involve children in decision making. We examine children’s involvement along three dimensions including information given to the child, information gathered from the child, and opportunities for their perspectives and interests to be considered.

In the four countries represented here, each state articulates somewhat different expectations regarding children’s involvement in decision-making, and in all four countries workers must exercise some discretion in implementing the state’s requirements. The four countries in review also represent different child welfare systems with Norway and Finland categorized as family service systems and the US and England as child protection systems with the formal regulations and preparations for removal differing considerably. We look at the involvement of children from the point of view of the child welfare agency and its frontline representative, child protection workers.

This analysis is based on data from an online survey with a total of 772 child protection workers who have experience in child welfare and who have been involved in child removal cases. The survey included a vignette to which workers responded regarding their practice, including how and when they involve children. This paper focuses on the responses to that vignette. The results are presented and analysed across each of the aforementioned dimensions of children’s involvement in relation to the child’s age and in the context of each state’s policies and practice guidelines.

In California, 10 Bay Area counties participated in the study. All Emergency Response and Dependency Investigations social work staff were sent an e-mail from their agency manager with an invitation and a link to the on-line survey (n=260). Respondents were offered a $20 grocery gift card. Ninety-eight (38%) social workers responded. Of the total 1,020 informants
who responded to the survey across all four countries, 772 had experience with child removal and thus were eligible for inclusion in data analysis for this study. The total numbers of respondents from each country were 367 from Norway, 208 from Finland, 102 from England, and 84 from the US. Child protection workers were presented with the following vignette:

You are working with a boy – Alex – who is 5 years old and whose family has received in-home services over a period of time. The case includes parental substance abuse, previous domestic violence, and general neglect. The circumstances of the case have deteriorated recently to such an extent that you are concerned that the boy’s risk of harm is high. You are starting preparations for care order proceedings with a view to removing Alex from his parents, and you have an interview with the parents to inform them about this. The parents are opposing a removal of Alex.

Workers were asked if they would talk directly with Alex and if so, when (i.e., early in the process, at some point in the process, only at the point of going to court). They were also asked about the major aims in the conversation. Staff were presented with eight different aims, and asked to rate them on a 5-point scale from not important (1) to very important (5). Workers were then asked to respond to the same vignette, varying the age of Alex to age 11. The eight aims in the questionnaire relate to three dimensions of involving children: 1) to provide information about possible removal; 2) to collect information regarding possible removal; and 3) to ensure inclusion in the decision-making process.

Findings
Findings from California suggest that child welfare workers assign high value to their interactions with children, particularly in terms of seeking out information from the child. Compared to staff in the other countries, California workers were especially likely to rate as “very important” the child’s voice in communicating facts and information regarding the case. These findings are expected and are in line with the legal framework of that state’s child welfare system. Due to the evidentiary requirements of court, child protection workers are required to speak with the identified “victim” of maltreatment to determine the facts of the case. Workers in California were also more likely to attach high importance to speaking with the child about his/her future placement preferences. The rapid expansion of Family Group Decision Making and the related Team Decision Making practices encourage all family members – including children – to participate in expressing placement preferences.

Although California staff were especially likely to collect information from the child, they were significantly less likely than the Finns (and sometimes the Norwegians) to indicate the importance of providing information to the child about the case. It is possible that their
responses reflect a protective function on behalf of the child, especially if time is short and the likelihood of child removal is high. The investigation process in California may occur within weeks, days, or hours, in contrast to the more lengthy processes in the other countries assessed here. As such, staff may not feel that they have adequate time to engage the child to the degree required in order to keep him/her fully informed.

The California staff were substantially less likely than the English and as likely as staff in the Nordic countries to involve children as participants in decision making. In particular, staff did not assign high importance to engaging young children as decision makers. The role of children as active agents in child welfare processes is still evolving, albeit slowly in California. Children are not necessarily seen as independent spokespersons, but as members of their wider family. In that regard, families are increasingly encouraged to participate in problem solving, safety planning and case planning for, and on behalf of children. Significant efforts have been expended to broaden child welfare workers’ conceptualization of the “family” to include fathers and extended relatives; less attention has been placed on the role of children as engaged participants in decision making processes.

Results from the study indicate that child protection workers weigh children’s involvement differently based upon age. Staff in the four countries studied were more likely to talk with an older child, to provide information, to gather information, and to include the child in relevant decision making if the child were 11 compared to 5 in our hypothetical vignette. We assume that the age markers provided in the survey are symbolic of children’s overall maturity and thus interpret workers’ responses to suggest that they try to interact with children using strategies that are developmentally sensitive.

Findings did not necessarily comport with all of our hypotheses. Using a welfare-state frame to analyze the findings did not produce consistent differences between the family service systems and child protection systems included in this study. Similarly, the recognition of the United Nations Convention on the Rights of the Child (UNCRC) in state legislation was also not reflected in the results consistently. Although the Nordic countries and England provide policy guidance regarding children’s role in child protection decision making, we did not see consistently higher indicators of children’s involvement from the respondents in these countries. In fact, although US and California legislation are silent on the inclusion of children’s voice in decision making (beyond evidence-gathering), it is notable that social workers’ responses in California were relatively similar to those of child protective staff in Norway and Finland, where a strong policy framework dictates children’s participation. These findings raise questions about the degree to which legislation may be a strong lever of change at the practice level in
California, or whether other strategies, including training, core practice models, or articulated leadership at the local level may be more influential in shaping line practice.

The somewhat contradictory findings, making it difficult to find patterns within and between countries, may be explained by the evasive concept of participation for children. There is not only one dimension of involvement but rather, steps on a ladder, as Hart puts it, or bricks on a climbing wall. Our cross-country findings suggest that studies on children’s involvement in decision-making must consider actions (e.g., conversations) and processes (e.g. legal and organizational frameworks for decision making in the context of the wider social, policy, cultural, and practice settings in which decisions are made. Similarly, findings from this study highlight the wide discretionary space within which many child protection staff work. Depending on how they see the purpose of participation, its different dimensions, and the balance between considerations of protection and maturity, local interpretations of policy prescriptions may result in widely divergent practices with children. It is through this dynamic interaction of context and individual action that national policies and legislation, and even international treaties such as the UN Convention on the Rights of the Child, are put into effect and made real for children and families.


